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federal register

Thursday
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Highlights

39354 **Emergency Building Temperature Restrictions** EPA implements standby Conservation Plan No. 2 (Part V of this issue)

39200, 39201 **Certain Short-Term Corporate Obligations** Treasury/IRS proposes regulations concerning treatment of original issue discount for income tax purposes; comments by 8-6-79; hearing on 8-14-79 (2 documents)

39197 **Registered Investment Company Securities** SEC proposes rescinding rule regarding confidential treatment of names and addresses of dealers on exhibits; comments by 8-20-79

39342 **Urban Parks and Recreation Facilities** Interior/HCRS issues interim rules establishing uniform criteria for preparing local Recovery Action Programs; effective 7-5-79; comments by 9-4-79 (Part III of this issue)

39176 **Shipping** FMC issues interim regulations governing compromise, assessment, settlement, and collection of civil penalties; effective 7-5-79; comments by 8-6-79

39232 **Shipping** FMC proposes rules regarding certification by Chief Executive Officer of common carrier operated in water of company policies and efforts to combat rebating in U.S. foreign commerce; comments by 9-4-79

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Highlights

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Area Code 202-523-5240

39184 **Power and Transmission Marketing Rates** DOE proposes adjustment procedures; comments by 9-4-79; hearing on 7-27-79; requests to speak by 7-17-79

39201 **Water Research and Technology** Interior/Sec'y proposes policies, procedures, and practices on inventions, patents, technical data, and copyrights; comments by 8-6-79

39338 **Water Treatment Works** EPA republishes rules regarding grants for construction; effective 6-27 and 10-1-79 (Part II of this issue)

39310 **National Aging Organization Projects Program** HEW/Office of Human Development Services announces acceptance of applications for cooperative agreements; applications by 9-4-79

39303 **Health Assessment Documents for Chlorinated Hydrocarbons** EPA invites submission of information and data on effects of ambient air exposures; communications and information by 8-20-79

39348 **Nonpartisan Public Candidate Debates** FEC announces transmittal to Congress of regulations governing funding and sponsorship (Part IV of this issue)

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39162 **Government Property In Contractor's Custody** State/AID revises procurement regulations to improve accountability; effective 6-28-79

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39239 **Textile Products From Portugal** CITA establishes new specific ceiling for certain cotton knit shirts exported from Macau during specified time period; effective 7-27-79

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39332 **Sunshine Act Meetings**

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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 900

9 CFR Part 204

Amendment to Freedom of Information Regulations

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this document is to amend §§ 900.501 through 900.503 of Title 7, Code of Federal Regulations, and to revoke §§ 204.4 through 204.12 of Title 9, Code of Federal Regulations.

EFFECTIVE DATE: July 5, 1979.

FOR FURTHER INFORMATION CONTACT: Jack W. Brinckmeyer, Livestock Marketing Division, Agricultural Marketing Service, USDA, Washington, D.C. 20250, 202-447-4366.

SUPPLEMENTARY INFORMATION: This amendment changes the method of handling Freedom of Information Act requests by the Agricultural Marketing Service. It establishes a Freedom of Information Act Officer to act on all initial requests for records maintained by AMS. This document also revokes the regulations of the Packers and Stockyards Administration implementing the Freedom of Information Act. As noted in previous Federal Register Docs. (42 FR 65131-65132, 65223, December 30, 1977; 43 FR 19351-19352, May 5, 1978), the Packers and Stockyards Administration was merged into the Agricultural Marketing Service. Therefore, §§ 204.4 through 204.12 of title 9, Code of Federal Regulations are revoked as they are no longer applicable.

Since this document relates to agency organization, good cause is found that notice of proposed rulemaking and other public participation are unnecessary, and good cause is found for making the amendments effective less than thirty days after publication. Further, since this document relates to agency management it is exempt from Executive Order 12044, Improving Government Regulations, and thus does not require an impact analysis. Accordingly, 7 CFR Part 900 and 9 CFR Part 204 are amended as follows:

Title 7—Agriculture

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

PART 900—GENERAL REGULATIONS

Subpart—Public Information

1. Title 7, Code of Federal Regulations, is amended by revising §§ 900.501 through 900.503 to read as follows:

§ 900.501 Public inspection and copying.

(a) Facilities for public inspection and copying of the indexes and materials required to be made available under § 1.2(a) of this title will be provided by AMS during normal hours of operation. Request for this information should be made to the Freedom of Information Act Officer at the following address:

Freedom of Information Act Officer, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C. 20250.

(b) Copies of such material may be obtained in person or by mail. Applicable fees for copies will be charged in accordance with the regulations prescribed by the Director, Office of Operations and Finance, USDA.

§ 900.502 Indexes.

Pursuant to the regulations in § 1.4(b) of this title, AMS will maintain and make available for public inspection and copying current indexes of all material required to be made available in § 1.2(a) of this title. Notice is hereby given that publication of these indexes is unnecessary and impractical, since the material is voluminous and does not change often enough to justify the expense of publication.

§ 900.503 Request for records.

(a) Requests for records under 5 U.S.C. 552(a)(3) shall be made in accordance with § 1.3(a) of this title. Authority to make determinations regarding initial requests in accordance with § 1.4(c) of this title is delegated to the Freedom of Information Act Officer of AMS. Requests should be submitted to the FOIA Officer at the following address:

Freedom of Information Act Officer (FOIA Request), Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C. 20250.

(b) The request shall identify each record with reasonable specificity as prescribed in § 1.3 of this title.

(c) The FOIA Officer is authorized to receive requests and to exercise the authority to (1) make determinations to grant requests or deny initial requests, (2) extend the administrative deadline, (3) make discretionary release of exempt records, and (4) make determinations regarding charges pursuant to the fee schedule.

Title 9—Animals

CHAPTER II—AGRICULTURAL MARKETING SERVICE (PACKERS AND STOCKYARDS), DEPARTMENT OF AGRICULTURE

PART 204—ORGANIZATION AND FUNCTIONS

§§ 204.4—204.12 [Revoked]

2. Title 9, Code of Federal Regulations is amended by revoking §§ 204.4 through 204.12.

(5 U.S.C. 301; 552)

Done this 28th day of June, at Washington, D.C.

Barbara L. Schlei,

Administrator, Agricultural Marketing Service.

[FR Doc. 79-20729 Filed 7-3-79; 8:45 am]
BILLING CODE 3410-02-M

(Marketing Agreements and Orders; Fruits, Vegetables and Nuts)

7 CFR Part 908

[Valencia Orange Regulation 619]

Valencia Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona Valencia oranges that may be shipped to market during the period July 6–12, 1979. Such action is needed to provide for orderly marketing of fresh Valencia oranges for this period due to the marketing situation confronting the orange industry.

EFFECTIVE DATE: July 6, 1979.

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

SUPPLEMENTARY INFORMATION: *Findings.* This regulation is issued under the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendations and information submitted by the Valencia Orange Administrative Committee and upon other available information. It is hereby found that the action will tend to effectuate the declared policy of the act. This regulation has not been determined significant under the USDA criteria for implementing Executive Order 12044.

The committee met on July 2, 1979 to consider supply and market conditions and other factors affecting the need for regulation and recommended a quantity of Valencia oranges deemed advisable to be handled during the specified week. The committee reports the demand for Valencia oranges continues to be very limited.

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

§ 908.919 Valencia Orange Regulation 619.

Order. (a) The quantities of Valencia oranges grown in Arizona and California which may be handled during the period July 6, 1979, through July 12, 1979, are established as follows:

(1) District 1: 234,000 cartons;

(2) District 2: 216,000 cartons;

(3) District 3: Unlimited.

(b) As used in this section, "handled", "District 1", "District 2", "District 3", and "carton" mean the same as defined in the marketing order.

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

Dated: July 3, 1979.

D. S. Kuryloski,

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

[FR Doc. 79-20974 Filed 7-3-79; 11:15 am]

BILLING CODE 3410-02-M

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7 CFR Part 930

Cherries Grown in Michigan, New York, Wisconsin, Pennsylvania, Ohio, Virginia, West Virginia and Maryland; Expenses, Rate of Assessment, and Carryover of Unexpended Funds

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation authorizes expenses and the rate of assessment for the 1979–80 fiscal period, to be collected from handlers to support activities of the Cherry Administrative Board which locally administers the Federal marketing order covering cherries grown in the eight designated States.

DATES: Effective May 1, 1979, through April 30, 1980.

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

SUPPLEMENTARY INFORMATION: *Findings.* This regulation is issued under marketing Order No. 930 (7 CFR Part 930), regulating the handling of cherries grown in eight designated States. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This action is based upon the recommendation and information submitted by the Cherry Administrative Board, and upon other information. It is hereby found that the expenses and rate of assessment, as hereafter provided, will tend to effectuate the declared policy of the act. This regulation has not been determined significant under the USDA criteria for implementing Executive Order 12044.

§ 930.209 Expenses, rate of assessment, and carryover of unexpended funds.

(a) Expenses that are reasonable and likely to be incurred by the Cherry Administrative Board during fiscal year May 1, 1979, through April 30, 1980, will amount to $91,880.

(b) The rate of assessment for said year payable by each handler in accordance with § 930.41 is fixed at $1.20 per ton of cherries.

(c) Unexpended funds in excess of expenses incurred during fiscal year ended April 30, 1979, shall be carried over as a reserve in accordance with § 930.42.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking and postpone the effective date until 30 days after publication in the Federal Register (5 U.S.C. 553), as the order requires that the rate of assessment for a particular fiscal period shall apply to all assessable cherries handled from the beginning of such period which began May 1, 1979. To enable the committees to meet fiscal obligations which are now accruing, approval of the expenses and assessment rate are necessary without delay. Handlers and other interested persons were given an opportunity to submit information and views on the expenses and assessment rate at an open meeting of the board. It is necessary to effectuate the declared purposes of the act to make these provisions effective as specified.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–474)

Dated: June 29, 1979.

D. S. Kuryloski,

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

[FR Doc. 79-20730 Filed 7-3-79; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 958

Onions Grown in Certain Designated Counties in Idaho and Malheur County, Oregon; Expenses and Rate of Assessment

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation authorizes expenses for the functioning of the Idaho-Eastern Oregon Onion Committee. It enables the committee to collect assessments from first handlers on all assessable onions and to use the resulting funds for its expenses.

EFFECTIVE DATE: July 1, 1979.

FOR FURTHER INFORMATION CONTACT: Peter G. Chapogas (202) 447-5432.

SUPPLEMENTARY INFORMATION: *Findings.* Pursuant to Marketing Order No. 958, as amended (7 CFR Part 958), regulating the handling of onions grown in certain designated counties in Idaho and in Malheur County, Oregon, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon other information, it is found that the expenses and rate of assessment which follows will tend to effectuate the declared policy of the act.

It is further found that it is impracticable and contrary to the public interest to provide 60 days for interested persons to file comments or to 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) because this part requires that the rate of assessment for a particular fiscal period shall apply to all assessable onions from the beginning of such period. Handlers and other interested persons were given an opportunity to submit information and views on the expenses and assessment rate at an open public meeting of the committee held June 19, 1979, in Ontario, Oregon. To effectuate the declared purposes of the act it is necessary to make these provisions effective as specified.

The budget and rate of assessment have not been determined significant under the USDA criteria for implementing Executive Order 12044.

7 CFR 958 is amended by adding a new § 958.223 as follows:

§ 958.223 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period ending June 30, 1980, by the Idaho-Eastern Oregon Onion Committee for its maintenance and functioning and for such other purposes as the Secretary determines to be appropriate will amount to not more than $360,200.

(b) The rate of assessment to be paid by each handler in accordance with this part shall be $0.0725 per hundredweight, or equivalent quantity, of assessable onions handled by him as the first handler during the fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period may be carried over as a reserve to the extent authorized in § 958.44.

(d) Terms used in this section shall have the same meaning as when used in the marketing agreement and this part.

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

Dated: June 29, 1979.

D. S. Kuryloski,

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

[FR Doc. 79-20633 Filed 7-3-79; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF ENERGY

Office of Energy Conservation and Solar Applications

10 CFR Part 430

Energy Conservation Program for Consumer Products; Sampling Requirements of Consumer Product Test Procedures; Correction

AGENCY: Department of Energy.

ACTION: Correction of final rule.

SUMMARY: This document corrects a final rulemaking regarding the sampling requirements of consumer product test procedures appearing in the Federal Register at 44 FR 22410, April 13, 1979.

FOR FURTHER INFORMATION CONTACT: James A. Smith, Department of Energy, Mail Station 2221C, 20 Massachusetts Avenue, NW., Washington, D.C. 20585; 202-376-4814.

SUPPLEMENTARY INFORMATION: In FR Doc. 79-11437 appearing at page 22410 in the Federal Register of April 13, 1979, lines 5 and 6 of Section 430.23(n)(1)(ii) on page 22418 are corrected by changing "no greater than (A)" to read "no greater than the lower of (A)".

Issued in Washington, D.C., June 28, 1979.

Omi Walden,

Assistant Secretary, Conservation and Solar Applications.

[FR Doc. 79-20578 Filed 7-3-79; 8:45 am]

BILLING CODE 6450-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Adminstration

14 CFR Part 39

[Docket No. 79-EA-32; Amdt. 39-3510]

Airworthiness Directives; Piper Aircraft

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) applicable to Piper PA-31 type airplanes and requires an inspection of the pilot and co-pilot's control wheel shaft tube and installation of roll pins where necessary. The purpose of the requirement is to preclude failure of the control wheel shaft tube which can lead to loss of control.

DATES: Effective date July 6, 1979. Compliance is required as set forth in the AD.

ADDRESSES: Piper Service Bulletins may be acquired from the manufacturer at Piper Aircraft Corporation, 820 East Bald Eagle Street, Lock Haven, Pennsylvania 17745.

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

SUPPLEMENTARY INFORMATION: There had been a report of a loss of aileron control by a PA-31 type airplane when the control wheel shaft tube separated from the control shaft stud. An investigation determined that the roll pins had not been installed. An emergency transmittal dated May 3, 1979, was distributed to all known operators. Since this deficiency affects air safety, notice and public procedure hereon are impractical and good cause exists for making the rule effective in less than 30 days.

Adoption of the Amendment

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

Piper: Applies to Models PA-31, PA-31-300, PA-31-325 Serial Nos. 31-5 through 31-7912039; Model PA-31-350, Serial Nos. 31-5001 through 31-7952111; Model PA-31P, Serial Nos. 31P-1 through 31P-7730012; Model PA-31T, Serial Nos. 31T-7400002 through 31T-7920060; and Model PA-31T1, Serial Nos. 31T-7804001

through 31T-7904033 certificated in all categories.

To avoid possible separation of the control wheel control shaft stud from the control shaft tube due to the absence of two roll pins, and subsequent loss of aileron control of the affected control wheel, accomplish the following within the next 5 hours in service unless previously accomplished on the pilot and co-pilot control wheel assemblies:

a. Secure control wheels in aft position.

b. Gain access to the control shaft tube assembly (P/N 42939-00) and to stud (P/N 42938-00) connection, located just aft of the control wheel stop collar (P/N 40950-00).

c. Inspect the forward end of the control shaft tube assembly (P/N 42939-00) to determine if two roll pins (P/N 480732) are installed.

d. If one or both roll pins are missing, install as required, roll pin Piper P/N 480732, prior to further flight. Piper Service Bulletin No. 651 refers to this subject.

Effective date. This amendment is effective July 6, 1979, except as to recipients of the distribution dated May 3, 1979, which was effective upon receipt.

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

Issued in Jamaica, New York, on June 22, 1979.

L. J. Cardinali,

Acting Director, Easter Region.

[FR Doc. 79-20702 Filed 7-3-79; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 79-EA-15; Amdt. 39-3509]

Airworthiness Directives; DeHavilland Aircraft

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) applicable to DeHavilland DHC-6 type airplanes and requires an inspection of bolts on the aft elevator cable control quadrant for correct torque and eventual alteration. The purpose of the requirement is to preclude loss of elevator control. This failure can lead to loss of control.

DATES: Effective date July 6, 1979. Compliance is required as set forth in the AD.

ADDRESSES: DeHavilland Service Bulletins may be acquired from the manufacturer at Downsview, Ontario, Canada M3K 145.

FOR FURTHER INFORMATION CONTACT: L. Lipsius, Airframe Section, AEA-212, Engineering and Manufacturing Branch, Federal Building, J.F.K. International Airport, Jamaica, New York 11430; Tel. 212-995-2875.

SUPPLEMENTARY INFORMATION: There had been reports of improperly torqued bolts on the elevator cable control quadrant that is joined to the elevator torque tube located in the stub fin. Within 600 hours in service the airplane must be altered in accordance with DeHavilland Modification No. 6/1679. Since this deficiency affects air safety, notice and public procedure hereon are impractical and good cause exists for making the rule effective in less than 30 days.

Adoption of the Amendment

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

DeHavilland: Applies to DeHavilland Aircraft of Canada, Limited, Model DHC-6 Series Twin Otter Aircraft, certificated in all categories, S/N 331 through 563 inclusive, 565 through 587 inclusive, 589 through 598 inclusive, 600, 601, 603 and 604.

Compliance is required as indicated:

To preclude loss of elevator control and ensure proper operation of the elevator control system:

(a) Within the next 100 hours in service after the effective date of this airworthiness directive, unless previously accomplished, inspect the four bolts on the aft elevator cable control quadrant for correct torque and alter, as necessary, in accordance with the INSPECTION and RECTIFICATION paragraphs of ACCOMPLISHMENT INSTRUCTIONS in DeHavilland S/B No. 6/379 dated December 11, 1978, or an approved equivalent.

(b) Within 600 hours in service after the effective date of this airworthiness directive, unless already accomplished, alter in accordance with Modification No. 6/1679, noted in S/B No. 6/379, or an approved equivalent.

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

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

Effective date. This amendment is effective July 6, 1979.

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

Issued in Jamaica, New York, on June 22, 1979.

L. J. Cardinali,

Acting Director, Eastern Region

[FR Doc. 79-20703 Filed 7-3-79; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 78-EA-115]

Alteration of Transition Area: Monticello, N.Y.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule alters the Monticello, N.Y., Transition Area, over Sullivan County International Airport, Monticello, N.Y. A new VOR/DME RWY 33 approach procedure has been developed for the airport. This alteration will also change the VOR RWY 1 approach procedure course for Monticello Airport, Monticello, N.Y., by one degree as well as provide protection to aircraft executing the new instrument approach by increasing the controlled airspace. An instrument approach procedure requires the designation of controlled airspace to protect instrument aircraft utilizing the instrument approach.

EFFECTIVE DATE: 0901 GMT August 9, 1979.

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

SUPPLEMENTARY INFORMATION: A Notice of Proposed Rule Making was published in the Federal Register on Thursday, February 15, 1979, so as to alter the subject transition area. Interested parties were given an opportunity to submit comments on the proposal. There were no objections.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 GMT August 9, 1979, as published.

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

Issued in Jamaica, New York, on June 21, 1979.

Brian J. Vincent,

Acting Director, Eastern Region.

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to amend the description of the Monticello, N.Y. 700-foot floor transition area as follows:

a. Following, "(41°45'59"N., 74°51'39"W.);" insert, "within 4.5 miles each side of the Huguenot, N.Y., VORTAC 333° radial, extending from 5.5 miles northwest of the VORTAC to 22.5 miles northwest of the VORTAC;"

b. Delete, "338° radial extending from the 5-mile radius area to 9 miles north of the VORTAC." and insert the following in lieu thereof, "337° radial, extending from the 5-mile radius area to 9 miles northwest of the VORTAC."

[FR Doc. 79-20693 Filed 7-3-79; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 79-EA-1]

Designation of Transition Area: Spring Valley, N.Y.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment designates a Spring Valley, N.Y., transition area over Ramapo Valley Airport, Spring Valley, N.Y. This designation will provide protection to aircraft executing the new VOR RWY 8 instrument approach which has been developed for the airport. An instrument approach procedure requires the designation of controlled airspace to protect instrument aircraft utilizing the instrument approach.

EFFECTIVE DATE: 0901 GMT August 9, 1979.

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

SUPPLEMENTARY INFORMATION: The purpose of this amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to designate a new transition area. The rule resulted from the development of a new instrument approach for the airport. On page 9768 of the Federal Register for February 15, 1979, the FAA published a proposed amendment to designate the subject transition area. Interested parties were given time in which to submit comments. No objections were received.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 GMT August 9, 1979, as published.

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

Issued in Jamaica, New York, on June 21, 1979.

Brian J. Vincent,

Acting Director, Eastern Region.

Spring Valley, N.Y.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the center, 41°06'30" N., 74°01'30" W., of Ramapo Valley Airport, Spring Valley, New York; within a 7-mile; radius of the center of the airport, extending clockwise from a 104° bearing to a 146° bearing from the airport; within an 11-mile radius of the center of the airport, extending clockwise from a 256° bearing to a 308° bearing from the airport; within a 12.5-mile radius of the center of the airport, extending clockwise from a 308° bearing to a 016° bearing from the airport; within 5 miles each side of the Sparta, N.J. VORTAC 084° radial, extending from the 6.5-mile radius area to the VORTAC; within 6.5 miles north and 4.5 miles south of the Sparta, N.J. VORTAC 084° radial, extending from 3 miles east of the VORTAC to 20.5 miles east of the VORTAC.

[FR Doc. 79-20694 Filed 7-3-79; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 95

[Docket No. 19308; Amdt. No. 95-286]

IFR Altitudes; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts miscellaneous amendments to the required IFR (instrument flight rule) altitudes and changeover points for certain Federal airways, jet routes, or direct routes for which a minimum or maximum en route authorized IFR altitude is prescribed. These regulatory actions are needed because of changes occurring in the National Airspace System. These changes are designed to provide for the safe and efficient use of the navigable airspace under instrument conditions in the affected areas.

EFFECTIVE DATE: August 9, 1979.

FOR FURTHER INFORMATION CONTACT: Lewis O. Ola, Flight Procedures and Airspace Branch (AFS-730), Aircraft Programs Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8277.

SUPPLEMENTARY INFORMATION: This amendment to Part 95 of the Federal Aviation Regulations (14 CFR Part 95) prescribes new, amended, suspended, or revoked IFR altitudes governing the operation of all aircraft in IFR flight over a specified route or any portion of that route, as well as the changeover points (COPs) for Federal airways, jet routes, or direct routes as prescribed in Part 95. The specified IFR altitudes, when used in conjunction with the prescribed changeover points for those routes, ensure navigation aid coverage that is adequate for safe flight operations and free of frequency interference.

The reasons and circumstances which create the need for this amendment involve matters of flight safety, operational efficiency in the National Airspace System, and are related to published aeronautical charts that are essential to the user and provides for the safe and efficient use of the navigable airspace. In addition, those various reasons or circumstances require making this amendment effective before the next scheduled charting and publication date of the flight information to assure its timely availability to the user. The effective date of this amendment reflects those considerations. In view of the close and immediate relationship between these regulatory changes and safety in air commerce, I find that notice and public procedure before adopting this amendment is unnecessary, impracticable, or contrary to the public interest and that good cause exists for making the amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly and pursuant to the authority delegated to me by the Administrator, Part 95 of the Federal Aviation Regulations (14 CFR Part 95) is amended as follows effective at 0901 G.m.t.

(Secs. 307 and 1110, Federal Aviation Act of 1958 (49 U.S.C. §§ 1348 and 1510); Sec. 6(c), Department of Transportation Act (49 U.S.C. § 1655(c)); and 14 CFR 11.49(b)(3))

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally

current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Washington, D.C. on June 27, 1979.

James M. Vines,

Chief, Aircraft Programs Division.

BILLING CODE 4910-13-M

§95.1001 DIRECT ROUTES—U.S.

is amended by adding:

FROM	TO	MEA
Selingsgrove, Pa. VOR	Truer INT, Pa.	4000
Truer INT, Pa.	Elmira, N.Y. VOR	4000
Borger, Tex. VOR	Woodring, Okla. VOR	8000
		MAA—10000
Waco, Tex. VOR	Leona, Tex. VOR	*2500
*2000—MOCA		
Flippin, Ark. VOR	Gilmore, Ark. VOR	*5000
*2100—MOCA		
Summo Int, Ark.	Neosho, Mo. VOR	*3500
*2800—MOCA		
Doggett, Calif. VOR	Palmdale, Calif. VOR	7000
Woodring, Okla. VOR	Int. 130 M rad Woodring VOR & 028 M rad Oklahoma City VOR	3000

is amended to delete:

*Pillo Int, Calif.	Friant, Calif. VOR	**12000
*12000—MCA Pillo Int, SE-bound		
**6200—MOCA		

Panama Routes

V29 is amended to read in part:

FROM	TO	MEA
Tigre INT, R.P.	France, C.Z. VOR	5000

§95.6002 VOR FEDERAL AIRWAY 2

is amended to read in part:

FROM	TO	MEA
*Spokane, Wash. VOR	Karps DME Fix, Ida.	
Via N alter.	Via N alter.	
	NE-bound	**9000
	SW-bound	**8000
*5200—MCA Spokane VOR, NE-bound		
**7200—MOCA		
Karps DME Fix, Ida.	Mullan Pass, Ida. VOR	
Via N alter.	Via N alter.	9000
Terli DME Fix, N.D.	*Osert INT, N.D.	**3900
*5300—MRA		
**3300—MOCA		
Osert INT, N.D.	Jamestown, N.D. VOR	*3900
*3200—MOCA		
*Chafe INT, N.D.	Fargo, N.D. VOR	**3300
*5400—MRA		
**2300—MOCA		
Renew INT, Minn.	Dodje INT, Minn.	
Via N alter.	Via N alter.	*3500
*2800—MOCA		

§95.6004 VOR FEDERAL AIRWAY 4

is amended to read in part:

FROM	TO	MEA
Suned INT, Wash.	Ample INT, Wash.	5000
Ample INT, Wash.	Pendleton, Ore. VORTAC	4000
Lexington, Ky. VOR	Newcombe, Ky. VOR	3000
Newcombe, Ky. VOR	Charleston, W. Va. VOR	3000

§95.6008 VOR FEDERAL AIRWAY 8

is amended to read in part:

FROM	TO	MEA
Akron, Colo. VOR	Hayes Center, Neb. VOR	*6400
*5500—MOCA		

§95.6012 VOR FEDERAL AIRWAY 12

is amended to read in part:

FROM	TO	MEA
Santa Barbara, Calif. VOR	*Palmdale, Calif. VOR	9000
*6000—MCA Palmdale VOR, W-bound		
Palmdale, Calif. VOR	Helendale DME Fix, Calif.	
	E-bound	7500
	W-bound	6000

§95.6015 VOR FEDERAL AIRWAY 15

is amended to read in part:

FROM	TO	MEA
Aberdeen, N.D. VOR	Wynns INT, N.D.	*4700
*3500—MOCA		
Wynns INT, N.D.	Bismarck, N.D. VOR	*3900
*3400—MOCA		

§95.6017 VOR FEDERAL AIRWAY 17

is amended to delete:

FROM	TO	MEA
San Antonio, Tex. VOR	Micky INT, Tex.	
Via E alter.	Via E alter.	3000
Micky INT, Tex.	Austin, Tex. VOR	
Via E alter.	Via E alter.	*3000
*2300—MOCA		

§95.6017 VOR FEDERAL AIRWAY 17

is amended by adding:

FROM	TO	MEA
McAllen, Tex. VOR	Laredo, Tex. VOR	
Via W alter.	Via W alter.	*3000
*1900—MOCA		

§95.6026 VOR FEDERAL AIRWAY 26

is amended to read in part:

FROM	TO	MEA
*Ruler INT, S.D.	**Rapid City, S.D. VOR	8000
*9000—MRA		
**9200—MCA Rapid City, VOR, W-bound		

§95.6027 VOR FEDERAL AIRWAY 27

is amended to read in part:

FROM	TO	MEA
Shark INT, Calif.	*Eugen INT, Calif.	**6000
*7000—MRA		
**3000—MOCA		
Eugen INT, Calif.	Hodly INT, Calif.	*6000
*3000—MOCA		

§95.6030 COR FEDERAL AIRWAY 30

is amended to read in part:

FROM	TO	MEA
East Texas, Pa. VOR	Solberg, N.J. VOR	2500

§95.6044 VOR FEDERAL AIRWAY 44
is amended by adding:

FROM	TO	MEA
Atlantic City, N.J. VOR Via S alter. *2000-MOCA	Murth INT, N.J. Via S alter.	1800
Murth INT, N.J. Via S alter. *2000-MOCA	Gamby INT, N.J. Via S alter.	*8000
Gamby INT, N.J. Via S alter. *2000-MOCA	Sates INT, N.J. Via S alter.	*6000
Sates INT, N.J. Via S alter. *2000-MOCA	Deer Park, N.Y. VOR Via S alter.	*4000

§95.6055 VOR FEDERAL AIRWAY 55
is amended to read in part:

FROM	TO	MEA
Brainerd, Minn. VOR	Park Rapids, Minn. VOR	3000
Park Rapids, Minn. VOR *2900-MOCA	Betra INT, MINN.	*4500
Betra INT, Minn. *2300-MOCA	Grand Forks, N.D. VOR	*3300

§95.6078 VOR FEDERAL AIRWAY 78
is amended to read in part:

FROM	TO	MEA
Watertown, S.D. VOR *3100-MOCA	Dawso DME Fix, Minn.	*4000
Dawso DME Fix, Minn. *2200-MOCA	Claps INT, Minn.	*4000
Claps INT, Minn.	Darwin, Minn. VOR	3000

§95.6086 VOR FEDERAL AIRWAY 86
is amended to read in part:

FROM	TO	MEA
*Patco INT, S.D. *9700-MRA **5500-MCA Rapid City, VOR, W-bound	**Rapid City, S.D. VOR	8000
Newcastle, Wyo. VOR Via S alter. *9300-MRA *9300-MCA Zambi INT, W-bound	*Zambi INT, S.D. Via S alter.	9300
Zambi INT, S.D. Via S alter.	Rapid City, S.D. VOR Via S alter.	8000

§95.6097 VOR FEDERAL AIRWAY 97
is amended to read in part:

FROM	TO	MEA
St. Petersburg, Fla. VOR	Darbs INT, Fla.	2000

§95.6102 VOR FEDERAL AIRWAY 102
is amended to read in part:

FROM	TO	MEA
Guthrie, Tex. VOR Via S alter. *3000-MOCA	Chool INT, Tex. Via S alter.	*6000
Chool INT, Tex. Via S alter.	Wichita Falls, Tex. VOR Via S alter. SW-bound NE-bound	 6000 3000

§95.6112 VOR FEDERAL AIRWAY 112
is amended to read in part:

FROM	TO	MEA
Pendleton, Ore. VOR	Lyles INT, Ore.	4000

§95.6129 VOR FEDERAL AIRWAY 129
is amended to read in part:

FROM	TO	MEA
Eau Clair, Wis. VOR *3100-MOCA	Duluth, Minn. VOR	*4000
Hibbing, Minn. VOR *3000-MOCA	International Falls, Minn. VOR	*3600
Hibbing, Minn. VOR Via W alter. *2900-MOCA	Sqeak INT, Minn. Via W alter.	*5000
Sqeak INT, Minn. Via W alter. *2900-MOCA	International Falls, Minn. VOR Via W alter.	*3500

§95.6148 VOR FEDERAL AIRWAY 148
is amended to read in part:

FROM	TO	MEA
Redwood Falls, Minn. VOR	Mayer INT, Minn.	2800

§95.6151 VOR FEDERAL AIRWAY 151
is amended by adding:

FROM	TO	MEA
Hyannis, Mass. VOR	Providence, R.I. VOR	2000

§95.6157 VOR FEDERAL AIRWAY 157
is amended to read in part:

FROM	TO	MEA
New Castle, Del. VOR	Robbinsville, N.J. VOR	2000

§95.6159 VOR FEDERAL AIRWAY 159
is amended to delete:

FROM	TO	MEA
Miami, Fla. VOR	Palm Beach, Fla. VOR	2000
Palm Beach, Fla. VOR	Pluto INT, Fla.	2000
Pluto INT, Fla. *1300-MOCA	Vero Beach, Fla. VOR	*2000

§95.6159 VOR FEDERAL AIRWAY 159
is amended to read in part:

FROM	TO	MEA
Ft. Lauderdale, Fla. VOR	Arkes INT, Fla.	*2000
*1500-MOCA		
Arkes INT, Fla.	Nitny INT, Fla.	*3000
*1500-MOCA		
Nitny INT, Fla.	Vero Beach, Fla. VOR	*2000
*1500-MOCA		
Springfield, Mo. VOR	*Oliva INT, Mo.	**3000
*6000-MRA		
**2500-MOCA		
Oliva INT, Mo.	Augie INT, Mo.	*3000
*2500-MOCA		

§95.6161 VOR FEDERAL AIRWAY 161
is amended to read in part:

FROM	TO	MEA
Grand Rapids, Minn. VOR	Intn'l Falls, Minn. VOR	*3500
*2900-MOCA		

§95.6170 VOR FEDERAL AIRWAY 170
is amended to read in part:

FROM	TO	MEA
Devils Lake, N.D. VOR	Jamestown, N.D. VOR	3500
Sioux Falls, S.D. VOR	Worthington, Minn. VOR	3400
Fairmont, Minn. VOR	Blend INT, Minn.	2900
Blend INT, Minn.	Rochester, Minn. VOR	*3200
*2600-MOCA		

§95.6171 VOR FEDERAL AIRWAY 171
is amended to read in part:

FROM	TO	MEA
Darwin, Minn. VOR	Alexandria, Minn. VOR	3000

§95.6175 VOR FEDERAL AIRWAY 175
is amended to read in part:

FROM	TO	MEA
Park Rapids, Minn. VOR	Bemidji, Minn. VOR	*3400
*2900-MOCA		

§95.6177 VOR FEDERAL AIRWAY 177
is amended to read in part:

FROM	TO	MEA
Hayward, Wis. VOR	Duluth, Minn. VOR	3200
Duluth, Minn. VOR	Bring INT, Minn.	3200
		MAA-9000

§95.6180 VOR FEDERAL AIRWAY 180
is amended to read:

FROM	TO	MEA
International Falls, Minn. VOR	U.S. Canadian Border	2900

§95.6181 VOR FEDERAL AIRWAY 181
is amended to read in part:

FROM	TO	MEA
Watertown, S.D. VOR	Baney INT, N.D.	*3900
*3300-MOCA		
Watertown, S.D. VOR	Fargo, N.D. VOR	
Via E alter.	Via E alter.	*3900
*3100-MOCA		

§95.6187 VOR FEDERAL AIRWAY 187
is amended to read in part:

FROM	TO	MEA
Farmington, N.M. VOR	Plata INT, Colo.	
Via W alter.	Via W alter.	10900
Plata INT, Colo.	Cortez, Colo. VOR	
Via W alter.	Via W alter.	10600

§95.6203 VOR FEDERAL AIRWAY 203
is amended by adding:

FROM	TO	MEA
Nantucket, Mass. VOR	Wacky INT, R.I.	2500
Wacky INT, R.I.	Norwich, Conn. VOR	2300

§95.6211 VOR FEDERAL AIRWAY 211
is amended by adding:

FROM	TO	MEA
Durango, Colo. VOR	Plata INT, Colo.	
Via W alter.	Via W alter.	10900
Plata INT, Colo.	Cortez, Colo. VOR	
Via W alter.	Via W alter.	10600

§95.6217 VOR FEDERAL AIRWAY 217
is amended to read in part:

FROM	TO	MEA
Hibbing, Minn. VOR	Baudette, Minn. VOR	*5000
*2900-MOCA		

§95.6218 VOR FEDERAL AIRWAY 218
is amended to read in part:

FROM	TO	MEA
Chatfield INT, Minn.	Waukon, Iowa VOR	*3000
*2500-MOCA		

§95.6229 VOR FEDERAL AIRWAY 229
is amended to read in part:

FROM	TO	MEA
Atlantic City, N.J. VOR	Merth INT, N.J.	1800
Merth INT, N.J.	Leggs INT, N.J.	*6500
*2000-MOCA		MAA-7000
Leggs INT, N.J.	Kennedy, N.Y. VOR	*4500
*2000-MOCA		MAA-7000

§95.6234 VOR FEDERAL AIRWAY 234
is amended to read in part:

FROM	TO	MEA
Dalhart, Tex. VOR	Braka INT, Okla.	5700
Braka INT, Okla.	Liberal, Kans. VOR	*5700
*4700-MOCA		

§95.6298 VOR FEDERAL AIRWAY 298
is amended to read in part:

FROM	TO	MEA
Yakima, Wash. VOR	Benty INT, Wash.	5000
Benty INT, Wash.	Pasco, Wash. VOR	4000
Yakima, Wash. VOR	Paids INT, Wash.	
Via N alter.	Via N alter.	6000
*Paids INT, Wash.	Pasco, Wash. VOR	
Via N alter.	Via N alter.	4000
*5000-MCA Paids INT, W-bound		

§95.6304 VOR FEDERAL AIRWAY 304
is amended to read in part:

FROM	TO	MEA
Borger, Tex. VOR	Brakn INT, Okla.	
Via W alter.	Via W alter.	4800
Brakn INT, Okla.	Liberal, Kan. VOR	
Via W alter.	Via W alter.	*5700
*4700-MOCA		

§95.6322 VOR FEDERAL AIRWAY 322
is amended to read in part:

FROM	TO	MEA
*Notty INT, N.H.	Wylie INT, N.H.	**7000
*6000-MCA, Notty INT, N-bound		
**5600-MOCA		
Wylie INT, N.H.	Gorum INT, N.H.	*7000
*6000-MOCA		
Gorum INT, N.H.	Berlin, N.H. VOR	6000
Berlin, N.H. VOR	Sherbrooke, Can. VOR	#5600
#For that airspace over U.S. Territory		

§95.6367 VOR FEDERAL AIRWAY 367
is added to read:

FROM	TO	MEA
International Falls, Minn. VOR	U.S. Canadian Border	9000

§95.6421 VOR FEDERAL AIRWAY 421
is amended to read in part:

FROM	TO	MEA
Zeans DME Fix, Colo.	Powes INT, Colo.	16100
Powes INT, Colo.	*Gunnison, Colo. VOR	
	S-bound	16100
	N-bound	12500
*12500-MCA Gunnison VOR, S-bound		
*13000-MCA Gunnison VOR, N-bound		

§95.6430 VOR FEDERAL AIRWAY 430
is amended to read in part:

FROM	TO	MEA
Grand Rapids, Minn. VOR	Duluth, Minn. VOR	*3200
*2700-MOCA		

§95.6433 VOR FEDERAL AIRWAY 433
is amended to read in part:

FROM	TO	MEA
New Castle, Del. VOR	Mufla INT, N.J.	
Via E alter.	Via E alter.	2000
Mufla INT, N.J.	Yardley, Pa. VOR	
Via E alter.	Via E alter.	*2500
*1500-MOCA		

§95.6484 VOR FEDERAL AIRWAY 484
is amended to read in part:

FROM	TO	MEA
Woden INT, Ida.	Switz INT, Utah	*14000
*11900-MOCA		
Switz INT, Utah	Cause INT, Utah	*11500
*8600-MOCA		

§95.6520 VOR FEDERAL AIRWAY 520
is amended to read in part:

FROM	TO	MEA
Ample INT, Ore.	Virtu INT, Wash.	
	NE-bound	4000
	SW-bound	5000
Virtu INT, Wash.	Pasco, Wash. VOR	4000

§95.7048 JET ROUTE NO. 48 is amended to read in part:

FROM	TO	MEA	MAA
Pulaski, Va. VORTAC	Westminster, Md. VORTAC	#19000	45000
#MEA is established with a gap in navigation signal coverage			

§95.7154 JET ROUTE NO. 154 is amended to read:

FROM	TO	MEA	MAA
Battle Mountain, Nev. VORTAC	Bonnevi lle, Utah VORTAC	18000	45000
Bonneville, Utah VORTAC	Salt Lake City, Utah VORTAC	18000	45000
Salt Lake City, Utah VORTAC	Rock Springs, Wyo. VORTAC	18000	45000

2. By amending Sub-part D as follows:

§95.8003 VOR FEDERAL AIRWAY CHANGEOVER POINTS

V-23 is amended by adding:

AIRWAY SEGMENT FROM	TO	CHANGEOVER POINT DISTANCE FROM	
Mission Bay, Calif. VOR	Oceanside, Calif. VOR	16	Mission Bay

[FR Doc. 79-20709 Filed 7-3-79; 8:45 am]
BILLING CODE 4910-13-C

POSTAL SERVICE

39 CFR Part 233

Requesting Financial Records From a Financial Institution

AGENCY: Postal Service.

ACTION: *Final regulation.*

SUMMARY: These regulations will authorize the Inspection Service Department of the U.S. Postal Service to request financial records from a financial institution pursuant to the formal written request procedure established by the Right to Financial Privacy Act of 1978, title XI of Pub. L. 95-630, 92 Stat. 3697, and sets forth the conditions under which such request may be made. Section 1108(2) of the Right to Financial Privacy Act of 1978 requires that the formal written request be authorized by regulations promulgated by the head of the agency or department. These regulations are needed, therefore, to enable the Inspection Service Department to utilize the formal written procedure to obtain financial records pursuant to the Act.

EFFECTIVE DATE: August 4, 1979.

FOR FURTHER INFORMATION CONTACT: Charles D. Hawley, Assistant General Counsel, Legal Affairs Division, Law Department, U.S. Postal Service, 475 L'Enfant Plaza West, SW., Washington, D.C. 20260; (202) 245-4584.

SUPPLEMENTARY INFORMATION: On March 21, 1979, the Postal Service published in the Federal Register (44 FR 17192) a Notice of Proposed Rulemaking concerning regulations which would authorize the Inspection Service Department of the Postal Service to utilize the formal written request procedure established by title XI of Pub. L. 95-630, 92 Stat. 3697, The Right to Financial Privacy Act of 1978, to request financial records from financial institutions in connection with lawful law enforcement activities and would set forth the conditions under which such requests may be made.

The Postal Service received two written comments in response to this Notice. One noted that the proposed regulation would permit the request to be issued by "a postal inspector," while the language of a parallel regulation of the Department of Justice restricted the authority to issue requests to designated supervisory officials of law enforcement units within the Department. *See* 44 FR 14553 (March 13, 1979). The Postal Service had intended through its internal instructions to establish a similar restriction on the authority to issue requests, and it has concluded that the inclusion of language in its regulations similar to that of the Department of Justice, making this restriction explicit and prohibiting a re-delegation of this authority, would be appropriate.

The second person commenting on the proposal raised several questions about the wisdom as a matter of policy and the constitutionality as a matter of law of the formal written request procedure. It would seem, however, that these questions bear on the statute which these regulations would implement rather than on the regulations themselves.

This same second comment expressed concern for establishing the authenticity of requests purporting to be issued by the Inspection Service Department and suggested to this end that the regulations require two signatures or the acknowledgement of the signature. The Postal Service considers that these requirements if adopted would reduce only marginally, if at all, any risk of the falsification of a request. Moreover, because of the existence of criminal sanctions for the falsification of a request and the practical limitations on the likelihood of a successful falsification, it is considered that that risk is not so great as to require additional measures to guard against it.

In addition to the change referred to above, we have also made certain minor and editorial changes in the language of the regulation for the sake of consistency with other postal regulations.

Accordingly, a new § 233.4 is added to title 39, CFR:

PART 233—INSPECTION SERVICE AUTHORITY

In Part 233, add new § 233.4 reading as follows:

§ 233.4 Requesting financial records from a financial institution.

(a) *Definitions.* The terms used in this section have the same meaning as similar terms used in the Right to Financial Privacy Act of 1978, Title XI of Pub. L. 95-630. *Act* means the *Right to Financial Privacy Act of 1978.*

(b) *Purpose.* The purpose of these regulations is (1) to authorize the Inspection Service Department of the U.S. Postal Service to request financial records from a financial institution pursuant to the formal written request procedure authorized by section 1108 of the Act and (2) to set forth the conditions under which such request may be made.

(c) *Authorization.* The Inspection Service Department is authorized to request financial records of any customer from a financial institution pursuant to a formal written request under the Act only if:

(1) No administrative summons or subpoena authority reasonably appears to be available to the Inspection Service Department to obtain financial records for the purpose for which the records are sought;

(2) There is reason to believe that the records sought are relevant to a legitimate law enforcement inquiry and will further that inquiry;

(3) The request is issued by a supervisory official of a rank designated by the Chief Postal Inspector. Officials so designated shall not delegate this authority to others;

(4) The request adheres to the requirements set forth in paragraph (d) of this section; and

(5) The notice requirements set forth in section 1108(4) of the Act, or the requirements pertaining to the delay of notice in section 1109 of the Act, are satisfied, except in situations (*e.g.*, section 1113(g)) where no notice is required.

(d) *Written Request.* (1) The formal request must be in the form of a letter or memorandum to an appropriate official of the financial institution and must contain:

(i) The signature of the issuing official and the official's name, title, business address, and business phone number.

(ii) *The identity of the customer* or customers to whom the records pertain;

(iii) A reasonable description of the records sought; and

(iv) Any additional information which may be appropriate—*e.g.*, the date when the opportunity for the customer to challenge the formal written request expires, the date when the Inspection Service Department expects to present a certificate of compliance with the applicable provisions of the Act, the name and title of the individual (if known) to whom disclosure is to be made.

(2) In cases where customer notice is delayed by court order, a copy of the court order must be attached to the formal written request.

(e) *Certification.* Before obtaining the requested records following a formal written request, a supervisory official authorized to issue a request must certify in writing to the financial institution that the Inspection Service Department has complied with the applicable provisions of the Act.

(39 U.S.C. 401(2), 404(a)(7); Title XI, Pub. L. 95-630, 92 Stat. 3697)

Fred Eggleston,

Acting Assistant General Counsel.

[FR Doc. 79-20741 Filed 7-3-79; 8:45 am]

BILLING CODE 7710-12-M

DEPARTMENT OF STATE

Agency for International Development

41 CFR Parts 7-7, 7-13

[AIDPR Notice 79-2]

Accounting for Government Property in the Custody of Contractors

AGENCY: Agency for International Development, Department of State.

ACTION: Final rule.

SUMMARY: In response to General Accounting Office (GAO) recommendations, the Agency for International Development is revising its procurement regulations (the AIDPR) to improve its ability to account for government property in contractor's custody. The AIDPR contract clauses governing payment and government property are revised to distingush between expendable and non-expendable property, by defining non-expendable property; to require submission of invoices when non-expendable property titled to the U.S. Government is acquired under a contract; to conform AIDPR clauses on government property to the clauses established in the Federal Procurement Regulations; to establish reporting requirements for non-expendable property; and to provide coverage of contractor-acquired property which is to be titled in the Cooperating Government.

EFFECTIVE DATE: June 28, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Harry C. White, CM/SD/POL, Agency for International Development, Department of State, Washington, D.C. 20523, (703) 235-9107.

PART 7-7—CONTRACT CLAUSES

Subpart 7-7.50—Clauses for Cost Reimbursement Type Contracts

1. Section 7-7.5001-9, Allowable cost, fixed fee, and payment, is amended as follows:

§ 7-7.5001-9 Allowable cost, fixed fee, and payment.

Allowable Cost, Fixed Fee, and Payment (March, 1979)

* * * * *

(b) * * *

(1) * * *

(i) Original and three copies of a certified fiscal report rendered by the contractor in a form and manner satisfactory to AID substantially as follows:

Total expenditures

Category	Budget amount	To date	This period (indicate dates)
Salaries and wages:			
Home office	$XXX	$XXX	$XXX
Field office	XXX	XXX	XXX
Indirect costs:			
Home office	XXX	XXX	XXX
Field office	XXX	XXX	XXX
Consultant fees	XXX	XXX	XXX
Allowances	XXX	XXX	XXX
Travel and transportation	XXX	XXX	XXX
Expendable equipment and materials	XXX	XXX	XXX
Non-expendable property	XXX	XXX	XXX
Participant costs	XXX	XXX	XXX
Other direct costs	XXX	XXX	XXX
Grand total	$XXX	$XXX	$XXX

(ii) * * *

(iii) * * *

(iv) Unless otherwise provided in the contract, the contractor shall submit a vendor's invoice detailing the quantity, description and price for each individual item purchased, as follows:

(A) Expendable equipment, supplies, or commodities—for transactions totalling more than $2,500.

(B) Non-expendable property—for every purchase. Non-expendable property is property which is complete in itself, does not lose its identity or become a component part of another article when put into use; is durable, with an expected service life of two years or more; and which has a unit cost of more than $500. This definition applies only to personal property purchased by the contractor or delivered directly to the contractor from the vendor. Personal property issued to the contractor in the host country by the mission accountable officer and listed as non-expendable is reportable to the mission accountable officer regardless of its value.

* * * * *

2. Section 7-7.5001-19, Title to and care of property, is revised and retitled as follows:

§ 7-7.5001-19 Government Property.

(a) Insert the clause set forth in FPR 1-7.203.21.

(b) The following preface is to be used with the FPR clause:

("Government property" or "Government furnished property" as used in the following clause, means non-expendable property owned by or leased to the U.S. Government and furnished to the contractor, or non-expendable property acquired by the contractor under the contract and titled to the U.S. Government. Non-expendable property is property which is complete in itself, does not lose its identity or become a component part of another article when put into use; is durable, with an expected service life of two years or more; and which has a unit cost of more than $500. This definition applies only to personal property purchased by the contractor or delivered directly to the contractor from the vendor. Personal property issued to the contractor in the host country by the mission accountable officer and listed as non-expendable is reportable to the mission accountable officer regardless of its value.)

(c) The following final paragraph is to be added to the FPR clause specified above:

Reporting Requirements

The contractor will submit an annual report on all non-expendable property in a form and manner acceptable to AID substantially as follows:

Annual Report of AID Owned Non-expendable Property in Contractor's Custody

(Name of Contractor)

As of (End of Contract Year), 19xx

	Motor Vehicles	Furniture and furnishings: Office	Furniture and furnishings: Living quarters	Other nonexpendable property
A. Value of property as of last report				
B. Transactions during this reporting period.				
1. Acquisitions (add):				
a. Purchased by contractor				
b. Transferred from AID				
c. Transferred from others—without reimbursement [1].				
2. Disposals (deduct):				
a. Returned to AID				
b. Transferred to AID—contractor purchased.				
c. Transferred to other Government agencies [1].				
d. Other disposals [1]				
C. Value of property as of reporting date.				
D. Estimated average age of contractor held property.				
	Years	Years	Years	Years

[1] Explain if transactions were not processed through or otherwise authorized by AID.

Property Inventory Verifications

I attest that (1) physical inventories of AID owned nonexpendable property are taken not less frequently than annually; (2) the accountability records maintained for AID owned property in our possession are in agreement with such inventories; and (3) the total of the detailed accountability records maintained agrees with the property value shown opposite line C above, and the estimated average age of each category of property is as cited opposite line D above.

_____

Authorized Signature

3. Section 7-7.5002-4, Title to and care of property, is revised as follows:

§ 7-7.5002-4 Title to and care of property.

Title to and Care of Property

(March 1979)

(a) Title to all non-expendable property purchased with contract funds under this contract and used in the Cooperating Country, shall at all times be in the name of the Cooperating Government, or such public or private agency as the Cooperating Government may designate, unless title to specified types or classes of non-expendable property is reserved to the AID under provisions set forth in the Schedule of this contract; but all such property shall be under the custody and control of contractor until the owner of title directs otherwise, or completion of work under this contract or its termination, at which time custody and control shall be turned over to the owner of title or disposed of in accordance with its instructions. All performance guaranties and warranties obtained from suppliers shall be taken in the name of the title owner. (Non-expendable property is property which is complete in itself, does not lose its identity or become a component part of another article when put into use; is durable, with an expected service life of two years or more; and which has a unit cost of $500 or more. This definition applies only to personal property purchased by the contractor or delivered directly to the contractor from the vendor. Personal property issued to the contractor in the host country by the mission accountable officer and listed as non-expendable is reportable to the mission accountable officer regardless of its value.)

(b) Contractor shall prepare and establish a program, to be approved by the Mission, for the receipt, use, maintenance, protection, custody and care of non-expendable property, for which it has custodial responsibility, including the establishment of reasonable controls to enforce such program.

(c)(1) For non-expendable property to which title is reserved to the U.S. Government under provisions set forth in the schedule of this contract, contractors shall submit an annual report on all non-expendable property under his custody as required in the Government Property clause of this contract.

(2) For non-expendable property titled to the Cooperating Government, the contractor shall, within 90 days after completion of this contract, or at such other date as may be fixed by the contracting officer, submit an inventory schedule covering all items of non-expendable property under his custody, which have not been consumed in the performance of this contract. The contractor shall also indicate what disposition has been made of such property.

Subpart 7-7.54—Clauses for Fixed Price Type Contract for Technical Services

4. Section 7-7.5401-5, Documentation for payment is revised as follows:

§ 7-7.5401-5 Documentation for payment.

Documentation for Payment

(March 1979)

(a) Claims for payment of the fixed amount (U.S. Dollars only) due under the contract shall be submitted to the paying office indicated on the cover page of the contract. These claims shall be submitted on Voucher Form SF-1034 (original) and SF-1034a (three copies). Each claim shall specify the contract number and be properly executed, and shall be accompanied by:

(1) An invoice (original and two (2) copies) indicating the period for which compensation is claimed, the paragraph of the contract under which payment is requested and, when appropriate, a fully itemized statement of costs;

(2) A vendor's invoice for each item of non-expendable property purchased showing the quantity, description and price for each item. (Non-expendable property is property which is complete in itself, does not lose its identity or become a component part of another article when put into use; is durable, with an expected service life of two years or more; and which has a unit cost of more than $500. This definition applies only to personal property purchased by the contractor or delivered directly to the contractor from the vendor. Personal property issued to the contractor in the host country by the mission accountable officer and listed as non-expendable is reportable to the mission accountable officer regardless of its value.); and

(3) Such other supporting documentation and justification as the contracting officer may prescribe.

(b) The invoice required in (a)(1) above shall include a certification signed by an authorized representative of the contractor as follows:

The undersigned hereby certifies: (1) That payment of the sum claimed under the cited contract is proper and due and that appropriate refund to AID will be made promptly upon request of AID in the event of non-performance, in whole or in part, under the contact or for any breach of the terms of the contract. (2) that information on the invoice is correct and such detailed supporting information as AID may require will be furnished by the contractor's home office or base office as appropriate promptly to AID on request and (3) that all requirements called for by the contract to the date of this certification have been met.

By _____

Title _____

Date _____

(c) A final voucher shall be submitted by the contractor promptly following completion of the work under the contract but in no event later than 180 days (or such longer period as the contracting officer may in his or her discretion approve in writing) from the date of such completion. Contractor's claim, which includes final settlement of compensation, shall not be submitted until after receipt and written approval by AID of the final report required by this contract. Upon receipt and approval of the voucher designated by the contractor as the "final voucher" submitted on Form SF 1034 (original) and SF 1034a (three copies), the Government shall promptly pay to the contractor any amounts withheld and not previously paid to the contractor: *Provided, however,* That the contractor shall furnish a release, in such form and with such exceptions as may be approved by the contracting officer, discharging the Government of the United States, its officers, agents and employees from all liabilities, obligations, and claims arising out of or under this contract; accompanied by a satisfactory accounting of all Government owned property, if any, for which the contractor has custodial responsibility hereunder.

5. Section 7-7.5401-23, Government property, is revised as follows:

§ 7-7.5401-23 Government property.

(a) Insert the clause set forth in FPR 1-7.303-7 (a), (b), (c), or (d), as appropriate.

(b) The following preface is to be used with the FPR clause:

("Government property" or "Government furnished property" as used in the following clause, means non-expendable property owned by or leased to the U.S. Government and furnished to the contractor, or non-expendable property acquired by the contractor under the contract and titled to the U.S. Government. Non-expendable property is property which is complete in itself, does not lose its identity or become a component part of another article when put into use; is

durable, with an expected service life of two years or more; and which has a unit value of more than $500. This definition applies only to personal property purchased by the contractor or delivered directly to the contractor from the vendor. Personal property issued to the contractor in the host country by the mission accountable officer and listed as non-expendable is reportable to the mission accountable officer regardless of its value.)

(c) The following final paragraph is to be added to the FPR clause specified above:

Reporting Requirements

The contractor will submit an annual report on all non-expendable property in a form and manner acceptable to AID substantially as follows:

Annual Report of AID Owned Nonexpendable Property in Contractor's Custody

(Name of Contractor)

As of (End of Contract Year), 19xx

	Motor vehicles	Furniture and furnishings: Office	Furniture and furnishings: Living quarters	Other nonexpendable property
A. Value of property as of last report				
B. Transactions during this reporting period.				
1. Acquisitons (add):				
a. Purchased by contractor				
b. Transferred from AID				
c. Transferred from others—Without reimbursement [1].				
2. Disposals (deduct):				
a. Returned to AID				
b. Transferred to AID—Contractor Purchased.				
c. Transferred to other Government agencies [1].				
d. Other Disposals [1]				
C. Value of property as of reporting date.				
D. Estimated average age of contractor held property.				
	Years	Years	Years	Years

[1] Explain if transactions were not processed through or otherwise authorized by AID.

Property Inventory Verifications

I attest that (1) physical inventories of AID owned nonexpendable property are taken not less frequently than annually; (2) the accountability records maintained for AID owned property in our possession are in agreement with such inventories; and (3) the total of the detailed accountability records maintained agrees with the property value shown opposite line C above, and the estimated average age of each category of property is as cited opposite line D above.

Authorized Signature

6. A new § 7-7.5402-11, Title to and care of property, is added as follows:

§ 7-7.5402-11 Title to and care of property.

Insert the clause set forth in AIDPR 7-7.5002-4.

Subpart 7-7.55—Clauses for Cost Reimbursement Type Contracts with Educational Institutions.

7. Section 7-7.5501-8. Allowable cost and payment, is amended as follows:

§ 7-7.5501-8 Allowable cost and payment.

Allowable Cost and Payment

March 1979

* * * * *

(b) * * *

(1) * * *

(i) Original and three copies of a certified fiscal report rendered by the contractor in a form and manner satisfactory to AID substantially as follows:

Total expenditures

Category	Budget amount	To date	This period (indicate dates)
Salaries and wages:			
Home office	$XXX	$XXX	$XXX
Field office	XXX	XXX	XXX
Indirect costs:			
Home office	XXX	XXX	XXX
Field office	XXX	XXX	XXX
Consultant fees	XXX	XXX	XXX
Allowances	XXX	XXX	XXX

Total expenditures—Continued

Category	Budget amount	To date	This period (indicate dates)
Travel and transportation	XXX	XXX	XXX
Expendable equipment and materials	XXX	XXX	XXX
Non-expendable property	XXX	XXX	XXX
Participant costs	XXX	XXX	XXX
Other direct costs	XXX	XXX	XXX
Grand total	$XXX	$XXX	$XXX

(ii) * * *

(iii) Unless otherwise provided in the contract, the contractor shall submit a vendor's invoice detailing the quantity, description, and price for each individual item purchased, as follows:

(A) Expendable equipment, supplies, or commodities—for transactions totaling more than $2,500.

(B) Non-expendable property—for every purchase. Non-expendable property is property which is complete in itself, does not lose its identity or become a component part of another article when put into use; is durable, with an expected service life of two years or more; and which has a unit cost of more than $500. This definition applies only to personal property purchased by the contractor or delivered directly to the contractor from the vendor. Personal property issued to the contractor in the host country by the mission accountable officer and listed as non-expendable is reportable to the mission accountable officer regardless of its value.

(iv) * * *

(2) * * *

(3) * * *

(i) * * *

(ii) Vendor's invoices as in paragraph (b)(1)(iii) of this section for equipment, supplies or commodities, or non-expendable property procured since the last voucher submission.

* * * * *

8. Section 7-7.5501-18, Title to and care of property, is retitled and revised as follows:

§ 7-7.5501-18 Government property.

(a) Insert the clause specified in FPR 1-7.402-25(b).

(b) The following preface is to be used with the FPR clause:

("Government property" or "Government furnished property" as used in the following clause means non-expendable property owned by or leased to the U.S. Government, and furnished to the contractor, or non-expendable property acquired by the contractor under the contract and titled to the U.S. Government. Non-expendable property is property which is complete in itself, does not lose its identity or become a component part of another article when put into use; is durable, with an expected service life of two years or more; and which has unit cost of more than $500: This definition applies only to personal property purchased by the contractor or delivered directly to the

contractor from the vendor. Personal property issued to the contractor in the host country by the mission accountable officer and listed as non-expendable is reportable to the mission accountable officer regardless of its value.)

(c) The following final paragraph is to be added to the FPR clause specified above:

Reporting Requirements

The contractor will submit an annual report on all non-expendable property in a form and manner acceptable to AID substantially as follows:

Annual Report of AID owned Nonexpendable Property in Contractor's Custody

(Name of Contractor)

As of (End of Contract Year), 19xx

	Motor vehicles	Furniture and furnishings: Office	Furniture and furnishings: Living quarters	Other nonexpendable property
A. Value of property as of last report				
B. Transactions during this reporting period.				
1. Acquisitions (add):				
a. Purchased by Contractor				
b. Transferred from AID				
c. Transferred from others—without reimbursement [1].				
2. Disposals (deduct):				
a. Returned to AID				
b. Transferred to AID—contractor purchased.				
c. Transferred to other government agencies [1].				
d. Other disposals [1]				
C. Value of property as of reporting date.				
D. Estimated average age of contractor held property.	Years	Years	Years	Years

[1] Explain if transactions were not processed through or otherwise authorized by AID.

Property Inventory Verifications

I attest that (1) physical inventories of AID owned non-expendable property are taken not less frequently than annually; (2) the accountability records maintained for AID owned property in our possession are in agreement with such inventories; and (3) the total of the detailed accountability records maintained agrees with the property value shown opposite line C above, and the estimated average age of each category of property is as cited opposite line D above.

Authorized Signature

9. Section 7-7.5502-16, Title to and care of property, is revised as follows:

§ 7-7.5502-16 Title to and care of property.

Insert the clause set forth in AIDPR 7-7.5002-4.

PART 7-13—GOVERNMENT PROPERTY [Deleted]

10. Part 7-13—Government Property, is deleted in its entirety.

Effective date: This AIDPR Notice is effective on the date it is signed (June 28, 1979).

This AIDPR Notice is issued pursuant to 41 CFR 7-1.104.4.

Dated: June 28, 1979.

John F. Owens,

Deputy Assistant Administrator for Program and Management Services.

[FR Doc. 79-20575 Filed 7-3-79; 8:45 am]

BILLING CODE 4710-02-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FI-4828]

National Flood Insurance Program; City of East Brewton, Escambia County, Ala.; Final Flood Elevation Determination

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of East Brewton, Escambia County, Alabama.

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

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the City of East Brewton, Escambia County, Alabama.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of East Brewton, Escambia County, Alabama are available for review at the City Clerk's Office, City Hall, 615 Forest Avenue, East Brewton, Alabama.

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 East Brewton, Escambia County, Alabama.

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 44 CFR 67.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 60.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Conecuh River	Southern Corporate Limits, just downstream of State Highway 41.	81
Murder Creek	Just downstream of U.S. Highway 29.	85

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	Northeast Corporate Limits	91
Mantle Branch	Just downstream of Dixon Street.	90

(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: June 14, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-20595 Filed 7-3-79; 8:45 am]

BILLING CODE 4210-23-M

44 CFR Part 67

[Docket No. FI-4937]

The National Flood Insurance Program; The Unincorporated Areas of Marion County, Ala.; Final Flood Elevation Determination

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the unincorporated areas of Marion County, Alabama.

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

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the unincorporated areas of Marion County, Alabama.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the unincorporated areas of Marion County, Alabama are available for review at the County Clerk's Office, Marion County Courthouse, Hamilton, Alabama.

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 unincorporated areas of Marion County, Alabama.

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 44 CFR 67.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 60.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Luxapallila Creek near Winfield.	Just upstream of Third Avenue North.	464
	Just downstream of Ninth Avenue North.	468
Luxapallila Creek near Twin.	Just upstream of Alabama Highway 253.	528
	Just downstream of Alabama Highway 44.	548
Cooper Creek	Just upstream of Alabama Highway 44.	531
	Just downstream of County Road No. 3.	534
Buttahatchee River	Just downstream of County Road 35.	384
	Just upstream of U.S. Highway 78.	394

(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: June 14, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-20596 Filed 7-3-79; 8:45 am]

BILLING CODE 4210-23-M

44 CFR Part 67

[Docket No. FI-4901]

The National Flood Insurance Program; Town of Gila Bend, Maricopa County, Ariz.; Final Flood Elevation Determination

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Gila Bend, Maricopa County, Arizona.

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

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Town of Gila Bend, Maricopa County, Arizona.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Gila Bend, Maricopa County, Arizona, are available for review at the City Clerk's Office, Gila Bend, Arizona.

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 Town of Gila Bend, Maricopa County, Arizona.

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 44 CFR 67.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 60.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Sand Tank and Bender Washes.	North of U.S. Route 80	[1]2
	South of U.S. Route 80 and north of Southern Pacific Railroad.	735
	South of Southern Pacific Railroad and north of Gila Bend Canal.	740
	North of Southern Pacific Railroad and east of Gila Bend Canal.	744
	South of Gila Bend Canal and east of TC & GB Railway.	747
Scott Avenue Wash	North of Southern Pacific Railroad and south of U.S. Route 80.	733
	South of Southern Pacific Railroad and north of Gila Bend Canal.	740
	South of Gila Bend Canal and west of TC & GB Railway.	745
Rodeo Wash	South of Southern Pacific Railroad.	753
	North of Southern Pacific Railroad and south of U.S. Route 80.	749
	North of U.S. Route 80 and east of Gila Bend Canal.	742
	Northwest of Gila Bend Canal at Old U.S. Route 80.	737
Rodeo Wash Tributary	South of Southern Pacific Railroad.	759
Airport Wash	South of U.S. Route 80	761

[1]Average depth.

(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: June 14, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-20597 Filed 7-3-79; 8:45 am]

BILLING CODE 4210-23-M

44 CFR Part 67

[Docket No. FI-5030]

The National Flood Insurance Program; the Town of Oro Valley, Pima County, Ariz.; Final Flood Elevation Determination

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Oro Valley, Pima County, Arizona.

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

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Town of Oro Valley, Arizona.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Oro Valley, are available for review at Town Hall, 680 West Calle Concordia, Oro Valley, Arizona.

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 Town of Oro Valley, Arizona.

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 44 CFR 67.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 60.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Canada Del Oro Wash	Lambert Lane-50 feet upstream from centerline.	5231

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

Issued: June 14, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-20598 Filed 7-3-79; 8:45 am]

BILLING CODE 4210-23-M

44 CFR Part 67

[Docket No. FI-4296]

The National Flood Insurance Program; City of Phoenix, Maricopa County, Ariz.; Final Flood Elevation Determination

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.

ACTION: Final rule.

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

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

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

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

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 Phoenix, Maricopa County, Arizona.

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 44 CFR 67.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, 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 44 CFR Part 60.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Cave Creek	Corporate Limits Upstream	1,524
	Deer Valley Drive Upstream	1,483
	7th Street Upstream	1,464
	Beardsly Road Upstream	1,437
	Bell Road Upstream	1,368
	19th Avenue Bridge Upstream.	1,324
	Thunderbird Road Bridge Upstream.	1,299
	Cactus Road Upstream	1,277
	Peoria Avenue Upsteam	1,251
	Mountain View Road (Extended) Upstream.	1,238
	Alice Avenue (Extended) Upstream.	1,219
	Northern Avenue Upstream	1,198
	Myrtle Avenue Upstream	1,182
	Maryland Avenue Upstream	1,164
	Bethany Home Road Upstream.	1,154
	Colter Street Upstream	1,138
	Highland Avenue Upstream	1,128
	Osborn Road Upstream	1,105
	Encanto Boulevard Upstream	1,090
	Roosevelt Street Upstream	1,079
	Grant Street Upstream	1,066
	Pima Street Upstream	1,059
	R.I.D. Canal Upstream	1,046
East Fork Cave Creek	(Bell Road) Upstream Corporate Limits.	1,407
	7th Street Upstream	1,378
	Confluence with West Branch East Branch Cave Creek.	1,356
	Confluence with Cave Creek.	1,337
Cave Creek Tributary at Deer Valley Drive.	Deer Valley Drive Upstream	1,482
Scatter Wash	7th Street Upstream and Corporate Limits Upstream.	1,471
	19th Avenue Upstream	1,435
	Corporate Limits Downstream.	1,414
	Deer Valley Drive	1,375
	35th Avenue	1,354
	Beardsley Drive	1,340
East Branch Scatter Wash.	27th Avenue	1,390
Skunk Creek	Upstream Corporate Limits	1,394
	Deer Valley Drive (Upstream)	1,362
	Beardsley Drive (Upstream)	1,330
	Downstream Corporate Limits.	1,295
Myrtle Avenue Wash	Myrtle Avenue Upstream	1,256
	16th Street Upstream	1,244
Flynn Lane Wash	Lincoln Drive Upstream	1,310
	21st Street Upstream	1,269
	20th Street Upstream	1,256
Dreamy Draw Wash East.	Orangewood Avenue Upstream.	1,259
	16th Street Upstream	1,244
West Branch East Fork Cave Creek.	Bell Road (Upstream Corporate Limits).	1,370
	Confluence of East Fork Cave Creek.	1,356
Echo Canyon Wash	Corporate Limits Upstream (McDonald Drive).	1,308
	4th Street Upstream	1,294
	Confluence with Arizona Canal.	1,251
Moon Valley Wash	Thunderbird Road Upstream	1,320
	19th Avenue Upstream	1,297
Tenth Street Wash	Desert Cove Avenue Upstream.	1,344
	Peoria Avenue Upstream	1,326
	Cave Creek Upstream	1,302
	Dunlap Avenue Upstream	1,275
	Butler Drive Upstream	1,251
Agua Fria River	Corporate Limits Upstream	1,033
	Corporate Limits Downstream.	1,031
New River	Corporate Limits Upstream	1,040
	Corporate Limits Downstream.	1,032
Salt River	Corporate Limits Upstream	1,143
	48th Street Upstream	1,135
	24th Street Upstream	1,099
	16th Street Upstream	1,087
	Central Avenue Bridge Upstream.	1,065
	27th Avenue Upstream	1,042
	51st Avenue Bridge Upstream.	1,016
	83rd Avenue (Extended) Upstream.	974
	99th Avenue (Extended) Upstream.	958

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

Issued: June 14, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-20599 Filed 7-3-79; 8:45 am]

BILLING CODE 4210-23-M

44 CFR Part 67

[Docket No. FI-5086]

The National Flood Insurance Program; City of Calico Rock, Izard County, Ark.; Final Flood Elevation Determination

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Calico Rock, Izard County, Arkansas.

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

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the City of Calico Rock, Izard County, Arkansas.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Calico Rock, Izard County, Arkansas, are available for review at City Hall, Walnut Street, Calico Rock, Arkansas.

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 Calico Rock, Izard County, Arkansas.

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 44 CFR 67.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 60.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
White River	Just downstream of corporate limits.	360
	Just downstream of State Highway 5 Bridge.	360
	Confluence of Calico Rock	360

(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: June 14, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-20600 Filed 7-3-79; 8:45 am]

BILLING CODE 4210-23-M

44 CFR Part 67

[Docket No. FI-4836]

The National Flood Insurance Program; City of Clayton, Contra Costa County, Calif.; Final Flood Elevation Determination

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Clayton, Contra Costa 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 Clayton, California.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Clayton, are available for review at City Hall, Clayton, 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 Clayton, 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 44 CFR 67.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 60.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Mt. Diablo Creek	North Lydia Lane—at centerline.	332
	Black Diamond Way—15 feet*.	334
	Regency Drive—60 feet**	505
	Regency Drive—100 feet*	514
Mitchell Creek	Clayton Road—60 feet*	390
	Private Road—15 feet* (located 1950 feet above mouth).	414
Donner Creek	Marsh Creek Road—60 feet**.	431
	Marsh Creek Road—60 feet*	436
	Private Drive—30 feet** (located 3555 feet above mouth).	482
	Private Drive—30 feet* (located 3555 feet above mouth).	488

*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; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator, 44 FR 20963.)

Issued: June 14, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-20601 Filed 7-3-79; 8:45 am]

BILLING CODE 4210-23-M

44 CFR Part 67

[Docket No. FI-5089]

The National Flood Insurance Program; City of Dunsmuir, Siskiyou County, Calif.; Final Flood Elevation Determination

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.

ACTION: Final rule.

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

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

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Dunsmuir, are available for review at the City Mayor's Office, City Hall, 5915 Dunsmuir Street, Dunsmuir, California 96025.

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 Dunsmuir, 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 44 CFR 67.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 60.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Sacramento River	Butterfly Avenue—10 feet upstream from centerline.	2,275
	Interstate Highway 5*	2,328
	Cave Avenue*	2,400

*At centerline.

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

Issued: June 14, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-20602 Filed 7-3-79; 8:45 am]

BILLING CODE 4210-23-M

44 CFR Part 67

[Docket No. FI-5010]

The National Flood Insurance Program; City of Hawthorne, Los Angeles County, Calif.; Final Flood Elevation Determination

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Hawthorne, Los Angeles County, California.

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

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

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Hawthorne, are available for review at City Hall, 4455 West 126th Street, Hawthorne, 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 Hawthorne, 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 44 CFR 67.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 60.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Storm Runoff	Intersection of Hawthorne Boulevard and 116th Street.	70
	Intersection of Prairie Avenue and Imperial Highway.	71

(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: June 14, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-20603 Filed 7-3-79; 8:45 am]

BILLING CODE 4210-23-M

44 CFR Part 67

[Docket No. FI-5012]

The National Flood Insurance Program; City of Orange, Orange County, Calif.; Final Flood Elevation Determination

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.

ACTION: Final rule.

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

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

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Orange, are available for review at Civic Center, 300 East Chapman Avenue, Orange, 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 Orange, 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 44 CFR 67.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 60.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Santiago Creek	Interstate Highway 22 (Garden Grove Freeway)**.	167
	Cambridge Street—50 feet*	201
	Chapman Avenue**	238
	Loma Street—25 Feet*	366
	Most Upstream Private Dirt Road—100 Feet*.	441
	Upstream Corporate Limits	484
Handy Creek	Amopola Avenue—10 Feet*	472
	Broadmoor Trail—60 Feet***	496
	Broadmoor Trail—50 Feet*	504
Alameda Storm Drain	Hewes Street—50 Feet***	349
	Hewes Street—10 Feet*	354
	Linda Vista Street—50 Feet*.	364
	Jamestown Way**	393
Santa Ana River	Intersection of Garden Grove Freeway and the City Drive.	[1]2
	Intersection of Orange Freeway and Chapman Avenue.	[1]1
	Intersection of Santa Ana Freeway and Chapman Avenue.	[1]1

*Upstream from centerline.
**At centerline.
***Downstream from centerline.
[1]Depth in feet above ground.

(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: June 14, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-20604 Filed 7-3-79; 8:45 am]

BILLING CODE 4210-23-M

44 CFR Part 67

[Docket No. FI-5037]

The National Flood Insurance Program; City of San Clemente, Orange County, Calif.; Final Flood Elevation Determination

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of San Clemente, Orange County, California.

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

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of San Clemente, are available for review at City Hall, Civic Center, 100 Avenida Presidio, San Clemente, 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 San Clemente, 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 44 CFR 67.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 60.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Prima Deshecha Canada.	Avenida Vaquero (first crossing)—130 feet*.	24
	Calle Grande Vista	41
	Interstate 5	91
	Avenida Vaquero (second crossing)—160 feet**.	92
	Avenida Vaquero (second crossing)—200 feet*.	104
	Calle Nuevo—160 feet**	142
	Calle Nuevo—100 feet**	154
	Confluence with Prima Deshecha Canada Tributary.	157
Segunda Deshecha Canada.	Atchison, Topeka and Santa Fe Railroad—100 Feet**.	14
	Atchison, Topeka and Santa Fe Railroad—25 feet*.	21
	El Camino Real—75 feet*	24
	Calle de los Molinos—100 feet**.	42
	Calle de los Molinos—275 feet*.	50
	Interstate 5	68
	Avenida Pico	70
	Confluence with Segunda Deshecha Canada Tributary—200 feet upstream.	83
	Corporate Limits (first crossing).	119
	Corporate Limits (second crossing)—25 feet upstream.	143
Segunda Deshecha Canada Tributary.	Confluence with Segunda Deshecha Canada.	87
	Avenida Pico	87

*Upstream from centerline.
**Downstream from centerline.

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: June 14, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-20605 Filed 7-3-79; 8:45 am]

BILLING CODE 4210-23-M

44 CFR Part 67

[Docket No. FI-4833]

Final Flood Elevation Determination for the City of Villa Park, Orange County, Calif., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Villa Park, Orange County, California.

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

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Villa Park, are available for review at City Hall, 17855 San Diego Boulevard, Villa Park, 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 Villa Park, 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 44 CFR 67.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 60.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Santiago Creek	Villa Park Road at centerline.	308
Villa Park Storm Drain	Intersection of Serrano Avenue and Center Drive.	[2]

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	Intersection of Santiago Boulevard and Center Drive.	[1]2
	Southwest corner of the intersection of Santiago Boulevard and Wanda Road.	[1]2

[1]Depth in feet above ground.

(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: June 14, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-20606 Filed 7-3-79; 8:45 am]

BILLING CODE 4210-23-M

44 CFR Part 67

[Docket No. FI-5039]

Final Flood Elevation Determination for the Town of Oxford, New Haven County, Conn., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Oxford, New Haven County, Connecticut.

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

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Oxford, are available for review at Building Department, Town Hall, Route 67, Oxford, Connecticut.

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 Town of Oxford, Connecticut.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Developmemt Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 60.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Housatonic River	Confluence with Five Mile Brook.	54
Five Mile Brook	State Route 34—at centerline.	54
	East Hill Road—40 feet*	78
	Limit of Detailed Study (440 feet north of end of East Hill Road)—10 feet**.	165
Eight Mile Brook	Loughlin Road—30 feet*	80
Little River	Downstream crossing of State Route 67—20 feet**.	170
	Downstream crossing of State Route 67—60 feet*.	175
	Dam (near Park Road)—20 feet**.	193
	Dam (near Park Road)—5 feet*.	201
	Sethden Road—25 feet*	275
	Old State Road No. 3—50 Feet*.	334
	Hogsback Road—70 feet*	417
	Towner Lane—75 feet**	470
	Towner Lane—10 feet*	476
	Christian Road—30 feet*	592
Riggs Street	State Route 67—10 feet*	347
	School Access Road—30 feet*.	380
	Riggs Street—10 feet*	473

*Upstream from centerline.
**Downstream from centerline.

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

Issued: June 14, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-20607 Filed 7-3-79; 8:45 am]

BILLING CODE 4210-23-M

44 CFR Part 67

[Docket No. FI-3045]

Final Flood Elevation Determination for the Town of Trumbull, Fairfield County, Conn.; Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Trumbull, Fairfield County, Connecticut.

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

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood prone areas and the final elevations for the Town of Trumbull are available for review at the Town Clerk's office and the Town Engineer's office, Trumbull Town Hall, 5866 Main Street, Trumbull, Connecticut.

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 Town of Trumbull, Fairfield County, Connecticut.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90)

days has been provided, 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 44 CFR Part 60.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Tributary A	Downstream of Colony Avenue Culvert.	291
	50 feet downstream of Pondview Avenue.	347
	Park Lane Culvert	374
	Cart Road (1,100 feet upstream of Walker Road).	395
Tributary B	Confluence with Canoe Brook Lake.	363
	Helena Road	374
	Upstream side of Old Village Lane.	400
	Upstream Side of Madison Avenue.	426
Tributary C	Vicinity of Salley Ann Drive extended (900 feet upstream of confluence with Tributary B).	374
	Dayton Road	386
Tributary D	Cart Road (500 feet upstream of Easton Reservoir).	312
	Vicinity of Velvet Street extended (1,440 feet upstream of Easton Reservoir).	327
	Cold Spring Drive	430
	Essex Lane	487
Island Brook	Oldtown Road	193
	Upstream side of Merritt Parkway.	245
	Melrose Avenue	314
	Upstream side of Chestnut Street.	345
Pequonnock River	Oldtown Road	59
	White Plains Road	98
	Daniels Farm Road	110
	Whitney Avenue	233
	Monroe Turnpike	290
	70 feet upstream of Spring Hill Road.	299
Tributary E	Bayberry Lane	90
	Dirt Road, 1,000 feet upstream of Bayberry Lane.	99
Tributary F	Upstream side of Norwood Terrace.	172
	Upstream side of Church Hill Road.	272
	Upstream side of Lillian Drive	288
Belden Brook	Park Street	163
	Upstream side of Daniels Farm Road.	243
	Harvest Hill Drive	322
Tributary G	Upstream side of Broadway	359
	Newtown Turnpike	362
Tributary H	615 feet upstream of confluence with Tributary G (Cart Road).	364
	Vicinity of Doris Street extended (2,000 feet upstream of confluence with Tributary G).	431
Tributary I	Newtown Turnpike	307
Tributary J	Springhill Road	315
North Farrar Brook	Abandoned railroad	298
	Newtown Turnpike	321
	Field Road (about 700 feet upstream of Newtown Turnpike).	335
Tributary K	State Route 8	222
	Shelton Road	293
	Golden Hill Road	297
Tributary L	Huntington Road	135
	Merritt Boulevard	143
Tributary M	Pinewood Trail	174
	Booth Hill Road	265
Tributary N	West Mocha Road	174
	Booth Hill Road	203
Booth Hill Brook	Upstream side of old Dike Road.	181
Tributary O	Interstate Road	91
	Nichols Avenue	141
Horse Tavern Brook	Southern corporate limit, 3,200 feet downstream of Merritt Parkway.	237
	Downstream side of Merritt Parkway culvert.	257
	Chestnut Hill Road	269
	Black House Road	292

(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: June 14, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-20608 Filed 7-3-79; 8:45 am]

BILLING CODE 4210-01-M

44 CFR Part 67

[Docket No. FI-5040]

Final Flood Elevation Determination for the Town of Vernon, Tolland County, Conn.; Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Vernon, Tolland County, Connecticut.

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

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Vernon, are available for review at Town Hall, 14 Park Place, Vernon, Connecticut.

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 Town of Vernon, Connecticut.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 60.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Hockanum River	Well Road—50 feet*	178
	Interstate 86—50 feet*	185
	Kelly Road—50 feet*	187
	Pleasant View Drive—30 feet*.	198
	Farm Road #1—80 feet*	199
	Farm Road #2—50 feet*	204
	Dart Hill Road—140 feet*	211
	Farm Road #3—80 feet*	212
	Windsorville Road—50 feet*	214
	Union Street Bridge—30 feet*.	243
	West Street Bridge—60 feet*	244
	West Main Street—70 feet*	246
	River Street—30 feet*	250
	Orchard Street—50 feet*	269
	Vernon Avenue—50 feet*	315
	Brooklyn Street—20 feet*	481
	East Main Street—50 feet*	436
Tankerhoosen River	Goffland Bridge—20 feet*	184
	State Highway 83—20 feet*	186
	Main Street—50 feet*	208
	Dobson Road—50 feet*	253
	Phoenix Street—40 feet*	258
	Tunnel Road—50 feet*	276
Ogden Brook	Thrall Road—50 feet*	208
	Worcester Street—50 feet*	210
	State Highway 83—50 feet*	219
	Center Road—50 feet*	316
	West Street—50 feet*	336

*Upstream from centerline.

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

Issued June 14, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-20609 Filed 7-3-79; 8:45 am]

BILLING CODE 4210-23-M

4 CFR Part 67

[Docket No. FI-5042]

Final Flood Elevation Determination for the Town of Interlachen, Putnam County, Fla. Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Interlachen, Putnam County, Florida.

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

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

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

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 Town of Interlachen, Florida.

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 44 CFR 67.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 60.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Gum Creek	Sleepy Hollow Drive—80 feet*	
	River Street—60 feet*	62
	Gasline Crossing**	76
Chipco Lake	Along Shoreline	89
Lake Lagonda	Intersection of Bay Avenue and Lake Shore Drive.	80
Grassy Lake	Intersection of Rowell Avenue and Summer street.	83

*Upstream from centerline.
**At centerline.

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

Issued: June 14, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-20610 Filed 7-3-79; 8:45 am]

BILLING CODE 4210-23-M

44 CFR Part 67

[Docket No. FI-5044]

Final Flood Elevation Determination for the Town of Pomona Park, Putnam County, Fla. Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Pomona Park, Putnam County, Florida.

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

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Town of Pomona Park, Florida.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Pomona Park, are available for review at Town Office, Pomona Park, Florida.

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 Town of Pomona Park, Florida.

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 44 CFR 67.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 60.

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

Source of flooding	Location	Depth in feet above ground
Lake Broward	1,400 feet northeast of the intersection of Park Avenue and Lake Street.	42
	1,300 feet north of the intersection of Broward Avenue and East Main Street.	42

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

Issued: June 14, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-20611 Filed 7-3-79; 8:45 am]

Billing Code 4210-23-M

44 CFR Part 67

[Docket No. FI-5149]

Final Flood Elevation Determination for the City of Dalton, Whitfield County, Ga. Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.

ACTION: Final rule.

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

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

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Dalton, Whitfield County, Georgia are available for review at the City Administrator's Office, King and Pentz Streets, P.O. Box 1205, Dalton, Georgia.

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 Dalton, Whitfield County, Georgia.

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 44 CFR 67.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 60.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Tar Creek Tributary	Just upstream of Riverbend Drive.	714
Tar Creek	Downstream of Lakemont Drive.	753
	Just upstream of Conway Street.	734
	Just downstream of Dee Street.	711
McLellan Creek	Just upstream of Huntington Road.	778
	Just upstream of Tiffany Road.	761
	Just upstream of the intersection of U.S. 41 and Highway 75.	721
Crown Creek	Just upstream of U.S. Highway 41.	732
City Park Branch	Just downstream of Mitchell Street.	705
Slaughter Pen Creek	Just upstream of Morris Street.	721
	Just downstream of James Street.	694
Colony Creek	Just upstream of Underwood Street.	690
Mill Creek	Just downstream of I-75	722
	Just upstream of North Glenwood Avenue.	703
Drowning Bear Creek	Just upstream of South Hamilton Road.	708
Stacy Branch	Just upstream of Lakeland Road.	696

(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: June 14, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-20012 Filed 7-3-79; 8:45 am]

BILLING CODE 4210-23-M

44 CFR Part 67

[Docket No. FI-5046]

Final Flood Elevation Determination for the City of Weippe, Clearwater County, Idaho Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.

ACTION: Final rule

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

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

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

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

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 Weippe, Idaho.

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 44 CFR 67.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 60.

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

Source of flooding	Location	Elevation, in feet, national geodetic vertical datum
Jim Ford Creek	Pierce Street Bridge—50 feet*.	2,997
	Main Street Bridge—60 feet*.	2,998
Grasshopper Creek	8th Avenue Bridge—70 feet**.	2,993
	8th Avenue Bridge—50 feet*.	2,999

*Upstream from centerline.
**Downstream from centerline.

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

Federal Insurance Administrator, 44 FR 20963.)

Issued: June 14, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-20813 Filed 7-3-79; 8:45 am]

BILLING CODE 4210-23-M

FEDERAL MARITIME COMMISSION

46 CFR Part 505

[General Order No. 30, Revised; Docket No. 79-66]

Compromise, Assessment, Settlement and Collection of Civil Penalities Under the Shipping Act, 1916, and the Intercoastal Shipping Act, 1933

AGENCY: Federal Maritime Commission.

ACTION: Interim regulations made immediately effective, with comments invited.

SUMMARY: These regulations are enacted to implement the Shipping Act, 1916 (46 U.S.C. 831) as recently amended by section 10(e) of Pub. L. 96-25, which authorizes the Federal Maritime Commission to assess or compromise all civil penalties provided in the Act.

DATES: Effective date: July 5, 1979. Comments date: Original and 15 copies on or before August 6, 1979.

ADDRESS: Send Comments to: Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, DC 20573.

FOR FURTHER INFORMATION CONTACT: Francis C. Hurney, Secretary, Federal Maritime Commission, Room 11101, 1100 L Street, NW, Washington, DC 20573, (202) 523-5725.

SUPPLEMENTAL INFORMATION:

Background

On June 19, 1979, the President signed into law the Shipping Act Amendments of 1979 (Pub. L. 96-25, 93 Stat. 71) which amends the Shipping Act, 1916 (46 U.S.C. 801 *et seq.*) to strengthen the provisions prohibiting rebating practices in the United States' foreign trades. By amendment to section 32 of the Act (46 U.S.C. 831) section 10(e) of Pub. L. 96-25 provides "Nothwithstanding any other provision of law, the Commission shall have authority to assess or compromise all civil penalties provided in this Act. *Provided, however,* That, in order to assess such penalties a formal proceeding under section 22 of this Act shall be commenced within 5 years from the date when the violation occurred."

Previously, Pub. L. 92-416 authorized the Commission to compromise all civil penalties provided for violations of the Act. In response to that legislation, the Commission established General Order 30 (46 CFR Part 505) "Collection and Compromise of Civil Penalties under the Shipping Act, 1916, and the Intercoastal Shipping Act, 1933." This General Order became effective on July 6, 1973.

In order to implement the assessment authorization provisions of Pub. L. 96-25, General Order 30 is hereby amended.

Because these are rules involving practice and procedures, they are exempt from 5 U.S.C. 553. However, the Commission wishes to obtain all relevant comments regarding the content of these rules and all interested persons are invited to submit such comments.

Finally, with the enactment of Pub. L. 92-416 and Pub. L. 96-25, the Commission perceives no probable regulatory need for the retention of General Order 25 (46 CFR Part 504) "Collection, Compromise and Termination of Enforcement Claims," which implemented the Federal Claims Collection Act of 1966. The need to retain such General Order will be considered by the Commission in connection with comments invited to these interim regulations.

Major Provisions

The following briefly summarizes selected provisions of the regulations and points out some of the factors considered in formulating them.

A. Title, Purpose and Policy. The Title of existing Part 505 is amended to reflect the new assessment authorization of Pub. L. 96-25 and necessarily concomitant settlement provisions during a proceeding under section 22 of the Shipping Act, 1916 (46 U.S.C. 821). See below.

Section 505.1 "Purpose and Scope" is amended to add the assessment and settlement authorization provisions and reference to the newly enacted Pub. L. 96-25.

B. *Definitions.* Present § 505.2 "Definitions" has been expanded by adding definitions of "assessment" and "compromise."

C. *Assessment.* New § 505.3 reflects Pub. L. 96-25's provision for assessment of penalties decided after a formal hearing under section 22 which is instituted for the purpose of assessing such penalties. It is contemplated by the Commission that penalties for violations arising out of, or found to exist in, other proceedings not instituted for this purpose (e.g., complaint cases) cannot be "assessed" without an assessment proceeding and will either be the subject of the compromise procedure below or a separate proceeding or if necessary, both, or a civil penalty action brought in District Court.

This section also requires Hearing Counsel, in assessment proceedings as contemplated in the legislative history of Pub. L. 96-25, to exercise prosecution responsibilities including the power to negotiate settlements and enter into stipulations in formal hearings.

Further, it is contemplated that any proposed settlement in a formal Commission hearing, including agreed-to-penalties, shall be submitted to the presiding officer for approval at any stage of the proceeding and must be embodied in a final Commission order before it can become effective.

D. *Compromise Procedures.* This section (505.4) parallels present Commission regulations for compromise (formerly §§ 505.3, 505.4, and 505.5) except for the following:

Section 505.4(a) (formerly 505.3) provides that compromise procedures can be used except in pending assessment proceedings as provided for above.

Section 505.4(b) (formerly 505.4) continues to place the authority to compromise in the General Counsel.

Section 505.4(c) incorporates most of the provisions of former § 505.5 except that it eliminates former § 505.5(c) which provided that a party to a pending proceeding could request an opportunity to discuss settlement "which may arise out of such proceeding." This eventuality is now directly provided for in assessment proceedings above where any settlement negotiations are conducted by the Commission's Hearing Counsel. In cases other than assessment proceedings before the Commission, e.g., complaint cases, the Commission perceives no need for disposition of any civil penalties for violations until the final Order of the Commission. See comment on "Assessment" at "C" above.

E. *Assessment Procedures Instituted After Failure To Compromise.* New § 505.5 changes former § 505.6 by providing for an assessment proceeding, as a Commission option to referral to the Department of Justice, if compromise procedures are not successful. It is not the Commission's intention to limit its discretion, however, to institute an assessment proceeding or civil penalty action only after previously attempting to dispose of penalties through compromise procedures.

F. *Avoidance of "Double Jeopardy".* New § 505.6 provides that penalties for the same violations may be assessed or compromised but not both.

G. *Method of Payment and Forms.* Section 505.7 is identical to the previous

section prescribing how payment of civil penalties shall be made.

Examples of revised settlement agreement and promissory note forms are attached as Appendices A and B.

Therefore, pursuant to the provisions of Pub. L. 96–25 (93 Stat. 71), section 4 of the Administrative Procedure Act (5 U.S.C. 553) and sections 32 and 43 of the Shipping Act, 1916 (46 U.S.C. 831 and 841a), Title 46 CFR, Part 505 is hereby revised to read, as follows:

PART 505—COMPROMISE, ASSESSMENT, SETTLEMENT AND COLLECTION OF CIVIL PENALTIES UNDER THE SHIPPING ACT, 1916, AND THE INTERCOASTAL SHIPPING ACT, 1933

Sec.

505.1 Purpose and Scope.
505.2 Definitions.
505.3 Assessment.
505.4 Compromise Procedures.
505.5 Assessment Procedures.
505.6 Mutual Exclusiveness of Procedures.
505.7 Method of Payment Penalty.

Authority: Sec. 3, 86 Stat. 653, Sec. 10(e), 93 Stat. 71, and Secs., 32 and 43 of the Shipping Act, 1916 (46 U.S.C. 831 and 841a).

§ 505.1 Purpose and scope.

The purpose of this part is to implement the statutory provisions of section 3 of Pub. L. 92–416 (86 Stat. 653) and section 10(e) of Pub. L. 96–25 (93 Stat. 71) by establishing rules and regulations governing the compromise, assessment, settlement and collection of civil penalties arising under certain designated provisions of the Shipping Act, 1916, the Intercoastal Shipping Act, 1933, and/or any order, rule or regulation (except for procedural rules and regulations contained in Part 502 of this chapter) issued or made by the Commission in the exercise of its powers, duties and functions under those statutes. Also, for the purpose of this part, the criteria for compromise, settlement, or assessment may include, but need not be limited to, those which are set forth in 4 CFR Parts 101–105.

§ 505.2 Definitions.

For the purposes of this part:

(a) "Assessment" means the imposition of a civil penalty by Order of the Commission.

(b) "Commission" means the Federal Maritime Commission.

(c) "Compromise" means the process whereby a civil penalty for a violation is agreed upon by the respondent and the Commission's General Counsel.

(d) "Person" includes individuals, corporations, partnerships, associations, and other legal entities.

(e) "Violation" includes any violation of sections 14b through 21 (except 16 first and third) and section 44 of the Shipping Act, 1916; section 2 of the Intercoastal Shipping Act, 1933; and/or any order, rule or regulation (except for procedural rules and regulations contained in Part 502 of this chapter) issued or made by the Commission in the exercise of its powers, duties, and functions under the Shipping Act, 1916, and the Intercoastal Shipping Act, 1933.

(f) "Respondent" includes any person charged with a violation.

§ 505.3 Assessment.

Assessment of civil penalties may be made only in a formal proceeding instituted by the Commission under section 22 of the Shipping Act, 1916 for the purpose of such assessment. Such proceeding, shall be governed by the Commission's Rules of Practice and Procedure, 46 CFR Part 502. In such a proceeding, Hearing Counsel shall participate as attorney for the Commission and shall have full authority to perform these duties, including, but not limited to, entering into stipulations and settlements. Any such proposed settlement of penalties for violations which are the subject of a pending proceeding under this section must be negotiated with Hearing Counsel, shall be submitted to the presiding officer for approval, and the full text of every such settlement must be included in the final Order of the Commission in the proceeding.

§ 505.4 Compromise procedures.

(a) *Institution and Notice.* Except in pending assessment proceedings as provided for in § 505.3 above, whenever the Commission has reason to believe that there has occurred a violation for which a civil penalty is authorized and it is appropriate to invoke the procedures looking toward compromise of the statutory penalites, the General Counsel's Office will send a registered letter to the respondent informing him of the nature of the violation, the statutory and factual basis of the penalty, the amount of the penalty and the availability of Commission personnel for discussion of the penalty claim should the respondent so desire. Two written demands, at 30-day intervals, will normally be made unless a response to the first demand indicates that further demand would be futile or unless contrary action is indicated by the circumstances.

(b) *Request for compromise.* (1) Whenever a person is advised in writing that the Commission has reason to believe that he has committed a violation, such person may submit any oral or written answer to the notification letter explaining, mitigating, showing extenuating circumstances, or, where there has been no formal proceeding on the merits, denying the violation. Material or information so presented will be considered in making a final determination as to whether to terminate the compromise procedure or whether to compromise the penalty, and if so, the amount for which it will be compromised.

(2) All correspondence, petitions, forms, or other instruments regarding the collection, compromise, or termination of any penalty under this section should be addressed to the General Counsel, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573.

(c) *Disposition of claims in compromise procedures.* (1) When the penalty is compromised, such compromise will be made conditional upon the full payment of the compromise within 30 days or such longer period, and upon such terms and conditions as may be allowed by the General Counsel.

(2) When a statutory penalty is compromised and the respondent agrees to settle for that amount, a compromise agreement shall be executed. (One type of settlement agreement is set forth in Appendix A.) This agreement, after reciting the nature of the claim, will include a statement evidencing the respondent's agreement to the settlement of the Commission's penalty claim for the amount set forth in the agreement and will also embody an approval and acceptance provision which is to be signed by the General Counsel. Upon settlement of the penalty in the agreed amount, a copy of the executed agreement shall be furnished to the respondent.

(3) Any offer of compromise submitted by the respondent pursuant to § 505.4(b) shall be deemed to have been furnished by the respondent without prejudice and shall not be used against the respondent in any proceeding.

(d) *Delegation of compromise authority.* The compromise authority set forth above is delegated to the General Counsel.

§ 505.5 Assessment procedures.

In addition to its discretion to institute an assessment proceeding or civil penalty action without need to resort to the compromise procedures, the Commission may, after initiation of compromise procedures, institute an assessment proceeding or civil penalty action when:

(a) The respondent, within the prescribed time, does not explain the violation, petition for compromise, or otherwise respond to letters or inquiries; or

(b) The respondent, having responded to such letters or inquiries, fails or refuses to pay the statutory or the compromised penalty.

§ 505.6 Mutual exclusiveness of procedures:

(a) No assessment of penalties for violations shall be made by Order of the Commission, nor shall any assessment proceeding be instituted after a settlement agreement for the same violations under the compromise procedures has become effective.

(b) No compromise procedure for penalties for violations shall be initiated after institution of a commission assessment proceeding for the purpose of assessing penalties for the same violations.

§ 505.7 Method of payment of penalty.

Payment of penalties by the respondent shall be made by:

(a) A bank cashier's check or other instrument acceptable to the Commission.

(b) Regular installments by check after the execution of a promissory note containing a confess-judgment agreement (Appendix B).

(c) A combination of the above alternatives.

All checks or other instruments submitted in payment of claims shall be made payable to the Federal Maritime Commission.

Effective date—The provisions of this Part 505 will become effective July 5, 1979.

By the Commission.

Francis C. Hurney,

Secretary.

Appendix A

One Example of Compromise Agreement Used by ———, and the Federal Maritime Commission

This Agreement is entered into between: (1) the Federal Maritime Commission and, (2) ———, hereinfater referred to as respondent.

WHEREAS, the Commission is considering the institution of an assessment proceeding against respondent for the recovery of civil penalties provided under the Act for violations of Section ———;

WHEREAS, this course of action is the result of practices believed by the Commission to have been engaged in by respondent to wit;

———

———

WHEREAS, the parties are desirous of expeditiously settling the matter according to the conditions and terms of this Agreement and wish to avoid the delays and expense which would accompany agency litigation concerning these penalty claims; and

WHEREAS, Public Laws 92–416 and 96–25 authorize the Commission to collect and compromise certain designated civil penalties arising under the Shipping Act, 1916, including the civil penalties which arise from the violations set forth and described above.

WHEREAS, the respondent has terminated the practices which are the basis of the violations set forth herein, and has instituted and indicated its willingness to maintain measures designed to eliminate, discourage, and prevent these practices by respondent or its officers, employees and agents.

NOW, THEREFORE, in consideration of the premises herein, and in compromise of all civil penalties under the Act arising from violations set forth and described herein, that may have occurred between ——— and ———, the undersigned respondent herewith tenders to the Federal Maritime Commission the sum of ——— ($———) [Payment will be made in one, or a combination of the following methods: (a) A banks cashier's check or other instrument acceptable to the Commission; (b) Regular installments by check after the execution of a promissory note, a copy of which will be attached to this agreement and incorporated herein.] Upon the followng stipulations and terms of settlement: 1. Upon acceptance of this agreement of settlement in writing by the General Counsel of the Federal Maritime Commission, this instrument shall forever bar the commencement or institution of any assessment proceeding or other claims for recovery of civil penalties from respondent arising from the alleged violations set forth and described herein, that have been disclosed by respondent to the Commission and that occurred between ——— and ———.

2. The undersigned voluntarily signs this instrument and states that no promises or representations have been made to the respondent other than the agreements and consideration herein expressed.

3. It is expressly understood and agreed that this Agreement is not to be construed as an admission of guilt by undersigned respondent to the alleged violations set forth above.

Name of company

By———

Date———

Approval and Acceptance

The Above Terms and Conditions and Amount of Consideration are hereby Approved and Accepted:

By the Federal Maritime Commission:

General Counsel

Date———

Appendix B

Promissory Note Containing Agreement for Judgment

For value received, ———, promises to pay to the Federal Maritime Commission (the Commission) the principal sum of ——— Dollars ($———) to be paid at the offices of the Commission in Washington, D.C., by bank cashier's or certified check in the following installments:

———

———

———

———

———

———

In addition to the principal amount payable hereunder, interest on the unpaid balance thereof shall be paid with each installment. Such interest shall accrue from the date of this Promissory Note and be computed at the rate of ——— percent (———%) per annum.

If any payment of principal or interest shall remain unpaid for a period of 10 days after becoming due and payable, the entire unpaid principal amount of this Promissory Note, together with interest thereon, shall become immediately due and payable at the option of the Commission without demand or notice being hereby expressly waived.

If a default shall occur in the payment of principal or interest under this Promissory Note, ——— does hereby authorize and empower any U.S. Attorney, any of his assistants or any attorney of any court of record, Federal or State, to appear for it, and to enter and confess judgment against for the entire unpaid principal amount of this Promissory Note, together with interest, in any court of record, Federal or State; to waive the issuance and service of process upon ——— in any suit on this Promissory Note; to waive any venue requirement in such suit, to release all errors which may intervene in entering up such judgment or in issuing any execution thereon; and to consent to immediate execution on said judgment.

——— hereby ratifies and confirm all that said attorney may do by virtue hereof.

This Promissory Note may be prepaid in whole or in part by ——— by bank cashier's or certified check at any time, provided that accrued interest on the principal amount prepaid shall be paid at the time of the prepayment.

Name of Company

By———

Date———

[FR Doc. 79–20744 Filed 7–3–79; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 0, 1, 2, 18, 73, 81, 83, 87, 94

Editorial Amendments Concerning the Renaming of the Safety and Special Radio Service Bureau and the Office of the Chief Engineer

AGENCY: Federal Communications Commission.

ACTION: Editorial Amendment of the Rules.

SUMMARY: This amendment changes the Commission's Rules to revise all references to the "Safety and Special Radio Services Bureau" and the "Office of Chief Engineer", which have been renamed the "Private Radio Bureau" and the "Office of Science and Technology," respectively. The order also makes other editorial changes which have been determined to be necessary.

EFFECTIVE DATE: July 9, 1979.

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

FOR FURTHER INFORMATION CONTACT: Bernard I. Kahn, Office of Executive Director, 632-7513.

SUPPLEMENTARY INFORMATION:

Order

Adopted: June 22, 1979.

Released: June 28, 1979.

In the matter of editorial amendment of Parts 0, 1, 2, 18, 73, 81, 83, 87, and 94 of the Commission's rules.

1. Effective February 26, 1979, the Safety and Special Radio Services Bureau was reorganized into the Private Radio Bureau. Also, effective May 1, 1979, the Office of Chief Engineer was renamed the Office of Science and Technology. These two changes have necessitated editorial changes in the Commission's rules and regulations to update all references to "Safety and Special Radio Services Bureau" and "Office of Chief Engineer," respectively.

2. This Order implements the editorial changes necessary to complete the transition to Private Radio Bureau and Office of Science and Technology. In addition the Order also makes other editorial changes which have been determined to be necessary.

3. Since the amendments being adopted are editorial in nature and pertain to agency procedure and practice, the prior notice and effective date provisions of Section 4 of the Administrative Procedure Act, 5 U.S.C. 553, are inapplicable. Authority for the amendments being adopted is contained in Section 5(d) of the Communications Act of 1934, as amended, 47 U.S.C. 155(d), and § 0.231(d) of the Commission's rules and regulations, 47 CFR.

4. In view of the foregoing, it is ordered, effective July 9, 1979, that parts 0, 1, 2, 18, 73, 81, 83, 85, 87, and 94 of the rules and regulations are amended as set forth in the Appendix below.

R. D. Lichtwardt,
Executive Director.

Appendix

Chapter I of Title 47 of the Code of Federal Regulations is hereby amended as indicated below.

PART 0—COMMISSION ORGANIZATION

1. The undesignated heading before § 0.31 is changed to read "Office of Science and Technology".

2. The undesignated heading before § 0.131 is changed to read "Private Radio Bureau".

3. The undesignated heading before § 0.241 is changed to read "Chief Scientist".

4. The undesignated heading before § 0.331 is changed to read "Chief, Private Radio Bureau".

§ 0.5 [Amended]

5. Section 0.5 is amended as indicated:

Section 0.5(a)(7) is changed to read "Private Radio Bureau.".

In § 0.5(b)(4)(i) the words "Safety and Special Radio Services Bureau" (appearing three times) are changed to read "Private Radio Bureau".

6. Section 0.33 is revised to read as follows:

§ 0.33 Immediate Office of the Chief Scientist.

The Immediate Office of Science and Technology assists the Chief Scientist in planning, directing, coordinating, and executing his functions. The Immediate Office consists of the Chief Scientist, the Deputy Chief Scientist, a Planning and Coordinating Staff, and an Administrative Section.

§ 0.36 [Amended]

7. In § 0.36 the words "Office of Telecommunications Policy" are changed to read "National Telecommunications and Information Administration".

§ 0.41 [Amended]

8. In § 0.41(g) the words "Chief Engineer" are changed to read "Chief Scientist".

In § 0.41(j) and § 0.41(k) the words "Office of Chief Engineer" (appearing two times in § 0.41(k)) are changed to read "Office of Science and Technology".

§ 0.91 [Amended]

9. In § 0.91(i) the words "Office of Chief Engineer" are changed to read "Office of Science and Technology".

§ 0.114 [Amended]

10. In § 0.114(e) the words "Safety and Special Radio Services" are changed to read "Private Radio Services".

§ 0.117 [Amended]

11. In § 0.117(b) the words "Safety and Special Radio Services Bureau" (appearing two times) are changed to read "Private Radio Bureau". The words "Safety and Special Radio Services" are changed to read "Private Radio Services".

§ 0.131 [Amended]

12. In § 0.131 the words "Safety and Special Radio Services Bureau" are changed to read "Private Radio Bureau". In §§ 0.131, 0.131(a), 0.131(b), 0.131(c), 0.131(d), 0.131(e), and 0.131(f) the words "Safety and Special Radio Services" are changed to read "Private Radio Services". In § 0.131(d) the words "Chief Engineer" are changed to read "Chief Scientist."

§ 0.132 [Amended]

13. Section 0.132 is amended to read: "The detailed operations of the Bureau are performed within five major units, as follows:

(a) Office of the Bureau Chief;
(b) Policy Development Division;
(c) Rules Division;
(d) Licensing Division; and
(e) Compliance Division.

§ 0.186 [Amended]

14. In § 0.186 paragraph (b) (3) is changed to read "The Chief Scientist."; paragraph (b)(4) is changed to read "The Chief, Private Radio Bureau."; paragraph (b) (10) is changed to read "The Deputy Chief Scientist."; and paragraph (b)(11) is changed to read "The Deputy Chief, Private Radio Bureau."

§ 0.216 [Deleted]

15. Section 0.216 is deleted in its entirety.

§ 0.247 [Amended]

16. In § 0.247 the words "Office of Chief Engineer" are changed to read "Office of Science and Technology".

§ 0.282 [Amended]

17. In § 0.282 the words "Office of Chief Engineer" in paragraphs (a)(2), (a)(7), (a)(8), (a)(9), and (a)(10) are changed to read "Office of Science and Technology".

§ 0.304 [Amended]

18. In the heading of § 0.304, the words "Safety and Special Radio Services" are changed to read "Private Radio". The words "Chief of the Safety and Special Radio Services Bureau" appearing in the body of § 0.304 are changed to read "Chief of the Private Radio Bureau".

§ 0.307 [Amended]

19. In § 0.307 the words "Chief, Safety and Special Radio Services Bureau" are changed to read "Chief, Private Radio Bureau".

§ 0.309 [Amended]

20. In § 0.309 the words "Chief Engineer" (appearing two times) are changed to read "Chief Scientist".

§ 0.331 [Amended]

21. In § 0.331, 0.331(a), and 0.331(b) the words "Chief, Safety and Special Radio Services Bureau" are changed to read "Chief, Private Radio Bureau". In § 0.331(a)(6) the words "Safety and Special Radio Services" are changed to read "Private Radio Services".

§ 0.332 [Amended]

22. In § 0.332 the words "Chief, Safety and Special Radio Services Bureau" are changed to read "Chief, Private Radio Bureau". In § 0.332 (g), (h), (i), and (j) the words "Office of Chief Engineer" are changed to read "Office of Science and Technology".

§ 0. 333 [Amended]

23. In the heading of § 0.333 the words "Safety and Special Radio Services" are changed to read "Private Radio", and in the body of § 0.333 the words "Chief of the Safety and Special Radio Services Bureau" are changed to read "Chief of the Private Radio Bureau".

§ 0.334 [Amended]

24. The words "Chief, Safety and Special Radio Services Bureau" appearing in the heading of § 0.334 are changed to read "Chief, Private Radio Bureau". The words "Chief of the Safety and Special Radio Services Bureau" appearing in the first paragraph of § 0.334 are changed to read "Chief of the Private Radio Bureau".

§ 0.337 [Amended]

25. In § 0.337 the words "Chief, Safety and Special Radio Services Bureau" are changed to read "Chief, Private Radio Bureau".

§ 0.406 [Amended]

26. In § 0.406(b)(2), the words "Safety and Special Radio Services" are changed to read "Private Radio Services".

§ 0.411 [Amended]

27. In § 0.411(b)(1) the words "Safety and Special Radio Services" are changed to read "Private Radio Services".

§ 0.413 [Amended]

28. In § 0.413 the words "Office Services Division, Office of Executive Director" are deleted and replaced by "Public Information Division".

§ 0.420 [Amended]

29. In § 0.420 the following changes are made:

—in paragraph (a), the parenthetical statement "(for the year 1965)" is deleted;

—paragraph (b) is deleted in its entirety;

—paragraph (c) is re-lettered to become paragraph (b);

—paragraph (d) is re-lettered to become paragraph (c).

§§ 0.431 and 0.433 [Amended]

30. In § 0.431 and § 0.433 the words "in the offices of the Chief Engineer" are changed to read "in the Office of Science and Technology".

§ 0.455 [Amended]

31. In § 0.455 paragraph (a) is changed to read *"Office of Science and Technology."*.

Paragraph (d) of § 0.455 is changed to read *"Private Radio Bureau."*, and the words "Safety and Special Radio Services" in paragraph (d)(1) are changed to read "Private Radio Services".

§ 0.465 [Amended]

32. In § 0.465(d)(1) The words "Consumer Assistance Office" are changed to read "Consumer Assistance Division" and the words "Public Information Officer" are changed to read "Public Information Division".

§ 0.485 [Amended]

33. In § 0.485(a) the words "Field Engineering Bureau" are changed to read "Field Operations Bureau".

Paragraph (d) of § 0.485 is deleted in its entirety.

§ 0.504 [Amended]

34. In § 0.504 the words "The Chief Engineer" (appearing two times) are changed to read "The Chief Scientist".

PART 1—PRACTICE AND PROCEDURE

§ 1.4 [Amended]

35. In the note following § 1.4(b)(2) the words "Safety and Special Radio Services Bureau's" are changed to read "Private Radio Bureau's".

§ 1.21 [Amended]

36. In § 1.21(c) the words "Chief Engineer" are changed to read "Chief Scientist".

37. In § 1.61 paragraph (a) is amended to read as follows:

§ 1.61 Procedures for handling applications requiring special Aeronautical Study.

(a) Except for those Private Radio Services managed under the Chicago Region Land Mobile Spectrum Management Program (see § 90.493, which defines "Chicago Region," and § 90.497(a), which lists those services included in the Chicago Land Mobile Spectrum Management Program), antenna surveys are conducted by the Antenna Survey Branch of the Regional Services Division, Field Operations Bureau.

* * * * *

§ 1.77 [Amended]

38. In § 1.77(c) the words "Safety and Special Radio services" are changed to read "Private Radio Services".

§ 1.84 [Amended]

39. In § 1.84(a) the words "Field Engineering Bureau" are changed to read "Field Operations Bureau".

§ 1.85 [Amended]

40. In § 1.85 the following changes are made:

—the words "Chief of the Safety and Special Radio Services Bureau" are changed to read "Chief of the Private Radio Bureau".

—the words "Chief of the Field Engineering Bureau" are changed to read "Chief of the Field Operations Bureau".

—the words "Chief, Safety and Special Radio Services Bureau" are changed to read "Chief, Private Radio Bureau".

—the words "Chief, Field Engineering Bureau" are changed to read "Chief, Field Operations Bureau".

§ 1.227 [Amended]

41. In § 1.227(b)(4) the words "Safety and Special Radio Services" are changed to read "Private Radio Services".

Subpart F—Private Radio Services Applications and Proceedings

42. In the heading titled "Subpart F" which immediately precedes § 1.901 the words "Safety and Special Radio Services" are changed to read "Private Radio Services" as set forth above.

§ 1.912 [Amended]

43. In § 1.912(c) the words "Field Engineering Office" are changed to read "Field Operations Office".

§ 1.916 [Amended]

44. In § 1.916 the words "Safety and Special Radio Services" are changed to read "Private Radio Services".

§ 1.921 [Amended]

45. In § 1.921(a) the words "Safety and Special Radio Services Bureau" are changed to read "Private Radio Bureau".

§ 1.923 [Amended]

46. In § 1.923(a) the words "Safety and Special Radio Services" are changed to read "Private Radio Services".

§ 1.924 [Amended]

47. In § 1.924(b)(2)(ii) the words "Safety and Special Radio Services" are changed to read "Private Radio Services".

§ 1.952 [Amended]

48. In § 1.952(a) the words "Safety and Special Radio Services Bureau" are changed to read "Private Radio Bureau".

§ 1.956 [Amended]

49. In § 1.956(a) the words "Safety and Special Radio Services" are changed to read "Private Radio Services".

§ 1.1205 [Amended]

50. In § 1.1205(f) the words "Chief Engineer" are changed to read "Chief Scientist".

§ 1.1209 [Amended]

51. In § 1.1209(f) the words "Chief Engineer" are changed to read "Chief Scientist".

§ 1.1311 [Amended]

52. In § 1.1311(c) the words "Safety and Special Radio Services" are changed to read "Private Radio Services".

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

§ 2.941 [Amended]

53. In § 2.941(a) the words "Office of the Chief Engineer" are changed to read "Office of Science and Technology".

54. In § 2.947 paragraph (a)(1) is amended to read as follows:

§ 2.947 Measurement procedure.

(a) * * *

(1) Those set forth in bulletins or reports prepared or issued by the Commission's Office of Science and Technology. These will be issued as required, and specified in the particular part of the rules where applicable.

* * * * *

PART 18—INDUSTRIAL, SCIENTIFIC, AND MEDICAL EQUIPMENT

§ 18.144 [Amended]

55. In the note following paragraph (b)(3) of § 18.144 the words "Chief Engineer" are changed to read "Chief Scientist".

PART 73—RADIO BROADCAST SERVICES

§ 73.933 [Amended]

56. In § 73.933(b)(9) the words "Office of Telecommunications Policy" are changed to read "Office of Science and Technology Policy".

PART 81—STATIONS ON LAND IN THE MARITIME SERVICES AND ALASKA-PUBLIC FIXED STATIONS

§ 81.24 [Amended]

57. In § 81.24(h) the words "Safety and Special Radio Services" are changed to read "Private Radio Services".

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

§ 83.24 [Amended]

58. In § 83.24(c) the words "Field Engineering Office" are changed to read "Field Operations Office".

§ 83.27 [Amended]

59. In § 83.27(c) the words "Field Engineering Office" are changed to read "Field Operations Office" and the words "Engineering Field Office" are changed to read "Field Office".

§ 83.48 [Amended]

60. In § 83.48(a) the words "Field Engineering Bureau" are changed to read "Field Operations Bureau".

PART 87—AVIATION SERVICES

§ 87.31 [Amended]

61. In § 87.31(g) the words "Safety and Special Radio Services" are changed to read "Private Radio Services".

PART 94—PRIVATE OPERATIONAL-FIXED MICROWAVE SERVICE

62. Section 94.5 is amended to read as follows:

§ 94.5 Eligibility.

Any person, or any governmental entity or agency, eligible for licensing in a radio service under Parts 81, 87, and 90, for private operational-fixed communications related to activities for which licensing is available in such service, is eligible to hold an authorization under this part.

§ 94.11 [Amended]

63. In § 94.11(a) the words "Safety and Special Radio Service" are changed to read "Private Radio Service".

[FR Doc. 79-20109 Filed 7-3-79; 8:45 am]
BILLING CODE 6712-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

49 CFR Parts 831 and 845

Investigations, Hearings and Reports on Transportation Accidents/Incidents; Corrections

AGENCY: National Transportation Safety Board.

ACTION: Final rule, correction.

SUMMARY: This document corrects errors in final rules concerning investigations, hearings and reports on transportation accidents/incidents which appeared in the Federal Register of June 14, 1979 (44 FR 34418). The first two corrections concern typographical errors and the third corrects an erroneous section citation.

FOR FURTHER INFORMATION CONTACT: Fritz L. Puls, General Counsel, National Transportation Safety Board, 800 Independence Avenue, SW., Washington D.C. 20594, 202-472-6033.

SUPPLEMENTARY INFORMATION: In FR Doc. 79-18577 appearing at page 34418 in the issue for Thursday, June 14, 1979, make the following corrections:

On page 34420, first column, § 845.2, line 10, change "not" to "no"; second column, § 845.20(c), line 1, correct spelling of "determine".

On page 34421, second column, § 845.41(b), line 3, change "§ 845.27" to "§ 845.13".

Margaret L. Fisher,

Federal Register Liaison Officer.

June 27, 1979.

[FR Doc. 79-20719 Filed 7-3-79; 8:45 am]
BILLING CODE 4910-58-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 285

Atlantic Bluefin Tuna; Amendment to Regulations; Correction

AGENCY: National Oceanic and Atmospheric Administration/ Commerce.

ACTION: Correction to final regulations.

SUMMARY: This amendment corrects final regulations on Atlantic bluefin tuna published on June 20, 1979 (44 FR 36043).

FOR FURTHER INFORMATION CONTACT: Dr. Robert W. Hanks, Acting Regional Director, Northeast Region, National Marine Fisheries Service, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930; telephone 617-281-3600.

Signed at Washington, D.C., this the 26th day of June, 1979.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

(16 U.S.C. 971-971h)

Amend 50 CFR Part 285 as follows:

§ 285.21 [Amended]

1. Section 285.21(a)(1)(ii)—on line 6 strike "July 1, 1979"; substitute "July 15, 1979".

§ 285.32 [Amended]

2. Section 285.32(c)(2)—on line 1 strike "Vessels angling"; substitute "Anglers fishing."

[FR Doc. 79-20592 Filed 7-3-79; 8:45 am]

BILLING CODE 3510-22-M

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 701

Organization and Operation of Federal Credit Unions; Interpretation—Amortization of Long Term Real Estate Loans

AGENCY: National Credit Union Administration.

ACTION: Interpretation.

SUMMARY: Section 701.21-6(b)(2) of the Administration's Rules and Regulations (12 C.F.R. § 701.21-6(b)(2)) requires that long term real estate loans be "amortized by substantially equal monthly installments sufficient to retire the loan at maturity." With the prior written consent of the Administration, loans may be amortized by other than substantially equal monthly installments. This document provides the Administration's interpretation of the phrase "substantially equal monthly installments."

EFFECTIVE DATE: Effective July 5, 1979.

ADDRESS: National Credit Union Administration, 2025 M Street, N.W., Washington, D.C., 20456.

FOR FURTHER INFORMATION CONTACT: Thomas C. Buckman Examination Procedures Analyst, Office of Examination and Insurance, or John L. Culhane, Jr., Attorney Advisory, Office of General Counsel, at the address shown above. Telephone numbers: (202) 254-8760 (Mr. Buckman); (202) 632-4870 (Mr. Culhane).

SUPPLEMENTARY INFORMATION: With the advent of alternative mortgage instruments, such as variable rate mortgages and graduated payment mortgages, the Administration believes that it is necessary to state precisely the amount of leeway allowed Federal credit unions in designing repayment plans by § 701.21-6(b)(2) of the Administration's Rules and regulations (12 CFR 701.21-6(b)(2)), which requires amortization by "substantially equal monthly installments."

The phrase "substantially equal monthly insallments" is essentially the same as the phrase "substantially equal payments" which appears in § 701.21-2(a) of the Administration's Rules and regulations (12 CFR 701.21-2(a)). Section 701.21-2 sets out the amortization schedule required for all loans except long term real estate loans.

Both the phrase "substantially equal monthly installments" and the phrase "substantially equal payments" are given the same meaning by the Administration, as set out below. As a consequence of this interpretation, only standard mortgages will comply with the § 701.21-6(b)(2) requirement for amortization by substantially equal monthly installments. Alternative mortgage instruments, such as variable rate mortgages and graduated payment mortgages, may only be used with the prior written consent of the Administration.

[Interpretive Ruling and Policy Statements No. 79-3]

Interpretation of the Phrase "Substantially Equal Monthly Installments"

The phrase "substantially equal monthly installments" in § 701.21-6(b)(2) is essentially the same as the phrase "substantially equal payments" in § 701.21-2(a) and both will be given the same meaning. The total of principal and interest for any one installment must be equal to the total of principal and interest for any other installment, with two exceptions. The total of principal and interest for the *first* installment and for the *last* installment may differ slightly from the total for any other installment. Taxes and insurance, may vary, as required, from installment to installment.

Lawrence Connell,

Chairman.

June 29, 1979.

[FR Doc. 79-20740 Filed 7-3-79; 8:45 am]

BILLING CODE 7535-01-M

Proposed Rules

Federal Register
Vol. 44, No. 130
Thursday, July 5, 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.

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[12 CFR Part 103]

Powers and Duties of Service Officers; Availability of Service Records; Fees

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Proposed rule.

SUMMARY: This Notice of Proposed Rule Making proposes to amend the fee schedule of the Immigration and Naturalization Service to increase the fees for certain applications and add new fees for others.

The fee descriptions and increases are more particularly set forth in the Supplementary Information portion of this document. The reason the fee increases are required and necessary is because recent studies have indicated that the cost of processing certain Service applications has increased. The Service is required by law to have its fee structure reflect that increase because any benefit or service provided to or for any person by a Federal Agency shall be self-sustaining to the fullest extent possible.

DATES: Representations must be received on or before September 5, 1979.

ADDRESSES: Please submit written representations, in duplicate, to the Commissioner of Immigration and Naturalization, Room 7100, 425 Eye Street, N. W., Washington, DC 20536.

FOR FURTHER INFORMATION CONTACT: James G. Hoofnagle, Jr., Instructions Office, Immigration and Naturalization Service. Telephone: (202) 633-3048.

SUPPLEMENTARY INFORMATION: In May of 1979, the Service undertook a review of its fee schedules as required under 31 U.S.C. 483a and OMB Circular A-25. Under that law, and the implementing OMB Circular, it is required that a benefit or service provided to or for any person by a Federal Agency be self-sustaining to the fullest extent possible. Based on that mandate, the fee review study indicated that certain existing fees should be increased and new fees imposed for filing the following applications: (Fees are rounded off to the nearest $5.00 amount in accordance with Service Policy).

(a) Form I-90—Application by Lawful Permanent Resident Alien for Alien Registration Receipt Card (Form I-551). Existing fee: $10.00. Unit Cost as of May 1979: $13.86. Proposed new fee: $15.00.

(b) Form I-485—Application for Status as Permanent Resident. Existing fee: $25.00. Unit Cost as of May 1979: $31.77. Proposed new Fee: $30.00. In addition to making the fee change, it is proposed to also amend the fee description.

Form I-485 is used to apply for benefits under secs. 214(d), 245 and 249 of the Immigration and Nationality Act, and sec. 13 of the Act of Sept. 11, 1957. A reference to each particular application appears in the fee schedule. In order to simplify the fee schedule, the four separate application references will be deleted and in their place, the only reference will be to the Form I-485 used to apply for permanent resident status or creation of a record of lawful admission for permanent residence.

(c) Form N-565—Application for a New Naturalization or Citizenship Paper. Existing fee: $5.00. Unit Cost as of May 1979: $9.49. Proposed new fee: $10.00.

(d) Form N-600—Application for Certificate of Citizenship. Existing fee: $10.00. Unit Cost as of May 1979: $30.48. Proposed new fee: $15.00. This fee is proposed to be set at $15.00, because due to benefits accruing to the Government, 50 percent of the cost is absorbed.

(e) Form N-400, when used by a parent to apply for a Certificate of Citizenship under sec. 341 of the Act. Existing fee: $10.00. Unit Cost as of May 1979; $14.97. Proposed new fee: $15.00.

It is proposed to charge new fees for the filing of the following applications:

(a) Form N-336—Application for Waiver of the 30-day Wait prescribed by section 336(c). Existing fee: None. Unit Cost as of May 1979: $7.27. Proposed new fee: $5.00. Currently, no fee is charged for filing this application. It provides considerable benefit to the applicant, but no benefit to the Government. There is a unit cost, as indicated above. Therefore, it is proposed to charge the above fee for filing Form N-336.

(b) Form N-410—Motion for Amendment of Petition for Naturalization. Existing fee: None. Unit Cost as of May 1979: $7.27. Proposed new fee: $5.00. It is proposed to charge this fee, generally where the motion is made only for the convenience of the applicant. The fee may be waived where the amendment is sought by the Government or where the amendment is necessary due to error or negligence of the Government.

In the light of the foregoing, the following amendments are proposed to be made Chapter I of Title 8 of the Code of Federal Regulations.

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS: AVAILABILITY OF SERVICE RECORDS

In § 103.7(b)(1), fee description 1 is amended; fee description 23 is revised, and fee descriptions 24, 25 and 26 are deleted; two new fee descriptions are added in between existing fee descriptions 32 and 33 and fee descriptions 34, 35 and 36 are amended. As amended § 103.7(b)(1) is proposed to read as follows:

§ 103.7 Fees.

* * * * *

(b) *Amounts of fees*—(1) The following fees and charges are prescribed:

For filing application of Alien Registration Receipt Card (Form I-551) in lieu of an obsolete card or in lieu of one lost, mutilated or destroyed, or in a changed name	$15.00
* * * * *	
For filing application on Form I-485 for permanent residence status or for creation of a record of lawful permanent residence	30.00
* * * * *	
For filing application for a waiver of the 30-day wait prescribed by section 336(c) of the Act	5.00
For filing motion for amendment of petition for naturalization when motion is for the convenience of the petitioner	5.00
* * * * *	
For filing application for a certificate of naturalization or declaration of intention in lieu of a certificate or declaration alleged to have been lost, mutilated or destroyed, or for a certificate of citizenship in a changed name under section 343(b) or (d) of the Act	10.00
For filing application for certificate of citizenship on Form N-600 under section 303(c) or section 341 of the Act	15.00
For filing application for certificate of citizenship on Form N-400 by a parent, and the issuance thereof, under section 341 of the Act	15.00
* * * * *	

(Sec. 103; 8 U.S.C. 1103, and 31 U.S.C. 483a and OMB Circular No. A-25)

Public Comments Invited

In accordance with 5 U.S.C. 553 the Service invites representations of interested parties on these proposed rules. All relevant data, views, or arguments submitted on or before September 5, 1979, will be considered. Representations should be submitted in writing, in duplicate, to the Commissioner of Immigration and Naturalization at the address shown at the beginning of this notice.

Dated: June 29, 1979.

Leonel J. Castillo,

Commissioner of Immigration and Naturalization.

[FR Doc. 79-20720 Filed 7-3-79; 8:45 am]

BILLING CODE 4410-10-M

DEPARTMENT OF ENERGY

[10 CFR Part 903]

Power Marketing Rates; Proposed Power and Transmission Rate Adjustment Procedures

AGENCY: Department of Energy.

ACTION: Notice of Proposed Rulemaking on Power and Transmission Rate Adjustment Procedures and Public Hearing.

SUMMARY: Public comment is invited on proposed procedures for adjustments in power and transmission rates of the five power marketing administrations: Alaska Power Administration, Bonneville Power Administration, Southeastern Power Administration, Southwestern Power Administration, and Western Area Power Administration. The proposed regulations govern the development of rate proposals by the Administrators of the power administrations and the confirmation and approval of rates on an interim basis, subject to refund, by the Assistant Secretary for Resource Applications pursuant to the authority delegated to him by the Secretary of Energy in Delegation Order No. 0204-33, 43 FR 60636 (December 28, 1978). Written comments will be received and an opportunity for oral presentation of views is provided.

DATES: Written comments must be received on or before September 4, 1979. An opportunity for oral presentation of views will be provided in Washington, D.C., starting at 10 a.m., on July 27, 1979. Requests to speak at the hearing should be received by July 17, 1979.

ADDRESS: Requests to speak at the hearing and 15 copies of written comments should be directed to:

Director, Office of Power Marketing Coordination, Department of Energy, Room 3353, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461.

An opportunity for oral presentation of views will be provided in Room 3000A, Federal Building at the above address.

FOR FURTHER INFORMATION CONTACT:

James A. Braxdale, Office of Power Marketing Coordination, Department of Energy, Room 3349, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461, (202) 633-8338.

Richard K. Pelz, Office of General Counsel, Department of Energy, Room 3001, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461, (202) 633-9341.

SUPPLEMENTARY INFORMATION:

I. Introduction

The Assistant Secretary for Resource Applications, by Delegation Order No. 0204-33, 43 FR 60636 (December 28, 1978) has been delegated, effective January 1, 1979, the authority to develop, acting by and through the Administrators, power and transmission rates for the Alaska Power Administration, the Bonneville Power Administration, the Southeastern Power Administration, the Southwestern Power Administration, and the Western Area Power Administration. The Assistant Secretary, by this same delegation order, was given the authority to confirm, approve, and place such rates in effect on an interim basis subject to refund. The order also delegated to the Federal Energy Regulatory Commission (FERC) the authority to confirm and approve such rates on a final basis.

These proposed regulations are designed to implement Delegation Order No. 0204-33 and to establish uniform procedures for the development of new and adjusted power and transmission rates for the five power marketing administrations (PMAs) for confirming, approving, and placing such rates in effect on an interim basis, and for submittal of the rates and supporting documents to the FERC for confirmation and approval on a final basis. The procedures apply only to the activities of the five PMAs and the Assistant Secretary. The FERC is responsible for the formal or informal procedures it will follow in exercising its authority under the Delegation Order.

II. Existing Ratemaking Procedures

The first formal procedures for ratemaking by any of the five power marketing administrations were published in the Federal Register on August 15, 1975, 40 FR 34431, for the Bureau of Reclamation after review of the public comments on the proposed rules, 40 FR 22156 (May 21, 1975). The other power marketing administrations have followed similar procedures. The procedures specified in this proposed regulation are in large part based on the experience that has been gained by the PMAs since 1975 in the conduct of a dozen or so rate adjustment proceedings. The procedures used in these previous proceedings have received substantial acceptance by the customers.

For all new rate proceedings, the proposed regulations would supersede the informal practices followed by the Alaska and Southwestern Power Administrations and supersede published regulations currently applicable to rate adjustment procedures of three of the PMAs as follows: (1) For the Bonneville Power Administration, the "Procedures for Public Participation in Marketing Policy Formulation," 42 FR 62961 (December 14, 1977); (2) for the Southeastern Power Administration, the "Procedure for Public Participation in the Formulation of Marketing Policy," 43 FR 29186 (July 6, 1978); and (3) for the Western Area Power Administration, the "Procedures for Public Participation in General Adjustment in Rates for Power Marketed by the Western Area Power Administration," 43 FR 12076 (March 23, 1978), amended by 44 FR 7796 (February 7, 1979). These proposed regulations when final may be applied to the existing rate adjustment proceedings to the extent determined by the Administrator.

III. Summary of Proposed Procedures

The rate adjustment proceedings to which the proposed regulations apply would be triggered in some cases by the expiration of approval of an existing rate or by a contract provision that allows for rate adjustments at stated intervals. In other cases, the rate proceeding is brought about because the power marketing administration has made a current power repayment study which shows that the existing rates are inadequate to meet the cost recovery requirements of law. (See § 903.10 of the proposed regulations.) The PMA may consult in advance with customers or other interested parties. (§ 903.11). The necessary power repayment studies and rate design studies are made, published as one document or separate documents, and distributed to interested customers and others. (§ 903.12). All interested persons have 90 days in which to

consult with the PMA and to submit comments. (§ 903.14). Public information forums are normally provided in the early part of this period for the PMAs to answer questions concerning the rate proposal and the supporting studies. Later in the consultation period, public comment forums are held for the purpose of providing the opportunity to the public to submit oral comments as well as written comments. In some cases where the issues are not complicated and the public interest is relatively low, the two forums may be combined. (§§ 903.15–16).

Following the close of the consultation and comment period, all of the oral and written comments are analyzed by the Administrator of the PMA and his staff. He may develop a revised proposal and submit it for another round of public comment. (§ 903.17). After the review of all comments is completed, the Administrator in consultation with the Assistant Secretary for Resource Applications, develops rates which in the Assistant Secretary's judgment should be confirmed. The Assistant Secretary confirms and approves the rates and places them in effect on an interim basis on some subsequent date, and a statement is made public of the principal factors leading to the Assistant Secretary's decision. (§ 903.21). The rates are then submitted to the FERC for final confirmation and approval. If the FERC disapproves the rates, the Assistant Secretary, working with the Administrator, will develop and submit substitute rates to the FERC. (§ 903.22). Meanwhile, the interim rates remain in effect until a final decision is reached. (§ 903.21(d); § 903.22(d)). Any overpayments are refunded with interest. (§ 903.22 (d), (e)).

Minor rate adjustments may be put into effect, on an interim basis, without the public consultation and comment period and the public information and comment forums (§ 903.23). A minor rate adjustment is defined as an adjustment which makes less than a 1 percent increase in the annual revenues of the project or system, including a continuation of an existing rate. (§ 903.2(e)). Rates for a new project or other new service also may be put in effect without advance public comment, because, particularly in the case of new projects, the necessary information concerning costs and contractual arrangements is often not available at the time the service commences. However, where the new service would produce more than a 1 percent increase in the revenues of the system, the rate would be submitted subsequently for public comment and revised if necessary. The public comment procedure would normally be completed within 1 year. (§ 903.23).

IV. Cost Recovery and Repayment Studies

Subsection 903.4(a) sets forth the criteria for determining the level of revenues to be produced by the rates. It specifies that rates for a project or system shall be established so that expected revenues, first, are at least sufficient to recover annually all expected operating and maintenance costs during the year in which such costs are incurred; the expected costs of acquiring power through purchase, transmission service costs and other costs during the year in which such costs are incurred; expensed interest on unamortized investments in the year for which the interest charges are assessed; and interest on and amortization of bonds or borrowings from the Treasury. Second, the remaining revenues from rates should be sufficient to recover accrued unpaid or deferred annual expenses; and investment in powerplants and related facilities allocated to power within 50 years; each annual increment of investment in transmission facilities within its average service life or 50 years, whichever is less; the investment identified with the replacement of property within its expected service life or 50 years, whichever is less; assisted irrigation investment within the time period established by law for the irrigation water users to repay their share of the construction costs; and all other costs as required by law.

Subsection 903.4(b) deals with the priority of revenue application. It requires that annual revenues will be applied in historical accounts and in power repayment studies, first, to the recovery during the year in which they were incurred, of operation, maintenance, purchased and exchange power, transmission service and other costs, interest expense, and required amortization of revenue bonds or repayment of borrowings from the Treasury; second, to amortization of unpaid or deferred annual expense; third, to meet obligations for fixed annual payments required by law; and fourth, to the amortization of Federal investment and other costs.

The content of these two subsections has been taken from Chapter 4 of Part 730 of the Departmental Manual (DM) of the Department of the Interior which was adopted in 1976. (Cited as 730 DM 4.) This chapter, entitled "Financial Reporting," prescribed in considerable detail the accounting and financial practices which the power marketing agencies were expected to follow. The chapter covered accounting principles, annual financial reports, repayment studies, and cost recovery criteria; and contained requirements for annual current power repayment studies to test the adequacy of existing rates, periodic audits at least every 2 years, and corrective action when the repayment study showed that rates were not meeting cost recovery criteria. 730 DM 4 was adopted by the Department of Energy at the time of its initial organization. (See Department of Energy Interim Management Directive (IMD) No. 1701, "Pricing of Departmental Services and Products," of September 28, 1977, currently in effect.)

Section 730 DM 4.1 provides that the financial reporting policies, procedures, and methodology would be followed "except where deviations therefrom are specifically approved by the Secretary, authorized by statute, or identified and explained either in a transmittal memorandum or in the footnotes to the reports."

During the process of developing proposed legislation to establish revolving funds for the Alaska Power Administration, the Southeastern Power Administration, the Southwestern Power Administration, and the Western Area Power Administration, it became apparent that existing repayment policies and practices incorporated in 730 DM 4 should be reviewed and necessary improvements made. Therefore, in submitting the proposed legislation, the Secretary informed Congress that:

> "Within 18 months of enactment of this proposed legislation, the Administration will complete its review and seek to improve the consistency of existing repayment policies and procedures with sound accounting and financial principles. Until we are assured that repayment policies and procedures are sufficiently consistent with sound accounting and financial principles, the Administration believes it prudent not to apply power sales revenues to finance current construction."

Upon completion of this review, now expected prior to October 1980, of existing repayment policies and practices, such as repayment of highest interest bearing investment first, they will be modified as appropriate.

The cost recovery criteria of 730 DM 4.8 have been incorporated into § 903.4(a) of the proposed procedures with minor editorial corrections. The provisions of the paragraph entitled "Priority of Revenue Application," 730 DM 4.5C(3), have been incorporated into § 903.4(b), except that, in view of the review mentioned above, the following

sentence has been omitted: "To the extent possible, while still complying with the repayment periods established for each increment of investment and unless otherwise indicated by legislation, amortization of the investment will be accomplished by application to the highest interest-bearing investment first." Although no change in the amortization practices will be made at this time, the omission of this sentence signifies that the subject is under review and that changes may be made following the conclusion of the ongoing study.

The proposed procedures also will replace the paragraph entitled "Rate Adjustment Plan" found at 730 DM 4.7B.

In general, 730 DM 4 thus supplements these proposed rate adjustment procedures; however, in areas of difference, the procedures will govern. 730 DM 4 will be revised shortly to conform it to Department of Energy format. Subsequently, it will be revised as appropriate to reflect substantive changes decided upon as the result of the study of repayment policies described above.

V. Rate Design

Section 903.5 dealing with the subject of rate design is new, that is, it has not appeared in any of the prior regulations applicable to the individual PMAs nor did it appear in 730 DM 4.

Subsection 903.5(a) makes the important point that revenue levels are established by the cost recovery criteria as shown by the power repayment studies. This reflects the basic requirement of existing law that rates are limited to the recovery of cost. The words "approximately equal" to the revenue levels indicate that a minor surplus may be allowed simply as a result of the fact that prediction of future costs and expenses is not precise and that it is not practical to establish rates beyond the first couple of decimal points.

Subsection 903.5(b) requires that an analysis be made which identifies the cost of providing each class of service and that costs would be considered in rate design but would not be the sole determinant of price. Cost analyses of this kind are not new. For example, the brochure issued by the Bureau of Reclamation in September 1977, with respect to the tentative rates under consideration for the Central Valley Project in California, contained a discussion of what costs were proposed to be recovered from the capacity component of the rate and what costs were assigned to the energy component. An elaborate analysis was prepared by the Southwestern Power Administration in its rate design study issued in 1978 for public comment in connection with the proposed increase in the Southwestern Power Administration system rates. The Bonneville Power Administration prepared a cost of service analysis in connection with its rate proposals which were submitted for public comment in August 1978.

Subsection 903.5(c) recognizes that the PMA may incorporate a purchased power passthrough feature in its rate design as deemed appropriate. A provision of this kind was incorporated in the F-2 and F-3 wholesale firm power rate schedules of the Southwestern Power Administration which were approved on an interim basis effective April 1, 1979. 44 FR 13068 (March 9, 1979).

Subsection 903.5(d) states that rates may be drawn to promote the conservation of energy, with particular emphasis on the most appropriate use hydroelectric power, a renewable energy resource, and conservation of nonrenewable energy resource, such as oil or natural gas.

Subsection 903.5(e) would require the PMAs to consider whether each of the six rate standards described in Section 111(d) of the Public Utility Regulatory Practices Act of 1978 (PURPA), Pub. L. 95-617, is appropriate and should be implemented with respect to any or all of the rates. PURPA by its terms only applies if the sales of electric energy by a utility for purposes other than resale exceed 500 million kilowatthours during any calendar year after December 31, 1975. This applies only to the Bonneville Power Administration and to the Central Valley, Parker-Davis, and Boulder Canyon Projects of the Western Area Power Administration. Although PURPA does not apply to sales for resale, which constitute the bulk of the sales of the five PMAs, the Department believes that it is appropriate for the five PMAs to explore whether the six PURPA standards might also have valid application to any of their wholesale transactions in furtherance of the three purposes of national energy policy stated in Section 101 of PURPA.

VI. Written and Oral Comments

Interested persons are invited to participate in this rulemaking by submitting data, reviews, or arguments with respect to the proposed procedures. Fifteen copies of written comments should be submitted to the address indicated above in the summary section and should be identified on the outside envelope and on the document submitted with the description "Power and Transmission Rate Adjustment Procedures"—Proposed Rule.

An opportunity for oral presentation of views will be provided at 10:00 a.m., July 27, 1979, in Room 3000A, 12th and Pennsylvania Avenues, NW., Washington, D.C. (above Federal Triangle Metro Station). Persons who wish to speak should submit a request by July 17, 1979, to the address shown in the "Addresses" section of this notice and indicate the amount of time desired for the presentation. If no requests are received, the hearing will be cancelled. If a large number of persons ask to speak, the time allowed each speaker may be limited.

A Department of Energy official will be designated to preside at the hearing. This will not be a judicial or evidentiary-type hearing. Questions may be asked only by those conducting the hearing, and there will be no cross-examination of the persons presenting statements. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations. Any decision made by the Department of Energy with respect to the subject matter of the hearing will be based on all information available to the Department of Energy.

Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.

A transcript of the hearing will be made, and the entire record of the hearing, including the transcript, will be retained by the Department of Energy and made available for inspection at the Office of Power Marketing Coordination, Department of Energy, Room 3349, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461, between the hours of 9:00 a.m. and 5:00 p.m., Monday through Friday. Any person may purchase a copy of the transcript from the reporter.

Since the proposed procedures may result in substantial public interest, they have been determined to be a significant regulation under Department of Energy Order No. DOE 2030.1, 44 FR 1032 (January 3, 1979). They are not, however, likely to have a major impact within the meaning of that order; therefore, a regulatory analysis is not required.

In consideration of the foregoing, the Department of Energy hereby proposes to add a new Part 903 to Title 10, Code of Federal Regulations as set forth below.

Issued at Washington, D.C. this 28th day of June 1979.

George S. McIsaac,

Assistant Secretary Resource Applications.

SUBCHAPTER A—POWER MARKETING

PART 903—POWER RATE ADJUSTMENT PROCEDURES

Sec.
903.1 Purpose and scope; application.
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Authority: Sec. 301(b), 302(a), and 644 of Department Energy Organization Act. Pub. L. 95–91, (42 U.S.C. 7101 *et seq*); the Bonneville Project Act, as amended (16 U.S.C. 832 *et seq*); sec. 5 of the Flood Control Act of 1944 (16 U.S.C. 825s); sec. 9 of the Federal Columbia River Transmission System Act (Pub. L. 93–454, 16 U.S.C. 838); the Reclamation Act of 1902, (43 U.S.C. 372 *et seq*) as amended and supplemented by subsequent enactments, particularly sec. 9(c) of the Reclamation Project Act of 1939 (43 U.S.C. 485h(c)); and the acts specifically applicable to individual projects or systems.

§ 903.1 Purpose and scope; application.

(a) These regulations establish procedures for the development, and for the confirmation and approval on an interim basis by the Assistant Secretary for Resource Applications, of new or adjusted power and transmission rates of the Alaska Power Administration, the Bonneville Power Administration, the Southeastern Power Administration, the Southwestern Power Administration and the Western Area Power Administration, including cost recovery criteria and opportunities for interested members of the public to participate in the development of such rates. These regulations also implement Delegation Order No. 0204–33 dated December 21, 1978, of the Secretary of Energy, effective January 1, 1979, which was published in the Federal Register on December 28, 1978 (43 FR 60636), with respect to the activities of the Assistant Secretary for Resource Applications and the Power Marketing Administrators.

(b) These regulations shall apply to all power and transmission rate adjustment proceedings which are commenced after these regulations become effective, and they may be applied to pending rate adjustment proceedings to the extent determined by the Administrator. Thus, for all new rate proceedings they supersede the informal practices followed by the Alaska and Southwestern Power Administrations and supersede the following published regulations: (1) For the Bonneville Power Administration, the "Procedures for Public Participation in Marketing Policy Formulation," 42 FR 62850 (December 14, 1977); (2) for the Southeastern Power Administration, the "Procedure for Public Participation in the Formulation of Marketing Policy," 43 FR 29186 (July 6, 1978); and (3) for the Western Area Power Administration, the "Procedures for Public Participation in General Adjustments in Rates for Power Marketed by the Western Area Power Administration," 43 FR 12076 (March 23, 1978), amended by 44 FR 7796 (February 7, 1979).

§ 903.2 Definitions

As used herein—

(a) "Administrator" means the Administrator of the Power Marketing Administration (PMA) whose rate is involved in the rate adjustment, or anyone acting in such capacity.

(b) "Assistant Secretary" means the Assistant Secretary for Resource Applications of the Department, or anyone acting in such capacity.

(c) "Department" means the Department of Energy except the FERC.

(d) "FERC" means the Federal Energy Regulatory Commission.

(e) "Minor rate adjustment" means a rate adjustment which will produce less than a 1 percent change in the annual revenues of the project or system. This includes the continuation of an existing rate.

(f) "Notice" means the statement which informs customers and the general public of Proposed Rates, Revised Proposed Rates, Proposed Substitute Rates, opportunities for consultation and comment, and public information and public comment forums. The Notice shall be by and effective on the date of publication in the Federal Register. Whenever a time period is provided, the date of publication in the Federal Register shall determine the commencement of the time period, unless otherwise provided in the Notice. The Notice shall include the name, address, and telephone number of the person to contact if participation or further information is sought.

(g) "Power Marketing Administration" or "PMA" means Alaska Power Administration (APA), Bonneville Power Administration (BPA), Southeastern Power Administration (SEPA), Southwestern Power Administration (SWPA), or Western Area Power Administration (WAPA).

(h) "Power repayment study" means a study portraying the annual repayment of production, transmission and other costs of a project or system through the application of revenues over the repayment period of the project or system. The study includes, among other items, estimated revenues and expenses, year-by-year, during the remainder of the repayment period, the estimated amount of Federal investment amortized each year and the total estimated Federal investment remaining to be amortized. The study does not address rate design. A power repayment study may be one of the two types described below:

(1) "Current power repayment study" means a power repayment study in which future revenues are estimated by utilizing currently established rates.

(2) "Revised power repayment study" means a power repayment study in which future revenues are estimated in a manner other than by utilizing current rates for the purpose of showing the revenue levels necessary to meet the cost recovery criteria set forth in Section 903.4(a) or of showing the revenues that result from utilizing alternative proposed or assumed rates for capacity, energy or other services.

(i) The phrase "project or system" means a powerplant or a group of powerplants and related facilities, and/or a transmission system, that the PMA treats as one unit for the purpose of establishing rates and demonstrating repayment.

(j) "Rate" means the monetary charge or the formula for computing such a charge for any electric service provided by the PMA, including but not limited to capacity (or demand), energy, or transmission service; however, it does not include leasing fees, service facility charges, or other types of facility use charges. A rate may be set forth in a rate schedule or in a contract.

(k) "Rate adjustment" means a change in an existing rate or rates, or the establishment of a new rate. It does not include a change in rate schedule provisions or in contract terms, if such change does not involve a change in the price per unit of service.

(l) Rate definitions:

(1) "Proposed Rate" means a rate under consideration by the Department on which public comment is invited.

(2) "Revised Proposed Rate" means a revision of a Proposed Rate on which, in

the Administrator's judgment, further public comment should be invited.

(3) "Provisional Rate" means a rate that has been confirmed and approved on an interim basis by the Assistant Secretary.

(4) "Proposed Substitute Rate" means a proposed substitute for a Provisional Rate that has been disapproved by the FERC, on which in the Administrator's judgment, further public comment should be invited.

(5) "Substitute Rate" means a rate submitted to the FERC as a proposed substitute for a Provisional Rate or a previous Substitute Rate that has been disapproved by the FERC.

(m) "Rate design" means the process of developing a rate or rate schedule provisions.

(n) "Rate schedule" means a document identified as a "rate schedule," "schedule of rates" or "schedule rate" which designates the rate or rates applicable to a class of service specified therein and may contain other terms and conditions relating to the service.

§ 903.4 Cost recovery

(a) *cost recovery criteria (revenue level).* The rates for a project or system shall be established and maintained so that, as shown by the annual current or a revised power repayment study, the requirements of both paragraphs (a) (1) and (2) of this section are met.

(1) Except for a possible initial short transition period, the expected revenues are at least sufficient to recover annually:

(i) All expected costs of operating and maintaining the project or system during the year in which such costs are incurred; plus,

(ii) The expected costs of acquiring power through purchase and/or exchange agreements, the costs for transmission services, and other costs during the year in which such costs are incurred; plus,

(iii) Expensed interest on the unamortized investment in Federal power facilities in the year for which the interest charges are assessed, except that recovery of the annual interest expense may be deferred in unusual circumstances for short periods of time; plus,

(iv) Interest on and amortization of revenue bonds or borrowings from the Treasury where the PMA is authorized to issue such bonds or borrow from the Treasury.

(2) In addition to a recovery of the costs described in paragraph (a)(1) of this section on a year-by-year basis, the expected remaining revenues are sufficient to recover:

(i) Accrued unpaid or deferred annual expense; plus,

(ii) Each dollar of specific and joint investment in powerplants and related facilities allocated to power within 50 years after the investment becomes revenue producing, except as otherwise provided by law; plus,

(iii) Each annual increment of investment in transmission facilities within the average service life of such transmission facilities or within 50 years, whichever is less; plus,

(iv) The investment identified with the replacement of a unit of property within its expected service life or within 50 years, whichever is less; plus,

(v) Each dollar is assisted irrigation investment within the time period established by law for the irrigation water users to repay their share of the construction costs; plus,

(vi) All other costs, such as payments to basin funds, participating projects, or States, as required by law.

(b) *Priority of revenue applications.* Annual revenues will be applied in historical accounts and in power repayment studies as follows:

(1) First, to the recovery during the year in which they are incurred, of operation and maintenance (O&M), purchased and exchange power, transmission service and other costs, interest expense, and any required amortization of revenue bonds or repayment of borrowings from the Treasury.

(2) Second, to the amortization of unpaid or deferred annual expense, if any.

(3) Third, to meet obligations for fixed annual payments required by law, if any.

(4) Fourth, to the amortization of Federal investment and other costs.

§ 903.5 Rate design.

(a) Rates for a project or system shall be designed so that the revenue resulting from the application of the rates will approximately equal the revenue requirements determined by the cost recovery criteria in § 903.4(a)

(b) In designing rates an analysis shall be made which identifies the cost of providing each unit or class of service and such analysis shall be considered in establishing the rate for each unit or class of service. However, cost need not be the sole determinant of price.

(c) The cost of purchased power may be passed on to the customer when incurred, by an appropriate charge as provided in the rate schedule or contract, in those cases in which it is determined in the judgment of the Administrator to be (1) administratively desirable, (2) contractually permissible, and (3) recoverable through an equitable billing arrangement.

(d) Rates and rate schedule provisions may be drawn to promote the conservation of energy by the PMA, its customers and others, in view of national energy goals, with particular emphasis on the most appropriate use of Federal hydroelectric resources and the conservation of nonrenewable energy resources, such as oil and natural gas.

(e)(1) Except as provided in paragraph (e)(2) of this section, the PMA shall consider the six ratemaking standards found in Section 111(d) of the Public Utility Regulatory Policies Act of 1978 (PURPA). These standards are cost of service, declining block rates, time of day rates, seasonal rates, interruptible rates and load management techniques. For each standard, the PMA Shall determine in writing whether it is appropriate to implement the standard in order to carry out the three purposes found in Section 101 of PURPA. The three purposes are to encourage conservation of energy supplied by electric utilities, the optimization of the efficiency of use of facilities and resources by electric utilities, and equitable rates to electric consumers. For each standard found to be so appropriate, the PMA shall either implement such standard or shall indicate in writing why such standard is not implemented.

(2) For those PMAs which must comply with PURPA requirements for sales to ultimate consumers, paragraph (e)(1) of this section shall not apply to rate schedules for such sales.

§ 903.10 Corrective action.

Whenever the annual current power repayment study shows that expected revenues, based on existing rates, are not adequate to comply with the cost recovery criteria, in § 903.4(a), the Administrator shall initiate a rate adjustment proceeding in accordance with these regulaitons or initiate other corrective actions, such as the amendment of contracts to reduce costs, in order to assure compliance with such criteria.

§ 903.11 Advance announcement of rate adjustment

The Administrator may announce a determination that in order to meet the cost recovery criteria, it is necessary to develop new or revised rates. The announcement shall (a) set forth the rates that are to be developed or revised, and (b) contain any other

pertinent information relevant to the rate adjustment process. The announcement may be through direct contact with customers, at public meetings, by press release, by newspaper advertisement, and/or by Federal Register publication. Written comments relevant to the rate adjustment process may be submitted by interested parties in response to the announcement.

§ 903.12 Proposed rates and supporting material.

(a) After consultation with the Assistant Secretary, and through the Assistant Secretary with other departmental officials (including the Administrator, Economic Regulatory Administration, and the Assistant Secretary, Policy and Evaluation), the Administrator shall develop Proposed Rates in accordance with the rate design provisions in § 903.5. Consultation shall include opportunities to exchange substantive views regarding rate policy and design. The Proposed Rates shall be set forth in the form of rate schedules or contract provisions, or both. Except when included in contract provisions, each rate schedule shall include the following information:

(1) The class of customers to whom it applies.

(2) The type of service provided.

(3) The character and conditions of service.

(4) The monthly or annual charges, including the price for units of service.

(5) The method of determining billing demand (if applicable).

(6) Provisions for discount, penalties, service interruptions, and other special provisions that affect the rates or charges.

(b) In support of the Proposed Rates, the Administrator shall provide:

(1) A current power repayment study showing the need for a rate adjustment.

(2) A revised power repayment study showing the revenue level needed to meet the cost recovery criteria or showing that the Proposed Rates will meet the cost recovery criteria.

(3) The following supporting statements for the revised power repayment study:

Statement A—Revenues. A tabulation of historical revenues for a least 5 years and projected revenues for at least 5 future years. Each major source of revenue by rate schedules or classes of customers should be shown for both existing and proposed rates.

Statement B—Capital cost of facilities. A tabulation showing, as of the latest historical year in the study, the investment in generation and transmission facilities. For each reservior project, the total investment and the amounts allocated to power and to each other purpose should be shown.

Statement C—Replacements. A tabulation of estimated future replacement costs by years during the repayment period, with an explanation of the method used to develop the estimate.

Statement D—Interest expense. A tabulation which shows the computational procedure used to determine historical interest expense for at least 5 years and projected interest expense each year to the end of the repayment period. The statement should include the unamortized investment for each interest rate in each year.

Statement E—Operating expenses. A tabulation showing historical operation and maintenance expenses for at least 5 years and projected expenses for at least 5 future years. Each major category of expense should be included and explained.

(4) A rate design study which explains and supports (i) the derivation of and relationship between the different unit charges, including the cost of providing each unit of service and the revenues derived therefrom, (ii) the extent, if any, to which rate design reflects considerations under § 903.5(b) through (e), and (iii) the rate schedule provisions.

§ 903.13 Notice of proposed rates.

(a) The Administrator shall give Notice that Proposed Rates have been prepared and are under consideration. The Notice shall include:

(1) A description of the Proposed Rates;

(2) The location(s) at which studies, reports or other documents used in developing the Proposed Rates are available for inspection and/or copying.

(3) The dates, times, and location(s) of any scheduled public information and comment forums; and

(4) Addresses at which written comments relative to the Proposed Rates may be submitted.

(b) Upon request, customers of the project or system and other interested persons will be provided with copies of the Proposed Rates, the current and revised power repayment studies and Statements A through E, and the rate design study, all as set forth in § 903.12.

§ 903.14 Consultation and comment period.

All interested persons will have the opportunity to consult with and obtain information from the PMA, to examine back-up data, and to make suggestions for modification of the Proposed Rates for a period ending 90 days after the Notice of Proposed Rates is published in the Federal Register, 15 days after the close of the (last) public comment forum described in § 903.16 below, or such other time as the Administrator may designate, whichever is later. At any time during this period, interested persons may submit written comments to the PMA regarding the Proposed Rates. The Administrator may also provide additional time for the submission of written rebuttal comments. All written comments shall be available at a designated location for inspection, and copies also will be furnished on request for which the Administrator may assess a fee. Prior to the action described in § 903.21, the Administrator may by appropriate announcement postpone any procedural date or make other procedural changes for good cause shown at the request of any party or on his own motion.

§ 903.15 Optional public information forum(s).

(a) The Administrator shall determine whether a public information forum (or forums) will be held to explain, and to answer questions concerning, the Proposed Rates and the basis of and justification for proposing such rates. The number, if any, and location(s) of such forums will be determined in accordance with the anticipated interest in the Proposed Rates. Notice shall be given in advance of any such forum and shall include the purpose, date, time, place, and procedures for any such forum. A public information forum may be combined with a public comment forum held in accordance with § 903.16.

(b) The Administrator shall appoint a forum chairperson. Questions raised at the forum concerning the Proposed Rates and the studies shall be answered by PMA representatives at the forum, at a subsequent forum or in writing at least 15 days before the end of the consultation and comment period. However, questions that involve voluminous data contained in the PMA records may best be answered by consultation and a review of the records at the PMA offices. As a minimum, the proceedings of the forum(s) held at one principal location shall be transcribed. Copies of the transcript of all documents introduced, and of questions and written anwers shall be available at a designated location for inspection and copies will be furnished by the Administrator on request for which a fee may be assessed.

§ 903.16 Public comment forum(s).

(a) One or more public comment forums shall be held to provide interested persons an opportunity for oral presentation of views, data, and arguments regarding the Proposed Rates. Notice shall be given at least 30 days in advance of each forum and shall

include the purpose, date, time, place and other information relevant to the forum, as well as the locations where pertinent documents are available for examination and/or copying. The Administrator shall designate a forum chairperson.

(b) At the forum, PMA representatives may question those persons making oral statements and comments. The chairperson shall have discretion to establish the sequence of and time limits for oral presentations and to determine if the comments are relevant and noncumulative. Forum proceedings shall be transcribed. Copies of the transcript and of all documents introduced shall be available at a designated location for inspection, and copies will be furnished on request for which the Administrator may assess a fee.

§ 903.17 Revised Proposed Rates.

During or after the consultation and comment period and review of the oral and written comments on the Proposed Rates, the Administrator after consultation with the Assistant Secretary, may develop Revised Proposed Rates upon which, in the Administrator's judgment, further public comment should be invited. In such a case, the Administrator shall afford interested persons at least 30 days to submit further written comments to the PMA regarding the Revised Proposed Rates and may convene one or more additional public information and/or public comment forums. The Administrator shall give Notice of any such supplemental forums and opportunity to submit written comments.

§ 903.21 Provisional Rates.

(a) Following completion of the consultation and comment period and review of any oral and written comments on the Proposed Rates, or Revised Proposed Rates, the Administrator shall develop rates which, in the Assistant Secretary's judgment, should be confirmed, approved, and placed in effect on an interim basis. A statement shall be prepared and made available to the public of the prinicipal factors leading to the Assistant Secretary's decision which shall include an explanation responding to the major comments, criticisms, and alternatives offered during the comment period.

(b) The Assistant Secretary shall set the effective date for the rates he has confirmed and approved on an interim basis (Provisional Rates). The effective date shall be at least 30 days after the Assistant Secretary's decision, except that the effective date may be sooner when appropriate to meet a contract deadline, to avoid financial difficulties, or to provide a rate for a new project or a new service.

(c) The effective date of the Provisional Rates for the purpose of billing may be adjusted by the Administrator to coincide with the beginning of the next billing period following the date set by the Assistant Secretary.

(d) The Provisional Rates shall remain in effect on an interim basis until (1) they are confirmed and approved on a final basis by the FERC, (2) lower Substitute Rates are confirmed and approved on a final basis by the FERC, (3) higher Substitute Rates are confirmed and approved and placed in effect by the FERC, (4) the rates last previously confirmed and approved on a final basis become effective under § 903.22(d), or (5) they are superseded by other Provincial Rates placed in effect by the Assistant Secretary, whichever occurs first.

§ 903.22 Final rate approval

(a) Following confirmation and approval of rates on an interim basis, the Provisional Rates shall be submitted promptly to the FERC for confirmation and approval on a final basis, together with the current and revised repayment studies, Statements A through E, and rate design study described in § 903.12(b)(4), transcripts of forums, written answers to questions, written comments, and the statement of principal factors leading to the Assistant Secretary's decision. A listing of current customers and other participants in the rate proceeding also shall be furnished.

(b) If the FERC confirms and approves Provisional Rates on a final basis, such confirmation and approval shall be effective as of the date such rates were placed in effect on an interim basis by the Assistant Secretary.

(c) In the event Provisional Rates or Substitute Rates are disapproved by the FERC, the Assistant Secretary shall develop, acting by and through the Administrator, and submit to the FERC within 120 days of the disapproval or such additional time as the FERC may provide, Substitute Rates which take into consideration the reasons given by the FERC for its disapproval. A statement explaning the Assistant Secretary's decision shall accompany the submission. Prior to such submission the Assistant Secretary and the Administrator may develop Proposed Substitute Rates on which, in the Administrator's judgment, further public comment should be invited, in which case the Administrator shall afford interested persons at least 30 days to submit written comments to the PMA and may convene one or more supplemental public information or comment forums. The Administrator shall give Notice of any such supplemental forums and opportunity to submitt written comments.

(d) A rate confirmed and approved by the Assistant Secretary on an interim basis that is disapproved by the FERC shall remain in effect, as provided by the Assistant Secretary, until a Substitute Rate is confirmed and approved on a final basis by the FERC: *Provided,* That if the Assistant Secretary does not file a Substitute Rate within 120 days or such greater time as the FERC may provide, and if the rate has been disapproved because the FERC determined that it would result in total revenues in excess of those required by law, the rate last previously confirmed and approved on a final basis will become effective on a date and for a period determined by the FERC and revenues collected in excess of such rate during the interim period will be refunded with interest to the extent determined by the FERC.

(e) If a Substitute Rate confirmed and approved on an interim basis by the FERC is higher than the rate in effect on an interim basis, such rate shall become effective on a subsequent date set by the FERC. If a Substitute Rate confirmed and approved by the FERC on a final basis is lower than the rate in effect on an interim basis, any overpayment shall be refunded with interest as determined by the FERC; except if at any time it is determined by the FERC that the administrative cost of a refund would outweigh the amount to be refunded, no refund will be required.

(f) A rate confirmed and approved by the FERC on a final basis shall remain in effect for such period or periods as the FERC may provide or until the Assistant Secretary places a new Provisional Rate into effect.

§ 903.23 Minor rate adjustments and new rates

The Administrator may develop and the Assistant Secretary may confirm, approve, and place in effect on an interim basis without prior public comment, rates which constitute a minor rate adjustment, rates for a new project or system, or rates for a new service. In such cases, §§ 903.12 through 903.17(a) and (b), and 903.22(a) shall not apply. Such Provisional Rates shall be submitted to the FERC for confirmation and approval on a final basis together with a statement explaining the derivation of the rates and the reason

for the Assistant Secretary's action. Rates for a new project or system, and rates for a new service that will produce more than a 1 percent change in the annual revenues of an existing project or system, that are placed in effect under this section without public comment, shall not normally remain in effect for more than one year. Rates for such new project or system or new service thereafter shall be placed in effect and submitted to the FERC for confirmation and approval only after compliance with §§ 903.12 through 903.17, 903.21(a) and (b), and 903.22(a).

[FR Doc. 79-20594 Filed 7-3-79; 8:45 am]

BILLING CODE 6450-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 79-EA-23]

Proposed Designation of Transition Area: Clarion, Pa.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rule Making.

SUMMARY: This notice proposes to designate a Clarion, Pa., Transition Area, over Clarion Country Airport, Clarion, Pa. A new VOR-A approach procedure has been developed for the airport. An instrument approach procedure requires the designation of controlled airspace to protect instrument aircraft utilizing the instrument approach.

DATES: Comments must be received on or before August 23, 1979.

ADDRESSES: Send comments on the proposal in triplicate to: Chief, Airspace & Procedures Branch, AEA-530, Eastern Region, Federal Aviation Administration, Federal Building, Jamaica, New York 11430. The docket may be examined at the following location: FAA, Office of Regional Counsel, AEA-7, Federal Building, J.F.K. International Airport, Jamaica, New York 11430.

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

Comments Invited

Interested parties may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430. All communications received on or before August 23, 1979, will be considered before action is taken on the proposed amendment. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Chief, Airspace & Procedures Branch, AEA-530, Eastern Region, Federal Aviation Administration, Federal Building, Jamaica, New York 11430, or by calling (212) 995-3391.

Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which described the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to designate a transition area over Clarion Country Airport. The designation will establish a transition area within a 5-mile radius circle and floor at 700 feet around and over the airport.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend Section 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

1. Amend Section 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Clarion, Pa. 700-foot floor transition area as follows:

"That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Clarion County Airport (41°13'38"N., 79°26'30"W.)".

Section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348(a)) and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65.

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

Issued in Jamaica, New York, on June 21, 1979.

Brian J. Vincent,

Acting Director, Eastern Region.

[FR Doc. 79-20597 Filed 7-3-79; 8:45 am]

BILLING CODE 4910-13-M

FEDERAL TRADE COMMISSION

[16 CFR Part 13]

[Docket No. 9109]

Karr Preventive Medical Products, Inc., et al.; Consent Agreement with Analysis To Aid Public Comment

AGENCY: Federal Trade Commission

ACTION: Consent agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order, accepted subject to final Commission approval, among other things, would require a Beverly Hills, Calif., firm and its controlling officer, engaged in the advertising and sale of "Acne-Statin," an acne "treatment," to cease disseminating or causing the dissemination of advertisements that represent that Acne-Statin, or any other product of similar chemical composition, cures acne, eliminates or reduces the causes of acne blemishes, and is superior to all other acne preparations and soap for the antibacterial treatment of acne. The firm and its controlling officer would be required to have a reasonable basis at the time of dissemination for representations relating to product efficacy, performance, characteristics or properties, or the result of the use of any product; and prohibited from misrepresenting the extent to which a product has been tested or the results of such tests. Additionally, they would be required to establish an independent, irrevocable trust account containing $175,000 to be used to pay half of all requests for restitution by Acne-Statin purchasers.

DATE: Comments must be received on or before September 4, 1979.

ADDRESS: Comments should be directed to: Office of the Secretary, Federal Trade Commission, 6th St. and

Pennsylvania Ave., N.W., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: FTC/P, Albert H. Kramer, Washington, D.C. 20580. (202) 523-3727.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 3.25(f) of the Commission's rules of practice (16 CFR 3.25(f)), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's rules of practice (16 CFR 4.9(b)(14)).

[Docket No. 9109]

Karr Preventative Medical Products, Inc., et al.

Agreement Containing Consent Order to Cease and Desist

The agreement herein, by and between Karr Preventative Medical Products, Inc., a corporation, by its duly authorized officer, and Atida H. Karr, M.D., individually and as an officer of said corporation, hereafter sometimes referred to as respondents, and their attorney, and counsel for the Federal Trade Commission, is entered into in accordance with the Commission's Rule governing consent order procedures. In accordance therewith the parties hereby agree that:

1. Respondent Karr Preventative Medical Products, Inc. is a corporation organized, existing and doing business under and by virtue of the laws of the State of California, with its office and principal place of business located at 9615 Brighton Way, in the City of Beverly Hills, State of California 90210.

2. Respondent Atida H. Karr, M.D., is an individual and president, treasurer, director and shareholder of said corporation. She formulates, directs and controls the policies, acts and practices of said corporation, and her address is the same as that of the said corporation.

3. Respondents have been served with a copy of the complaint issued by the Federal Trade Commission charging them with violation of Sections 5 and 12 of the Federal Trade Commission Act, and have filed answers to said complaint denying for the most part the said charges alleged therein.

4. Respondents admit all the jurisdictional facts set forth in the Commission's complaint in this proceeding.

5. Respondents waive:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

6. This agreement shall not become a part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission it, together with related materials pursuant to Rule 3.25(f) will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify the respondents, in which event it will take such action as it may consider appropriate, or issue and serve its decision, in disposition of the proceeding.

7. This agreement is for settlement purposes only and does not constitute an admission by respondents that the law has been violated as alleged in the complaint issued by the Commission. The Commission shall not issue any press release or other statement to the public stating the contrary.

8. Should the order contained herein be made final and be entered by the Commission, the establishment and funding of the trust account as described in part II of the attached order shall be a full discharge of respondents' obligations under this order to make money available for restitution and the administrative costs thereof. Furthermore, the Commission shall not seek relief under Section 19 of the Federal Trade Commission Act, 15 U.S.C. Section 57(b), from proposed respondents.

9. Any difference in funds available for consumer redress between this agreement and consent agreements signed by other parties involved with the marketing of Acne-Statin solely reflects said parties' relative financial conditions.

10. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 3.25(f) of the Commission's rules, the Commission may without further notice to respondents, (1) issue its decision containing the following order to cease and desist in disposition of the proceeding, and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery by the U.S. Postal Service of the decision containing the agreed-to order to respondents' address as stated in this agreement shall constitute service. Respondents waive any right they might have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or in the agreement may be used to vary or to contradict the terms of the order.

11. Respondents have read the complaint and the order contemplated hereby. They understand that once the order has been issued, they will be required to file one or more compliance reports showing that they have fully complied with the order. Respondents further understand that they may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

Order

I. *It is ordered,* That respondents Karr Preventative Medical Products, Inc., a corporation, and Atida H. Karr, M.D., an individual, their successors and assigns, either jointly or individually, and the corporate respondent's officers, agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of all products do forthwith cease and desist from:

A. Disseminating or causing the dissemination of any advertisement by means of the United States mails or by any means in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, which directly or indirectly:

1. Represents that use of Acne-Statin or any other product of similar chemical composition will cure ace or any skin condition associated with acne.

2. Represents that Acne-Statin or any other product of similar chemical composition will eliminate or reduce the bacteria responsible for pimples, blackheads, whiteheads, other acne blemishes or any skin condition associated with acne.

3. Represents that Acne-Statin or any other product of similar chemical composition will eliminiate or reduce the fatty acids responsible for pimples, blackheads, whiteheads, other acne blemishes or any skin condition associated with acne.

4. Represents that Acne-Statin or any other product of similar chemical composition is superior to prescription or over-the-counter acne preparations in the antibacterial treatment of acne.

5. Represents that Acne-Statin or any other product of similar chemical composition is superior to soap in the antibacterial treatment of acne.

6. Represents that the money-back guarantee for Acne-Statin or any other product has no time and quantity limitations unless such statement is true.

7. Misrepresents the extent to which any product has been tested or the results of any such test(s).

8. Represents through a test(s) or demonstration(s) that a product is comparable or superior to another product or other products where the test(s) or demonstration(s) does not accurately depict or present the efficacy or the mode of performance of each product for the advertised use or purpose.

9. Misrepresents the efficacy, use or the mode of performance of any product where the use or misuse of the product may affect the health or safety of the user.

B. Disseminating or causing the dissemination of any advertisement by means of the United States mails or by any means in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, which directly or indirectly:

1. Represents that use of Acne-Statin or any other acne product by persons with acne will reduce, minimize or eliminate pimples, blackheads, whiteheads or any other blemishes associated with acne;

2. Represents that Acne-Statin or any other acne product can eliminate any factor contributing to acne or any skin condition associated with acne;

3. Represents that Acne-Statin or any other acne product is superior to prescription or over-the-counter acne preparations in the treatment of acne or any skin condition associated with acne;

4. Represents that Acne-Statin or any other product is efficacious for the treatment of acne,

unless, at the time of each dissemination of such representation(s), respondents possess and rely upon competent and reliable scientific or medical evidence as a reasonable basis for such representation(s). Competent and reliable scientific or medical evidence shall be defined as evidence in the form of at least two well-controlled double-blind clinical studies which are conducted by different persons, independency of each other. Such persons shall be dermatologists who are qualified by scientific training and experience to treat acne and conduct the aforementioned studies.

Provided, however, That insofar as representations are covered by Parts IB2 and IA2–IA3, Parts IA2–IA3 shall govern. Additionally, insofar as representations are covered by Parts IB3 and IA4, Part IA4 shall govern.

C. Disseminating or causing the dissemination of any advertisement by means of the United States mails or by any means in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, which directly or indirectly makes representations referring or relating to the performance or efficacy of any product or refers or relates to any characteristic, property or result of the use of any product, unless, at the time of each dissemination of such representation(s) respondents possess and rely upon a reasonable basis for such representation(s).

II. *It is further ordered,* that:

A. Within thirty (30) days of final acceptance of this order by the Federal Trade Commission (hereinafter the "Commission"), respondents shall establish an interest-bearing trust account for the purpose of paying restitution to Acne-Statin purchasers, which in all respects meets with the approval of the Commission or its designated staff. Said trust account shall provide for at least a six (6) percent annual interest rate, compounded quarterly, and shall be administered, maintained and terminated free of charge. Said account shall be entitled "Acne-Statin Restitution Account–I," and when established shall contain the sum of one hundred thousand dollars ($100,000). Additionally, within sixty (60) days of the final acceptance of this order by the Commission, respondents shall augment said trust account with an additional seventy-five thousand dollars ($75,000). Ten (10) days after each funding of said trust account, respondents shall provide the Commission or its designated staff a verified accounting of the funds within said account, and after the first funding, a copy of the trust agreement which establishes the trust account. The instrument creating said trust account shall expressly contain binding provisions to the following effect:

1. Neither Atida H. Karr, M.D., nor Karr Preventative Medical Products, Inc., shall have any power, either express or implied, to revoke said trust account or deplete the monies therein.

2. The trust account monies shall not be subject to the claims of any creditors of Atida H. Karr, M.D., or Karr Preventative Medical Products, Inc.

3. The beneficiaries of said trust account shall be Acne-Statin purchasers who request refunds and are identified by the Commission or its designated staff as beneficiaries of said trust and/or the respondents named herein. Provided, however, that purchasers who make their initial purchase of Acne-Statin after the first dissemination of the restitution notice required in Part III, *infra,* shall be ineligible to be designated as beneficiaries of said trust and, therefore, ineligible to receive restitution under this order.

4. The Commission or its designated staff shall have the exclusive power to determine when and which beneficiaries or other parties necessary to the execution of the restitution program (which includes the notification of consumers) are to receive monies from said trust account and what amount each is to receive. This power of distribution shall include the power to have up to fifty thousand dollars ($50,000) distributed to pay for the expenses of administering the restitution program.

5. Said trust account shall retain all interest accumulated thereto and such interest shall be available as funds for distribution to the beneficiaries of said trust account.

6. The trustee of said trust account shall be independent of Atida H. Karr, M.D., and Karr Preventative Medical Products, Inc. and shall meet with the approval of the Commission or its designated staff.

7. Upon the direction of the Commission or its designated staff to pay funds to a party identified pursuant to IIA4 *supra,* the trustee shall issue such payment to the said identified party within sixty (60) days of the direction of the Commission or its designated staff.

B. The Commission or its designated staff will determine the terms and conditions under which such purchasers shall receive restitution, provided that:

1. Purchasers will be given a specific deadline not more than 120 days after the first publication of the notification before which they must request refunds in writing in order to receive restitution;

2. Each purchaser who requests restitution shall receive the total amount paid for Acne-Statin unless there are

insufficient funds to pay all such purchasers. If there are not sufficent funds to fully pay all such purchasers, each such purchaser will receive the proportion, equal to the ratio of the total monies available for restitution over the total amount of restitution requested by purchasers, of the amount which he or she spent for Acne-Statin;

3. No purchaser shall receive more in restitution than such purchaser paid for Acne-Statin less the amount of refunds, if any, already received; and

4. Funds from the aforementioned trust account shall be used to pay fifty percent (50%) of each restitution payment. *Provided, however,* That if no funds are available from the National Media Group, Inc., and/or Robert J. Marsh, Sr. or if the funds from the trust account established by the National Media Group, Inc., entitiled "Acne-Statin Restitution Account-II," are for any reason depleted prior to the depletion of the funds in the trust account established by this order, then monies from the trust account established herein shall alone be used to pay the remaining restitution requests.

C. Within six months after the completion of the restitution program, the Commission or its designated staff shall direct the trustee of the trust account established in IIA, *Supra,* to pay all monies remaining in the trust account to Karr Preventative Medical Products, Inc., or Atida H. Karr, M.D., and terminate the trust account.

III. After the final acceptance of this order by the Commission, the Commission or its designated staff shall provide notice to consumers of an opportunity to obtain refunds for purchases of Acne-Statin. Said notice shall not include the Commission's public announcements of this consent agreement or the publication of this agreement and order in the Federal Register.

Ten (10) days prior to reserving commerical space for the first dissemination of said notice, the Commission or its designated staff shall provide respondents with a copy of the restitution notice. Providing said notice to respondents does not in anyway suggest that respondents shall have any veto power over the content of said notice or any part thereof, and in fact, respondents shall have no such veto power.

Said notice may contain the following concepts and shall not substantively exceed the scope of such concepts:

1. No product cures acne.

2. Notice to Acne-Statin purchasers of the restitution program identified herein. Said notice may contain, among other things, information regarding the eligibility for refunds, means of obtaining refunds and any limitation of the restitution program.

3. The fact that a Federal Trade Commission complaint was issued in this matter, and that the consent agreement and order are the basis for said notice and the restitution program.

4. Any information pertinent to the consent agreement or the Commission's order; provided, however, that the disclosure of any such information shall not be inconsistent with paragraph seven of the consent agreement.

5. The total amount of money available for restitution including funds from this and other orders.

6. The picturing of the container or any other promotional material for the product Acne-Statin or the quoting or summarizing of the language contained either on the product container or appearing in any other promotional vehicle.

Upon the first publication of said notice to consumers, persons who desire refunds will have up to, and including, one hundred and twenty (120) days to request the return of monies they spent on the purchase of Acne-Statin.

Respondents shall provide the Commission or its designated staff all consumer letters requesting refunds for Acne-Statin not yet provided to the Commission. All such letters shall be provided to the Commission or its designated staff fifteen (15) days after this order becomes final. Further, any such letters received subsequent to the order becoming final and before the end of the 120 day notification period as described in IIB1, *supra,* shall be provided to the Commission within fifteen (15) days of their receipt by respondents.

Lastly, respondents shall provide complete and updated computer tapes which identify the purchasers of Acne-Statin to the party responsible for verifying refund requests from consumers and dispensing refund checks. Such tapes shall remain with said party until all refund requests have been fully processed (i.e. paid or rejected) to the satisfaction of the Commission or its designated staff. At which time, said computer customer list shall be returned to respondents.

IV. *It is further ordered,* That the corporate respondent shall forthwith distribute a copy of this order to each of its operating divisions:

It is further ordered, That each respondent notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That each respondent shall, within sixty (60) days after this order becomes final, and annually thereafter for three (3) years, file with the Commission a report, in writing, signed by respondent, setting forth in detail the manner and form of its compliance with this order.

It is further ordered, That each respondent shall maintain files and records of all substantiation related to the requirements of Parts IB and IC of this Order for a period of three (3) years after the dissemination of any advertisement which relates to either of these portions of the Order. Additionally, such material shall be made available to the Federal Trade Commission or its staff within fifteen (15) days of a demand for such material.

Analysis of Proposed Consent To Aid Public Comment

The Federal Trade Commission has provisionally accepted an agreement to a proposed consent order from Karr Preventative Medical Products, Inc., and Atida H. Karr, M.D.

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

The complaint charged the respondents with disseminating and causing the dissemination of advertisements containing several false and misleading representations regarding Acne-Statin, an acne preparation. In particular, the complaint alleges that the advertisements falsely and/or unfairly claim that Acne-Statin (1) will cure acne and eliminate its cause, thus resulting in skin free of pimples and other clinical manifestations of acne; (2) was scientifically tested; and (3) is superior to other acne preparations and soap in the treatment of acne. The complaint also alleges that the advertisements falsely claim that Acne-Statin can penetrate the pores of the skin and eliminate the bacteria and fatty acids responsible for acne. In addition, the complaint alleges that the

advertisements represent that there are no time and quantity limitations on the money-back guarantee, when in fact there were such limitations.

Finally, the complaint alleges that photographs of bacterial colonies are used in the advertisement to represent Acne-Statin's effectiveness in killing the bacteria responsible for acne, when in fact the photographs are pictures of other types of bacteria not related to acne.

The consent order contains the following provisions designed to remedy the advertising violations charged.

Parts IA(1)–(5) prohibit the dissemination of claims that Acne-Statin or any product of similar chemical composition cures acne, eliminates the bacteria or fatty acids responsible for acne blemishes, and is superior to all other acne preparations and soap for the antibacterial treatment of acne.

IA(6) prohibits any representation that the money-back guarantee for any product has no time or quantity limitations unless such representation is true.

IA(7), (8) and (9) prohibit: Any misrepresentation of the extent to which any product has been tested or the results of such tests, any representation made by means of a test which incorrectly depicts the efficacy or mode of performance of any product tested and any misrepresentation of the efficacy, use or mode of performance of any product where the use or misuse of the product may harm the user.

Part IB defines the scientific and medical evidence necessary for a reasonable basis for claims that any acne product, including Acne-Statin, eliminates that cause of acne; will result in skin free of acne blemishes; is superior to other acne preparations; and is efficacious in the treatment of acne.

Part IC requires respondents to have a reasonable basis at the time of dissemination for representations relating to product efficacy, performance, characteristics or properties or the result of the use of any product.

Part II requires the respondents to establish an independent, irrevocable interest-bearing trust account to contain one hundred and seventy-five thousand dollars ($175,000). The funds, including accumulated interest, of this account will be used to pay half of all requests for restitution by Acne-Statin purchasers. If all the funds are not used to fulfill restitution requests, then the remaining funds and interest in the account will be returned to respondents. If funds provided by The National Media Group, Inc. (the party responsible for the other half of the restitution payments) are depleted prior to the funds in the trust account established by this order, then the funds in this trust account will be used to pay the remaining restitution requests. Purchasers must not have made their initial purchase of Acne-Statin after the dissemination of the Commission's restitution notice and must request restitution within 120 days of notificaton in order to receive a refund, and if there are more requests than total funds, each purchaser will receive a pro rata share.

Part III describes the notice to consumers of the opportunity to obtain refunds. The notice will be released to respondents prior to its dissemination and may contain, but not exceed the scope of the following concepts: (a) No product cures acne; (b) details on eligibility for refunds and the procedure for obtaining them, including the total funds available, and (c) the use of any information pertinent to the consent agreement or Acne-Statin promotional material. Lastly, respondents agree to provide all refund requests they receive or have received to the Commission and updated tapes of the Acne-Statin customer list to the party who is responsible for verifying refund requests.

Part IV of the Consent Order requires that the respondents distribute a copy of the order to each operating division; notify the Commission at least thirty (30) days prior to any proposed structural change in the corporate respondent which affects compliance with the Consent Order; file an initial compliance report within (60) days of the effective date of the Consent Order and an annual compliance report for each of the next three years; and maintain records of all substantiation related to the requirements of Parts IB and IC of the Consent Order for three (3) years after the first dissemination of any advertisement which relates to portions of the Consent Order and make such records available to the staff of the Federal Trade Commission within fifteen (15) days of a written demand for such material.

The purpose of this analysis is to facilitate public comment on the proposed order and thus is not intended to constitute an official interpretation of the consent agreement and proposed order or to modify in any way their terms.

Carol M. Thomas,

Secretary.

[FR Doc. 79-20576 Filed 7-3-79; 8:45 am]

BILLING CODE 6750-01-M

CONSUMER PRODUCT SAFETY COMMISSION

[16 CFR Part 1700]

Exemption of Achromycin V Pediatric Drops, Declomycin Pediatric Drops and Nilstat Oral Drops From Child Protection Packaging Requirements; Withdrawal of Proposed Rule

AGENCY: Consumer Product Safety Commission.

ACTION: Withdrawal of proposed rule.

SUMMARY: In this document the commission withdraws a proposed rule that would have exempted the following antibiotic drug formulations from the child resistant packaging requirements issued under the Poison Prevention Packaging Act of 1970: Achromycin V Pediatric Drops (tetracycline hydrochloride), Declomycin Pediatric Drops (demeclocycline) and Nilstat Oral Drops (nystatin). The Commission is withdrawing the proposed rule at the request of the manufacturer, Lederle Laboratories, which has stopped distributing these products in the formulations that would have been covered by the exemptions.

DATE: Effective date of this withdrawal is July 5, 1979.

FOR FURTHER INFORMATION CONTACT: Philip Bechtel, Office of the General Counsel, Consumer Product Safety Commission, Washington, D.C. 20207 (202) 634-7770.

SUPPLEMENTARY INFORMATION: Under regulations at 16 CFR 1700.14(a)(10), issued under the Poison Prevention Packaging Act of 1970 (PPPA) (15 U.S.C. 1471 et. seq.), human prescription drugs in oral dosage forms must be packaged in special (child resistant) packaging. In the Federal Register of December 19, 1975 (40 FR 58865) the Commission proposed exemptions for the following drug formulations: (1) Achromycin V Pediatric Drops (Lederle's brand of a flavored liquid preparation for oral administration, containing 1,000 mg of tetracycline hydrochloride); (2) Declomycin Pediatric Drops (Lederle's brand of a flavored liquid preparation for oral administration, containing 600 mg of demeclocycline); and (3) Nilstat Oral Drops (Lederle's brand of a flavored liquid preparation containing 4,800,000 units of nystatin). The Commission proposed these exemptions as a result of petitions (PP 75-4, 75-5, 75-6) submitted by Lederle Laboratories on July 18, 1974, requesting the exemptions. The Commission's decision to propose the exemptions was based on (1) human experience data that indicate

the lack of serious personal injury or serious illness involving the substances and (2) acute oral toxicity studies conducted in laboratory rats that demonstrated minimal toxicity for these substances. The proposed exemptions were limited to Lederle's brands of these products. The Commission received four comments in response to the proposal. Copies of these comments may be examined in the Office of the Secretary of the Commission, 3rd floor, 1111 18th St., N.W., Washington, D.C. 20207. One of the commentors, a prescription drug manufacturer, requested that the Commission issue a final exemption covering its brand of nystatin oral suspension containing no more than 6 million units of nystatin per package. Since this request was for a different, larger amount of nystatin per package, the Commission believes that it should properly be considered as the subject of a separate petition. The Commission's action in withdrawing the proposed exemptions does not prevent interested persons from submitting a petition for an exemption for their products. At 16 CFR Part 1702 the Commission has issued interim petition procedures and requirements for such petitions. (The commentor later petitioned the Commission to exempt its product (PP 76-10; 3/25/76). However, this petition was subsequently closed for lack of sufficient information.)

On January 25, 1979 and February 16, 1979, Lederle Laboratories sent letters to the Commission requesting that the three proposed exemptions be withdrawn, since Lederle is no longer marketing the products in the formulations that would have been covered by the exemptions. In a notice published in the Federal Register on October 31, 1978 (43 FR 50676), the Food and Drug Administration (FDA) revoked provisions for certification for concentrated liquid dosage forms of tetracycline. This action would preclude the marketing of concentrated liquid dosage forms of demeclocycline, such as Declomycin Pediatric Drops. Lederle, on its own initiative, has also withdrawn its concentrated liquid form of tetracycline hydrochloride from the market. The Commission is not aware of any other manufacturer who is currently marketing tetracycline hydrochloride in that form. Based on this information, the Commission does not believe that exemptions from the requirements of special packaging are necessary for these products.

The decision to withdraw the proposed exemptions for Achromycin V Pediatric Drops and Declomycin Pediatric Drops would have no effect on any other prescription drug manufacturer, since the proposed exemptions were limited to Lederle's brands, and since no manufacturer, including Lederle, is marketing liquid dosage forms of tetracycline hydrochloride or demeclocycline in the concentrations that would have been covered by the proposed exemptions. The decision to withdraw the proposed exemption for Nilstat Oral Drops would have no effect on the requirement of special packaging for any other brands or sizes of nystatin oral drops, since the proposed exemption was confined to Nilstat Oral Drops, Lederle's brand of nystatin oral suspension, containing 4,800,000 units of nystatin. At the present time, the Commission is not aware that any manufacturer markets nystatin oral suspension in a concentration that would have been covered by the proposed exemption.

Accordingly, pursuant to provisions of the Poison Prevention Packaging Act of 1970 (Pub. L. 91-601, Secs. 2(4), 3, 5, 84 Stat. 1670-72; 15 U.S.C. 1471(4), 1472, 1474) and under authority vested in the Commission by the Consumer Product Safety Act (Pub. L. 92-573, Sec. 30(a), 86 Stat. 1231; 15 U.S.C. 2079(a), The Commission withdraws the regulation proposed in the Federal Register on December 19, 1975 (40 FR 58865) that would have exempted Achromycin V Pediatric Drops, Declomycin Pediatric Drops, and Nilstat Oral Drops from the requirements of special packaging at 16 CFR 1700.14(a)(1)(ix), (x), (xi).

The Federal Register notice proposing an exemption suspended the requirement of special packaging for Lederle's three brands of antibiotics, pending review of comments and completion of action on the proposal. This suspension did not affect any products other than those that were covered by the proposed exemptions. Since the Commission is withdrawing the proposed exemptions at this time, the Commission does not believe that it is necessary to continue the suspension. Accordingly, the Commission withdraws the suspension effective as of July 5, 1979.

Dated: June 28, 1979.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 79-20593 Filed 7-3-79; 8:45 am]

BILLING CODE 6355-01-M

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 239]

[Release Nos. 33-6086, IC-10745; File S7-700]

"Money Market" Funds and Certain Other Mutual Funds; Quarterly Disclosure of Certain Historical Information

AGENCY: Securities and Exchange Commission.

ACTION: Withdrawal of proposed amendment of form.

SUMMARY: After considering the comments received, the Commission is withdrawing a proposed amendment to Form S-5 which would have required open-end investment companies investing primarily in short-term debt securities (usually referred to as "money market funds") and certain other companies temporarily assuming a defensive position in such securities to supplement their prospectuses at the end of each calendar quarter with an unaudited listing of their portfolio securities and certain historical information. The Commission is also stating its view that changes in the quality or average maturity of a money market fund's portfolio securities may be a material change requiring the updating of the prospectus.

EFFECTIVE DATE: June 26, 1979.

FOR FURTHER INFORMATION CONTACT: Larry L. Greene, Esq., Division of Investment Management, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549 (202-755-1232).

SUPPLEMENTARY INFORMATION: On May 31, 1977, the Commission proposed amending Form S-5 [17 CFR 239.15][1] under the Securities Act of 1933 [15 U.S.C. 77a et seq.] ("Act"),[2] to require open-end investment companies investing primarily in short-term debt securities to supplement their prospectuses at the end of each calendar quarter through the use of a "sticker" pursuant to Rule 424(c) [17 CFR 230.424(c)] under the Act. The amendment would require that the sticker be added within ten days after the end of any calendar quarter during which at any time 50% or more of the value of the company's assets were

[1] Form S-5 has been replaced by the new Form N-1 [17 CFR 239.15], but to the extent that Form N-1 contains a prospectus for the sale of mutual fund shares, consideration of the proposed amendment involves essentially the same issues.

[2] Securities Act Release No. 5830 [42 FR 29012 (June 7, 1977)].

invested in debt securities maturing in two years or less.

Currently, there are a significant number of money market funds whose portfolios consist primarily of short-term debt obligations. Because of the particular characteristics of money market funds, such as the short-term nature of money market obligations, relatively rapid portfolio turnover rate, and the likelihood of attracting investors for the short term, the Commission expressed the view that the timeliness of information about their portfolios might be more important than with respect to other kinds of investment companies. Thus, the Commission proposed amending Form S-5 to require a quarterly prospectus update. It was anticipated that quarterly updating would standardize the information provided and enable a prospective investor better to compare and evaluate money market funds.

Since the amendment, as proposed, would apply to any open-end company which at any time during the calendar quarter had 50% or more of the value of its assets consisting of debt obligations maturing in two years or less, it would apply not only to money market funds but also to other open-end investment companies which temporarily assume a "defensive" position in short-term debt securities.

The Commission received fourteen comment letters, none of which supported the proposal as published, although four commentators generally agreed that at least some of the information required by the amendment was important for investors in money market funds.

Some of the grounds cited by commentators in opposition to the proposed amendment were the ineffectiveness of quarterly stickered information due to rapid portfolio turnover; the disproportionate cost of implementation relative to the benefit to be recieved; the current availability of similar information through alternate sources; the inappropriateness of making the information a prospectus rather than a reporting requirement; and the inappropriateness of including mutual funds other than money market funds which have assumed a temporary defensive position in money market obligations.

The Commission has concluded, after consideration of the public comments, that the proposed requirement for regular quarterly stickering would only partially achieve its objectives and that the benefits would be outweighed by the cost involved. The Commission will giver further consideration to whether a different requirement relating to some or all of the information described in Securities Act Release No. 5830 should be proposed in the future.

Of course, the Commission's withdrawal of the proposed form amendment does not relieve issuers of their obligation to update their prospectus by means of a sticker whenever there is a change of a material fact disclosed therein. In this regard, issuers should be aware that, in the light of the short term nature of money market funds, a change in the quality or average maturity of the portfolio holdings of such a fund may be material.

The form amendment proposed as paragraph (e)(1) and (2) of 17 CFR 239.15 is hereby withdrawn.

By the Commission.

Dated: June 26, 1979.

George A. Fitzsimmons,

Secretary

[FR Doc. 79-20739 Filed 7-3-79; 8:45 am]

BILLING CODE 8010-01-M

[17 CFR Part 270]

[Release No. IC-10748, File No. S7-789]

Confidential Treatment of Names and Addresses of Dealers of Registered Investment Company Securities

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rule rescission.

SUMMARY: The Commission is soliciting public comment on the desirability of rescinding Rule 45a-1 under the Investment Company Act of 1940 ("the Act"). Rule 45a-1 provides, in pertinent part, that exhibits which call for the names and addresses of dealers to or through whom principal underwriters of registered investment companies are currently offering securities and which are required to be furnished with registration statements or periodic reports, shall not be made available to the public unless the Commission so orders after appropriate notice and opportunity for hearing. In view of the current public format of Form N-1R, as recently revised, the Commission believes that retention of this rule may no longer serve the public interest or further the protection of investors.

DATE: Comments must be received by August 20, 1979.

ADDRESSES: Send comments in triplicate to George A Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549 (Refer to File No. S7-789). All comments received will be available for public inspection and copying in the Commission's Public Reference Room, 1100 L Street, NW., Washington, D.C. 20549.

FOR FURTHER INFORMATION CONTACT: Katherine A. Malfa, Esp. 202-755-1613 or Larry L. Greene, Esq. 202-755-1232, Division of Investment Management, Securities and Exchange Commission, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: Section 45(a) of the Investment Company Act of 1940 ("the Act") [15 U.S.C. 80a-44(a)] provides generally that the information contained in any registration statement, application, report or other document filed with the Commission under the Act shall be made available to the public except insofar as the Commission determines that disclosure of such information is not necessary or appropriate in the public interest or for the protection of investors. Rule 45a-1 under the Act (17 CFR 270.45a-1) provides in pertinent part that:

> (a) Exhibits calling for the names and addresses of dealers to or through whom principal underwriters of registered investment companies are currently offering securities and which are required to be furnished with registration statements filed pursuant to Section 8(b) of the Act (54 Stat. 804; 15 U.S.C. 80a-8), or periodic reports filed pursuant to Section 30(a) or Section 30(b)(1) of the Act (54 Stat. 836; 15 U.S.C. 80a-30), shall be the subject of confidential treatment and shall not be made available to the public except that the Commission may by order make such exhibits available to the public if, after appropriate notice and opportunity for hearing, it finds that public disclosure of such material is necessary or appropriate in the public interest or for the protection of investors. . . .

In connection with the adoption in August, 1978, of an integrated registration and reporting system for management investment companies, the Commission adopted a revised annual report form, Form N-1R (17 CFR 274.101).[1] The revised form eliminates the previous distinction between the public and nonpublic portion of Form N-1R. Now, only the information required by Item 66 of revised Form N-1R, concerning the identification of the ten dealers selling the largest dollar amounts of the shares of a registrant, is considered nonpublic information. The release adopting revised Form N-1R stated that the Item 66 information would remain nonpublic because the provisions of Rule 45a-1 mandated that such information remain nonpublic. However, the Commission stated in the release that a proposal to rescind Rule 45a-1 might be forthcoming shortly, and that if the rule were rescinded the Item

[1] Securities Act Release No. 5964 (August 28, 1978). [43 FR 39548].

66 information would also become public information.

Rule 45a–1 under the Act was adopted by the Commission in 1941, in connection with adoption of the first detailed registration statement form covering management investment companies, Form N–8B–1 (17 CFR 274.11). The rule provided for confidential treatment of one exhibit to the form, Exhibit (c),[2] but permitted the Commission to release that exhibit to the public after appropriate notice and opportunity for hearing, where public disclosure of such information was deemed necessary or appropriate in the public interest or for the protection of investors.[3] In 1942, in connection with adoption of a new form, Form N–8B–2 (17 CFR 274.12), for submission of registration statements under the Act by unit investment trusts, the Commission amended Rule 45a–1. The amendment eliminated reference to the rule in Exhibit (c) of Form N–8B–1 and expanded items subject to nonpublic treatment by the Commission to include "exhibits calling for the names and addresses of dealers to or through whom principal underwriters of registered investment companies are currently offering securities and which are required to be furnished with registration statements . . . or periodic reports." [4] Other technical amendments to the rule were subsequently made by the Commission.

Prior to adopting the integrated registration and reporting system, the Commission, in May, 1977, released for public comment proposed, revised Form N/1R.[5] In that release, the Commission indicated that it was considering proposing rescission of Rule 45a–1, and comments were specifically invited on this matter. In response to this invitation for comment, three commentators submitted statements supporting retention of Rule 45a–1.[6] The commentators argued, among other things, that public disclosure of the information required in Item 66 of the revised Form N–1R could adversely affect the bargaining position of an investment company underwriter vis-a-vis securities dealers selling the company's shares. However, the commentators did not explain why this would be so.

In the absence of any additional information as to why public disclosure of the information contained in Item 66 of revised Form N–1R would be likely to cause substantial harm to investment companies of their underwriter, the Commission believes that there may be sound reasons for rescinding Rule 45a–11. If the rule were rescinded, all information in Form N–1R would be available to the public, in harmony with the objectives of the Commission in eliminating the form's prior public-nonpublic format. The Commission believes that investors may well benefit from making Item 66 information public.[7]

Specifically, it may be useful for shareholders to know whether brokers which effect or execute portfolio transactions for the Fund also are the largest dealers of the Fund's shares. Furthermore, it should be noted that rescission of Rule 45a–1 would not place any further reporting burdens on registrants since Form N–1R, as recently revised, requires reporting of the information set forth in the rule. However, the Commission does not discount the possibility that persuasive arguments can be made that Rule 45a–1 should remain in effect. Such arguments, if they can be properly made, should be on the record and available for Commission consideration.

Accordingly, the Commission hereby proposes to rescind Rule 45a–1 (17 CFR 270.45a–1) under the Investment Company Act of 1940.

By the Commission.

Dated: June 27, 1979.

George A. Fitzsimmons,

Secretary

[FR Doc. 79–20738 Filed 7–3–79; 8:45 am]

BILLING CODE 8010–01–M

[2] Exhibit (c) required disclosure of the names and addresses of dealers of open-end investment companies.

[3] Investment Company Act Release No. 133 (May 23, 1941) [6 FR 2573].

[4] Investment Company Act Release No. 292 (January 9, 1942) [7 FR 197].

[5] Securities Act Release No. 5829 (May 31, 1977) [42 FR 29716].

[6] The above release also noted that one feature of the revised Form N–1R would be the elimination of the public-nonpublic format of the form.

[7] In Securities Act Release No. 5829 (May 31, 1977), the Commission stated: "The Commission believes that [ending nonpublic treatment of Part II] is consistent with the recent amendments of the Freedom of Information Act."

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[24 CFR Part 2205]

[Docket No. R-79-676]

Federal Disaster Assistance; Proposed General Insurance Requirements

AGENCY: Federal Disaster Assistance Administration, Department of Housing and Urban Development.

ACTION: Proposed rule.

SUMMARY: This rule redesignates the existing Subpart F of 24 CFR Part 2205 as a new Subpart J, and amends certain sections to clarify and update FDAA policies concerning general insurance requirements for disaster assistance under the Disaster Relief Act of 1974, Pub. L. 93–288, as amended.

DATE: Comments by: September 5, 1979.

ADDRESS: Send comments to: Rules Docket Clerk, Office of General Counsel, Department of Housing and Urban Development, Room 5218, 451 Seventh Street SW., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT: Gene Morath, Office of Public Assistance, FDAA–HUD, Washington, D.C. 20410, Telephone (202) 634–7835.

SUPPLEMENTARY INFORMATION: The proposed rule redesignates the existing Subpart F (Other Insurance) of 24 CFR Part 2205 as a new Subpart J (General Insurance Requirements) and combines §§ 2205.14 and 2205.65–2205.74 of the existing disaster assistance regulations. The new subpart will begin with § 2205.200. In addition to general editing, the following changes have been made: (1) Section 2205.68(d) now 2205.203(d) has been amended to clarify existing FDAA policy concerning treatment of delinquent insurance. (2) A new paragraph (f) has been added to § 2205.203 to clarify FDAA policy requiring flood insurance on buildings located outside the base floodplain. (3) Section 2205.69 now 2205.204 has been amended to put into regulation, current policy that the Regional Director shall make a determination as to insurance requirements in the absence of a determination by the State Insurance Commissioner. (4) Section 2205.70 now 2205.205 has been amended to base the insurance requirement on the eligible restorative work rather than the full insurable value.

Interested parties and government agencies are encouraged to submit written comments, suggestions, data, or arguments regarding this rulemaking to the Rules Docket Clerk, Office of General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410. All submissions received on or before September 4, 1979, will be evaluated. All comments shall be available for inspection at the Office of the Rules Docket Clerk. FDAA will evaluate all such comments and experiences to date and will then prepare a Final Rule. This Final Rule will then be issued after HUD departmental review and clearance.

A Finding of Inapplicability of section 102(2)(C) of the National Environmental Policy Act of 1969 has been made in accordance with "Procedures for Protection and Enhancement of Environmental Quality." Interested parties may obtain and inspect copies of this Finding of Inapplicability at the Office of the Rules Docket of the Department of Housing and Urban Development in Washington, D.C. 20410.

Accordingly, Federal regulations, 24 CFR Part 2205, are proposed to be revised by deleting the existing Subpart F and adding a new Subpart J as follows:

PART 2205—FEDERAL DISASTER ASSISTANCE

* * * * *

Subpart F—[Redesignated as Subpart J]

* * * * *

Subpart J—General Insurance Requirements

Sec.
2205.200 General.
2205.201 Definitions.
2205.202 Exclusions.
2205.203 Applicability.
2205.204 Type of insurance.
2205.205 Extent of insurance.
2205.206 Duration of insurance coverage.
2205.207 Assurances for categorical grants.
2205.208 Assurances for flexible funding.
2205.209 Self-insurance.

Authority: Sec. 601, Pub. L. 93-288, 88 Stat. 163 (42 U.S.C. 5201), Executive Order 11795 as amended by Executive Order 11910, 39 FR 25939, Delegation of Authority, 39 FR 28227.

Subpart F—[Redesignated as Subpart J]

Subpart J—General Insurance Requirements

§ 2205.200 General.

(a) Section 314 of the Act, and the Flood Disaster Protection Act of 1973, Pub. L. 93-234, establish insurance requirements as a condition for approving certain disaster assistance under the Act. This subpart pertains to assistance under sections 402 and 419 of the Act. Specific requirements pertaining to flood insurance under Pub. L. 93-234, as amended, are contained in Subpart K of this regulation.

(b) Prior to approval of a Federal grant for the restoration of property, the applicant shall notify the Regional Director of any entitlement to insurance settlement or recovery for such property. The Regional Director shall reduce the grant by the actual amount of insurance proceeds received by the applicant. In the event that insurance recovery is contingent upon the amount of reimbursement under the Act, reimbursement shall be limited to eligible costs as determined by the Regional Director after deducting the maximum amount otherwise recoverable under and to the limit of the applicant's insurance policy.

§ 2205.201 Definitions as used in this subpart.

(a) "Assistance" means any form of Federal grant under sections 402 or 419 to replace, restore, repair, reconstruct or construct any property as the result of a major disaster or emergency declaration and which property is not excluded pursuant to section 2205.202.

(b) "Property" means any structure, vehicles, equipment, materials, or supplies.

§ 2205.202 Exclusions.

The following categories of Federal disaster assistance are excluded from the requirements to obtain and maintain such insurance as is required by section 314 of the Act and by this subpart:

(a) Emergency assistance provided under section 305 or 306 of the Act.

(b) Assistance otherwise eligible under section 402 or 419 of the Act for any State-owned property that is covered by an adequate State policy of self-insurance approved by the Administrator.

(c) Assistance under section 402 or 419 of the Act for any property for which insurance is not reasonably available, adequate, and necessary, such as: Roads, streets, bridges, and other highway facilities; traffic controls; parking meters; drainage channels and debris basins; dikes and levees; pumping stations; and utility distribution systems.

(d) Assistance for which flood insurance is required under Pub. L. 93-234, as implemented by 24 CFR Part 2205, Subpart K.

§ 2205.203 Applicability.

(a) The requirements of ths subpart shall apply to all assistance pursuant to sections 402 or 419 of the Act with respect to any major disaster or emergency declared by the President after May 22, 1974, unless excluded under § 2205.202.

(b) The Regional Director may not approve any such assistance unless the applicant has provided assurances, acceptable to the Regional Director, that the applicant will obtain and maintain any insurance required under these regulations.

(c) The Regional Director may defer approval of otherwise eligible project applications for up to 6 months to permit the applicant to provide such assurances referred to in paragraph (b) of this section. The Administrator may extend the time for submission of such assurances by the applicant.

(d) No applicant for assistance under sections 402 or 419 of the Act shall receive assistance for any property or part thereof for which it has previously received assistance under the Act unless the applicant obtained and maintained the insurance required under section 314 of the Act and these regulations with respect to such property. In cases where insurance was not maintained, any assistance shall be reduced by the insurance settlement which would have been received had the required insurance coverage been maintained in force.

(e) Insurance requirements prescribed in this subpart shall apply equally to private nonprofit facilities which receive assistance under section 402(b) of the Act. Private nonprofit organizations shall submit the necessary documentation and assurances required by this subpart through the appropriate applicant.

(f) The Regional Director shall require flood insurance as the result of a flooding major disaster, when reasonably available, adequate, and necessary under section 314 of the Act for assistance even though the flood damaged building concerned is located outside the base floodplain.

§ 2205.204 Type of insurance.

(a) Assurances by the applicant under this subpart to obtain reasonably available, adequate, and necessary insurance shall be required only for the type or types of hazard for which the major disaster was declared. The Regional Director shall not require greater types and extent of insurance than are certified to him/her as reasonable by the appropriate State Insurance Commissioner responsible for regulation of such insurance.

(b) The Regional Director shall make a determination as to the type and extent of insurance that is reasonable when he/she is unable to obtain a prompt certification by the State Insurance Commissioner in response to a formal written request.

§ 2205.205 Extent of insurance.

Prior to approval of assistance under sections 402 or 419 of the Act to replace, restore, repair, reconstruct, or construct any property for which insurance is required under this subpart, the applicant shall provide assurances acceptable to the Regional Director that it will obtain and maintain reasonably

available, adequate, and necessary insurance to protect against future loss in an amount equal to the amount of the grant under sections 402 or 419.

§ 2205.206 Duration of insurance coverage.

The applicant shall provide assurances that the required insurance coverage will be maintained for the anticipated life of the restorative work or of the insured property, whichever is the lesser.

§ 2205.207 Assurances for categorical grants.

Where insurance is required under this subpart, the applicant shall submit evidence of applicable insurance coverage or other related assurances with the project application. The type and extent of such insurance coverage shall be subject to approval by the Regional Director.

§ 2205.208 Assurances for flexible funding.

When applying for assistance under the provisions of sections 402(f) and 419 of the Act, the applicant shall provide assurances acceptable to the Regional Director that it will obtain and maintain such insurance as required by section 314 of the Act and the regulations in this subpart. As part of such assurance, the applicant shall agree to provide to the Regional Director a listing of insured property, including location, description, extent and duration of insurance coverage, name and address of the insurer, and applicable insurance policy numbers. The Regional Director, after a review of the listing and schedule required by Subpart H (Project Administration) and other reviews as he/she considers necessary shall, if appropriate, require the applicant to obtain additional insurance under the Act and these regulations.

§ 2205.209 Self-insurance.

A State may elect to act as a self-insurer with respect to any or all of the facilities belonging to it. Such an election, if declared in writing at the time of accepting assistance under sections 402 or 419 of the Act or subsequently, and if accompanied by a plan for self-insurance which is satisfactory to the Administrator, shall be considered as complying with subsection 314(a) of the Act. After approval as a self-insurer by the Administrator, no State shall receive assistance under such sections for any property or part thereof for which it has previously received assistance under the Act, to the extent that insurance for such property or part thereof would have been reasonably available.

Issued at Washington, D.C., June 29, 1979.

William H. Wilcox,

Administrator, Federal Disaster Assistance Administration.

[FR Doc. 79-20737 Filed 7-3-79; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

[LR-43-76]

Treatment of Original Issue Discount on Certain Short-Term Corporate Obligations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations concerning the treatment of original issue discount on corporate obligations that mature in one year or less. The regulations would reflect a change in the position of the Internal Revenue Service with respect to accounting for original issue discount and would provide the public with needed guidance.

DATES: Written comments and requests for a public hearing must be delivered or mailed by August 6, 1979. The amendments are proposed to be effective for obligations that mature in one year or less and are issued after June 30, 1979.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T (LR-43-76), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: John A. Tolleris of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, Attention: CC:LR:T, 202-566-3516, not a toll-free call.

SUPPLEMENTARY INFORMATION:

Background

This document contains a proposed amendment to the Income Tax Regulations (26 CFR Part 1) under section 1232(a)(3) of the Internal Revenue Code of 1954. Section 1232(a)(3) of the Code requires that the holder of any obligation issued by a corporation after May 27, 1969, include as interest in gross income the ratable monthly portion of original issue discount multiplied by the number of months (and any fractional part of a month) the taxpayer held the obligation during the taxable year. Section 1.1232-3A(b)(2) contains an exception for corporate obligations that mature in one year or less and provides that original issue discount on these obligations is to be included in gross income as interest on the sale or exchange of the obligation. The proposed amendment would limit the application of this exception to obligations issued before July 1, 1979. The amendments are proposed to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

Explanation of Exception

The exception to ratable inclusion of original issue discount in income for obligations that mature in one year or less was adopted in § 1.1232-3A(b)(2) as a rule of administrative convenience. However, the Internal Revenue Service has learned that this exception is itself causing administrative difficulties for certain money market mutual funds. In addition, with the increasing use of short-term nonnegotiable time deposit certificates, the exception to ratable inclusion by the holders of these certificates, to which the constructive receipt rules of § 1.451-2 apply, has created administrative difficulties for financial institutions. Finally, the Service now questions whether the exception adopted in §1.1232-3A(b)(2) conforms to the statutory requirements of section 1232(a)(3) and whether the exception produces a proper matching of income and deductions for tax purposes.

New Rule

The proposed amendment provides that the exception for one-year obligations applies only to obligations issued before July 1, 1979. Thus, for obligations issued after June 30, 1979, the holder of an obligation that matures in one year or less must follow the general rule of § 1.1232-3A(a)(1) and include as interest in gross income an amount equal to the ratable monthly portion of original issue discount multiplied by the number of months (and any fractional part of a month) the obligation was held during the taxable year. Further, in the case of obligations issued in registered form, the issuer must, according to § 1.6049-1(a)(1)(ii), make an information return with respect to the original issue discount on Form 1099-OID.

Revenue Ruling 79-72

If the amendment proposed in this document is adopted as a Treasury

decision, Revenue Ruling 79–72, 1979–12 IRB 14, relating to Federal income tax treatment of interest on short-term nonnegotiable time deposit certificates issued by financial institutions where the term of the certificate overlaps the end of the holder's taxable year, would no longer apply to any instrument to which, by reason of this amendment, the ratable inclusion rule of section 1232(a)(3) applied.

Comments—Public Hearing

Before adopting these proposed regulations, consideration will be given to any written comments that are submitted (preferably six copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held in accordance with the notice of hearing published in this issue of the Federal Register.

Thirty-Day Period for Public Comment

If the amendment proposed by this document were adopted as a Treasury decision, it would be necessary for issuers of obligations to which the Treasury decision applied to make modifications in their procedures for accounting for, and reporting, original issue discount includable in the gross incomes of holders of the obligations. In order to give these issuers sufficient time in which to make these necessary modifications before the end of 1979, if the proposed amendment is adopted, there is need for certainty at the earliest possible date regarding the treatment of this original issue discount. Therefore, 30 days, rather than the normal 60 days, has been allowed for receipt of public comment on the proposed amendment in order to provide this necessary certainty at the earliest date.

Drafting Information

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

Proposed amendments to the regulations

The proposed amendment to 26 CFR Part 1 is as follows:

Section 1.1232–3A(b)(2) is revised to read as follows:

§ 1.1232–3A Inclusion as interest of original issue discount on certain obligations issued after May 27, 1969.

* * * * *

(b) *Exceptions.* * * *

(2) *Exception for certain one-year obligations.* Section 1232(a)(3) shall not apply to any obligation issued before July 1, 1979, in respect of which the period between the date of original issue (as defined in paragraph (b)(3) of § 1.1232–3) and the stated maturity date is one year or less. In such case, gain on the sale or exchange of such obligation shall be included in gross income as interest to the extent the gain does not exceed an amount equal to the ratable monthly portion of original issue discount multiplied by the sum of the number of complete months and any fractional part of a month such taxpayer held such obligation.

* * * * * *

Jerome Kurtz,

Commissioner of Internal Revenue.

[FR Doc. 79-20580 Filed 6-29-79; 11:22 am]

BILLING CODE 4830-01-M

[26 CFR Part 1]

[LR-43-76]

Treatment of Original Issue Discount on Certain Short-Term Corporate Obligations; Public Hearing on Proposed Regulations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Public hearing on proposed regulations.

SUMMARY: This document provides notice of a public hearing on proposed regulations relating to the treatment of original issue discount on corporate obligations that mature in one year or less, which appear in the Proposed Rules section of this issue of the Federal Register.

DATES: The public hearing will be held on August 14, 1979, beginning at 10:00 a.m. Outlines of oral comments must be delivered or mailed by August 6, 1979.

ADDRESS: The public hearing will be held in the I.R.S. Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue, N.W., Washington, D.C. The outlines should be submitted to the Commissioner of Internal Revenue, Attn: CC:LR:T (LR–43–76), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: George Bradley or Charles Hayden of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202–566–3935, not a toll-free call.

SUPPLEMENTARY INFORMATION: The subject of the public hearing is proposed regulations under section 1232(a)(3) of the Internal Revenue Code of 1954. The proposed regulations appear in the Proposed Rules section of this issue of the Federal Register (FR Doc. 79–20580).

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to the public hearing. Persons who have submitted written comments within the time prescribed in the notice of proposed rulemaking and also desire to present oral comments at the hearing on the proposed regulations should submit an outline of the comments to be presented at the hearing and the time they wish to devote to each subject by August 6, 1979. Each speaker will be limited to 10 minutes for an oral presentation exclusive of time consumed by questions from the panel for the Government and answers to these questions.

Because of controlled access restrictions, attendees cannot be admitted beyond the lobby of the Internal Revenue Building until 9:45 a.m.

An agenda showing the scheduling of the speakers will be made after outlines are received from the speakers. Copies of the agenda will be available free of charge at the hearing.

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury Directive appearing in the Federal Register for Wednesday, November 8, 1978.

By direction of the Commissioner of Internal Revenue.

Robert A. Bley,

Director, Legislation and Regulations Division.

[FR Doc. 79-20581 Filed 6-29-79; 11:22 am]

BILLING CODE 4830-01-M

DEPARTMENT OF THE INTERIOR

Office of Water Research and Technology

[41 CFR Part 14R-9]

Patents, Data, and Copyrights; Proposed Policies and Procedures

AGENCY: Department of the Interior.

ACTION: Proposed Regulations.

SUMMARY: This part sets forth the policies, procedures, and practice of the

Office of Water Research and Technology (OWRT) in connection with inventions, patents, technical data, and copyrights. This proposed rulemaking is set forth because of revised policies caused by statutory changes.

DATE: This proposed revision of Part 14R-9 of the Federal Procurement Regulations for the Interior Department is being published for public comment and permissive use. Comments must be received on or before August 6, 1979.

ADDRESS: Comments should be directed to: Assistant Solicitor, Branch of Patents, Office of the Solicitor, U.S. Department of the Interior, Washington, D.C. 20240. All materials received will be considered and all comments in response to this proposal will be available for public inspection during normal business hours at the Office of the Assistant Solicitor, Branch of Patents, Room 6061, Interior Department Building, 18th and C Streets NW, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Gersten Sadowsky, Donald A. Gardiner, Telephone: (202) 343-4471.

SUPPLEMENTARY INFORMATION:

Background

I. This Part sets forth the policies, procedures, and practice of the Office of Water Research and Technology (OWRT) in connection with inventions, patents, technical data, and copyrights. OWRT, which was established by Order Number 2966 of the Secretary of the Interior, dated July 26, 1974, and consitutes a reorganization and consolidation of the Office of Saline Water and the Office of Water Resources Research, performs those functions which have been assigned to the Department of the Interior by the Water Resources Research Act of 1964, as amended, (42 U.S.C. 1961 et seq.), and the Saline Water Conversion Act of 1971, as amended, (42 U.S.C. 1951 et seq.). Patent and data policies, procedures, and practices of OWRT following provisions pertaining thereto in Section 303 of the Water Resources Research Act of 1964, and Section 6(d) of the Saline Water Conversion Act of 1971, as implemented by regulations in 41 CFR Part 14R-9, Office of Saline Water, Patents and data, (36 FR 22744, November 20, 1971), require modification for compliance with provisions of section 3 of the Appropriations Authorization Act for the Saline Water Conversion Program for fiscal year 1977, Pub. L. No. 94-316 of June 22, 1976, which provisions were subsequently reenacted in the Water Research and Development Act of 1978, Pub. L. 95-467 of October 17, 1978, the successor to the Water Resources Act of 1964, and the Saline Water Conversion Act of 1971. The Water Research and Development Act of 1978, in section 408, provides that relative to the definition of, title to, and licensing of inventions made or conceived in the course of or under any contract or grant pursuant to the Act, and notwithstanding any other provision or law, the Secretary of the Interior shall be governed by the provisions of sections 9 and 10 of the Federal Nonnuclear Energy Research and Development Act of 1974 (Pub. L. 93-577; 42 U.S.C. 5908, 5909), with the exception of subsections (1) and (n) of said section 9. This Part sets forth those policies, procedures, and practices of OWRT in connection with inventions, patents, technical data, and copyright, which follow the Water Research and Development Act of 1978; and to the extent not inconsistant with the foregoing statutes, the revised Presidential Memorandum and Statement of Government Patent Policy, August 23, 1971 (36 FR 16887-16872).

Policy II

A patent policy change for OWRT is effected by the said Act of June 22, 1976, as followed by the Water Research and Development Act of 1978, and the Federal Nonnuclear Energy Research and Development Act of 1974, made applicable to OWRT thereby. These Acts provide the Government with title to the inventions resulting from OWRT's research and development activities as well as authority in the Secretary of the Interior to waive certain of the Government's rights in such inventions under particular circumstances, whereas OWRT's statutory authority superseded by these Acts has been interpreted as meaning that inventions and resulting patents arising out of research and development under that statutory authority must be made available royalty-free to all so as to preclude any meaningful waiver of the Government's rights. See Solicitor's memorandum M-36637 of May 7, 1962, 69 I.D. 54 (1962).

The primary author of this document is Gersten Sadowsky, Branch of Patents, Office of the Solicitor, Department of the Interior, Telephone (202) 343-4471.

The proposed regulations have been determined not to be significant rule making for purposes of the Department's procedures to implement E.O. 12044.

Dated: June 21, 1979.

William L. Kendig,

Acting Deputy Assistant Secretary—Policy, Budget and Administration, Department of the Interior.

Title 41 CFR is proposed to be amended by revising Part 14R-9 to read as follows:

PART 14R-9—PATENTS, DATA, AND COPYRIGHTS

Sec.
14R-9.000 Scope of part.

Subpart 14R-9.1—Patents

14R-9.100 Scope of subpart.
14R-9.101 Contracting Officer to consult with Solicitor.
14R-9.102 Authorization and consent.
14R-9.102-1 Authorization and consent for supplies or services.
14R-9.102-2 Authorization and consent in contracts for research and development or demonstration.
14R-9.103 Patent idemnification of Government by contractor.
14R-9.103-1 Patent indemnification in formally advertised contracts—commercial status predetermined.
14R-9.103-2 [Reserved.]
14R-9.103-3 Patent indemnification in negotiated contracts.
14R-9.103-4 Waiver of indemnity by the Government.
14R-9.104 Notice and assistance.
14R-9.105 [Reserved.]
14R-9.106 [Reserved.]
14R-9.107 Patent rights under contracts for research, development, and demonstration, and under special contracts.
14R-9.107-1 General.
14R-9.107-2 [Reserved.]
14R-9.107-3 Policy.
14R-9.107-4 Procedures.
14R-9.107-5 Clause for contracts (long form).
14R-9.107-6 Clause for contracts (short form).
14R-9.107-7 Foreign contracts.
14R-9.108 [Reserved.]
14R-9.109 Administration of patent clauses.
14R-9.109-1 Patent rights follow-up.
14R-9.109-2 Follow-up by contractor.
14R-9.109-3 Follow-up by Government.
14R-9.109-4 Remedies.
14R-9.109-5 Conveyance of invention rights acquired by the Government.
14R-9.109-6 Waivers.
14R-9.110 Reporting of royalties.

Supbart 14R-9.2—Technical Data and Copyrights

14R-9.200 Scope of subpart.
14R-9.201 Definitions.
14R-9.202 Acquisition and use of technical data.
14R-9.202-1 General.
14R-9.202-2 Policy.
14R-9.202-3 Procedures.
14R-9.202-4 Procedures (Government-owned, contractor operated facilities).
14R-9.202-5 Negotiations and deviations.

Authority.—5 U.S.C. 1976 ed., sec. 301; sec. 2, Reorganization Plan No. 3 of 1950, 15 FR 3174; 42 U.S.C. sec. 7879.

§ 14R-9.000 Scope of part.

This part sets forth policies, instructions, and contract clauses pertaining to patents, data, and copyrights in connection with the procurement of supplies and services.

Subpart 14R-9.1—Patents

§ 14R-9.100 Scope of subpart.

This subpart sets forth policies, procedures, and contract clauses with respect to inventions made or utilized in connection with any contracts, grants, agreements, understandings, or other arrangements entered into with or for the benefit of OWRT. OWRT's primary mission in its R&D procurement process is not oriented toward procurement for Government use, but rather toward the development and ultimate utilization of methodologies and technologies to assure efficient sources of water and water resources. OWRT must work in cooperation with industry in the development of new water sources and resources and in achieving a goal of widespread commercial use. To this end, Congress has provided OWRT with an array of incentives to secure the adoption of new technology developed for OWRT. An important incentive in commercializing technology is that provided by the patent system. As set forth in these regulations, patent incentives, including the Secretary of the Interior's authority to waive the Government's patent rights to the extent provided for by the statute, will be utilized in appropriate situations to encourage industrial participation, foster commercial utilization and competition, and make the benefits of OWRT's activities widely available to the public. In addition to considering the waiver of patent rights at the time of contracting, OWRT will also consider the incentive of a waiver of patent rights upon the reporting of an identified invention when requested by the contractor, or the employee-inventor with the permission of the contractor. These requests can be made whether or not a waiver request was made at the time of contracting. Waivers for an identified invention will be provided where it is determined that the patent waiver will be a real incentive to achieving the development and ultimate commercial utilization. Where a waiver of Government patent rights is granted, either at the time of contracting or upon request after an invention is made, certain safeguards will be required by OWRT to protect the public interest.

§ 14R-9.101 Contracting Officer to consult with Solicitor.

(a) Except as is otherwise provided in this subpart, all authority of the Secretary of the Department of the Interior with respect to patent policies and procedures has been delegated to the Solicitor of the Department (Departmental Manual, Part 210, Chapter 2, paragraph 210.2.2A(5)). Therefore, any action under any contract provision required of the Contracting Officer (or other official having administrative authority over the contract) which affects the disposition of rights in inventions and in related area of data, shall be taken only after consultation with and approval of the Solicitor of the Department. No modification or alteration of any contract provision in these areas shall be made by the Contracting Officer without the express written authorization of the Solicitor. Requests for deviation shall be submitted to the Solicitor and the reasons for the actions requested set forth.

(b) The Office of the Solicitor shall be consulted for policies, instructions, and contract clauses concerning inventions, patents, and data for use in contracts which are to be performed outside the United States, its possessions, and Puerto Rico.

§ 14R-9.102 Authorization and consent.

(a) Under 28 U.S.C. 1498, any suit for infringement of a United States patent based on the manufacture or use by or for the United States of an invention described in and covered by a patent of the United States by a contractor or by a subcontractor (at any tier) can be maintained only against the Government in Court of Claims, and not against the contractor or subcontractor, in those cases where the Government has authorized or consented to the manufacture or use of the patented invention. Accordingly, to insure that work by a contractor or subcontractor under a Government contract may not be enjoined by reason of patent infringement, authorization and consent shall be given as provided below. The liability of the Government for damages in any such suit against it may, however, ultimately be borne by a contractor or subcontractor in accordance with the terms of any patent indemnity clause also included in the contract, and an authorization and consent clause does not detract from any patent indemnification commitment by a contractor or subcontractor. Therefore, both a patent indemnity clause and an authorization and consent clause may be included in the same contract.

(b) In certain contracting situation, such as those involving demonstration projects, consideration must be given to the impact of third party-owned patents covering technology that may be incorporated in the project which may ultimately affect widespread commercial use of the project results. In such situations, the Interior Department's Solicitor (Division of General Law) should be consulted to determine what modifications, if any, should be made to the utilization of the Authorization and Consent and Indemnity provisions or what other action might be deemed appropriate.

(c) An Authorization and Consent clause shall not be used in contracts where both complete performance and delivery are to be outside the United States, its possessions or Puerto Rico.

§ 14R-9.102-1 Authorization and consent in contracts for supplies or services.

The following contract clause shall be included in all contracts for supplies or services except:

(a) When prohibited by § 14R-9.102(c); or

(b) In contracts for research, development, or demonstration work in which the clause in § 14R-9.102-2 is required.

Authorization and Consent

The Government hereby gives its authorization and consent (without prejudice to any rights of indemnification) for all use and manufacture, in the performance of this contract or any part hereof or any amendment hereto or any subcontract hereunder (including any lower-tier subcontract), of any invention described in and covered by a patent of the United States (a) embodied in the structure of composition of any article the delivery of which is accepted by the Government under this contract or (b) utilized in the machinery, tools or methods the use of which necessarily results from compliance by the Contractor or the using subcontractor with (i) specifications or written provisions now or hereafter forming a part of this contract, or (ii) specific written instructions given by the Contracting Officer directing the manner of performance. The entire liability to the Government for infringement of a patent of the United States shall be determined solely by the provisions of the indemnity clauses, if any, included in this contract or any subcontract hereunder (including all lower-tier subcontracts), and the Government assumes liability for all other infringement to the extent of the authorization and consent hereinabove granted.

§ 14R-9.102-2 Authorization and consent in contracts for research, development, or demonstration.

Greater latitude in the use of patented inventions may be necessary in a

contract for research, development, or demonstration work than in a contract for supplies. Unless prohibited by § 14R-9.102(c), the following clause shall be included in all contracts calling exclusively for research, development, or demonstration work and may be included in contracts calling for both supplies and research, development, or demonstration work where the latter work is a primary purpose of the contract. In all other contracts for both supplies and research, development, or demonstration work, the Authorization and Consent clause § 14R-9.102-1 shall be used. If the following clause is included in a contract, the clause in § 14R-9.102-1 shall not be included.

Authorization and Consent

The Government hereby gives its authorization and consent for all use and manufacture of any invention described in and covered by a patent of the United States in the performance of this contract or any part hereof or any amendment hereto or any subcontract hereunder (including all lower-tier subcontracts).

§ 14R-9.103 Patent indemnification of Government by contractor.

In order that the Government may be reimbursed for liability for patent infringement arising out of or resulting from the performance of construction contracts or contracts for supplies, including standard parts and components which normally are or have been sold or offered for sale to the public in the commercial open market, or which are the same as such supplies with a relatively minor modification thereof, a clause providing for indemnification of the Government shall be included in such contracts as well as in subcontracts, as appropriate, in accordance with the instructions set forth below. However, a Patent Indemnity clause normally shall not be used in contracts or subcontracts:

(a) When the Authorization and Consent clause in § 14R-9.102-2 applicable to research, development, or demonstration contracts is authorized, except that in contracts calling also for supplies of the kind described above, or for supplying standard parts or components, the Patent Indemnity clause in § 14R-9.103-3(b) may be used with respect to such supplies; in subcontracts thereunder, the Patent Indemnity clause of § 14R-9.103-1 or § 14R-9.103-3(b) shall be used as appropriate;

(b) When the contract is for supplies which clearly are not, or have not, been sold or offered for sale to the public in the commerical open market;

(c) When both performance and delivery are to be outside the United States, its possessions, or Puerto Rico, unless the contract indicates that the supplies are ultimately to be shipped into the United States, its possessions, or Puerto Rico, in which case the instruction of § 14R-9.103-1 or § 14R-9.103-3 are applicable; or

(d) When the contract is for an amount of § 10,000 or less (as a matter of administrative convenience, however, the clause need not be deleted where it is a part of a standard form being used for such contracts since it is self-deleting).

§ 14R-9.103-1 Patent indemnification in formally advertised contracts—commercial status predetermined.

Except as prohibited by § 14R-9.103, the following clause is appropriate in formally advertised construction contracts and shall be included in formally advertised contracts for supplies when it has been determined in advance of issuing the invitation for bids that the supplies (or such supplies apart from relatively minor modification to be made thereto) normally are or have been sold or offered for sale by any supplier to the public in the commerical open market.

Patent Indemnity

If the amount of this contract is in excess of $10,000, the Contractor shall indemnify the Government and its officers, agents, and employees against liability, including costs, for infringement of any United States Letters Patent (except Letters Patent issued upon an application which is now or may hereafter be kept secret or otherwise withheld from issue by order of the Government) arising out of the manufacture or delivery of supplies or out of construction, alteration, modification, or repair of real property (hereinafter referred to as "construction work") under this contract, or out of the use or disposal by or for the account of the Government of such supplies or construction work. The foregoing indemnity shall not apply unless the Contractor shall have been informed as soon as practicable by the Government of the suit or action alleging such infringement, and shall have been given such opportunity as is afforded by applicable laws, rules, or regulations to participate in the defense thereof; and further, such indemnity shall not apply to: (i) an infringement resulting from compliance with specific written instructions of the Contracting Officer directing a change in the supplies to be delivered or in the materials or equipment to be used, or directing a manner of performance of the contract not normally used by the Contractor; (ii) an infringement resulting from addition to, or change in, such supplies or components furnished or construction work performed which addition or change was made subsequent to delivery or performance by the Contractor; or (iii) a claimed infringement which is settled without the consent of the Contractor, unless required by final decree of a court of competent jurisdiction.

§ 14R-9.103-2 [Reserved.]

§ 14R-9.103-3 Patent indemnity in negotiated contracts.

The fact that a contract is negotiated does not preclude inclusion of a Patent Indemnity clause in such a contract, and such clause may be included in negotiated construction contracts and in contracts for supplies when such supplies normally are or have been sold or offered for sale to the public in the commercial open market, or are such supplies with relatively minor modifications made thereto, or in contracts for supplying standard parts or components.

(a) Subject to the foregoing and to the prohibitions in § 14R-9.103, the clause in § 14R-9.103-1 is approved for use in negotiated contracts for construction work or supplies.

(b) Except as prohibited by § 14R-9.103, the following clause is appropriate in research, development, or demonstration contracts when it has been determined by OWRT in any particular contracting situation that the contract will require standard supplies sold or offered for sale to the public on the commercial open market or utilize the contractor's practices or methods which normally are or have been used in providing goods and services on the commercial open market.

Patent Indemnity

The Contractor shall indemnify the Government and its officers, agents, and employees against liability, including costs, for infringement of U.S. Letters Patent (except Letters Patent issued upon an application which is now or may hereafter be kept secret or otherwise withheld from issue by order of the Government) resulting from the Contractor's: (a) furnishing or supplying standard parts or components which have been sold or offered for sale to the public on the commercial open market; or (b) utilizing its normal practices or methods which normally are or have been used in providing goods and services in the commercial open market, in the performance of the contract; or (c) utilizing any parts, components, practices, or methods to the extent to which the Contractor has secured indemnification from liability. The foregoing indemnity shall not apply unless the Contractor shall have been informed as soon as practicable by the Government of the suit or action alleging such infringement, and shall have been given such opportunity as is afforded by applicable laws, rules, or regulations to participate in the defense thereof; and further, such indemnity shall not apply to a claimed infringement which is settled without the consent of the Contractor, unless required by final decree of a court of competent

jurisdiction or to an infringement resulting from addition to or change in such supplies or components furnished or construction work performed which addition or change was made subsequent to deliver or performance by the Contractor.

§ 14R-9.103-4 Waiver of indemnity by the Government.

If it is desired to exempt one or more specified United States patents from the Patent Indemnity clause in § 14R-9.103-1 and § 14R-9.103-3(b), concurrence for such exemption shall be obtained from the Solicitor, and the following clause shall be included in the contract, in addition to the Patent Indemnity clause.

Waiver of Indemnity

Any provision of this contract to the contrary notwithstanding, the Government hereby authorizes and consents to the use and manufacture, solely in the performance of this contract, of any invention covered by the United States patents identified as listed below, and waives indemnification by the Contractor with respect to such patents: (Identify the patents by number or by other means if more appropriate).

§ 14R-9.104 Notice and assistance.

The Government should be notified by the contractor of all claims of infringement in connection with the performance of a Government contract which come to the contractor's attention. The contractor should also assist the Government, to the extent of evidence and information in the possession of the contractor, in connection with any suit against the Government, or any claims against the Government made before suit has been instituted, on account of any alleged patent or copyright infringement arising out of or resulting from the performance of the contract. Accordingly, the following clause shall be included in all contracts in excess of $10,000 for supplies, services, construction, research, development, or demonstration work. However, that the clause shall not be included in contracts:

(a) Where both performance and delivery are to be outside the United States, its possessions, or Puerto Rico, unless the contract indicates that the supplies are ultimately to be shipped into the United States, its possessions, or Puerto Rico; or

(b) Of $10,000 or less (as a matter of administrative convenience, however, the clause need not be deleted when it is part of a standard form being used for such contracts since it is self-deleting).

Notice and Assistance Regarding Patent and Copyright Infringement

The provisions of this clause shall be applicable only if the amount of this contract exceeds $10,000.

(a) The Contractor shall report to the Contracting Officer, promptly and in reasonable written detail, each notice or claim of patent or copyright infringement based on the performance of this contract of which the Contractor has knowledgement.

(b) In the event of any claim or suit against the Government on account of any alleged patent or copyright infringement arising out of the performance of this contract or out of the use of any supplies furnished or work services performed hereunder, the Contractor shall furnish to the Government when requested by the Contracting Officer, all evidence and information in possession of the Contractor pertaining to such suit or claim. Such evidence and information shall be furnished at the expense of the Government except where the Contractor has agreed to indemnify the Government.

(c) This clause shall be included in all subcontracts.

§ 14R-9.105 [Reserved.]

§ 14R-9.106 [Reserved.]

§ 14R-9.107 Patent rights under contracts for research, development, and demonstration, and under special contracts.

§ 14R-9.107-1 General.

This section sets forth the policies, procedures, and practices of OWRT in connection with inventions, patents, and related matters based upon Section 408 of the Water Research and Development Act of 1978, Pub. L. 95-467 of October 17, 1978, citing Sections 9 and 10 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5908, 5909); and, to the extent not inconsistent with the foregoing statutes, the revised Presidential Memorandum and Statement of Government Patent Policy, August 23, 1971 (36 FR 16887-16892). Pursuant to the foregoing statutes, title to inventions conceived or otherwise made in the course of or under OWRT contracts shall vest in the Government, and that all or part of the rights of the Government in such inventions may be waived if it is determined, in conformity with the provisions of Section 9 of the Federal Nonnuclear Energy Research and Development Act, that the interests of the United States and the general public will best be served by such waiver.

§ 14R-9.107-2 [Reserved.]

§ 14R-9.107-3 Policy.

(a) Whenever any invention is conceived or otherwise made in the course of or under any contract of OWRT, title to such invention shall vest in the United States unless the Secretary of the Interior, or his designee, waives all or any part of the rights of the United States. While waivers are to be granted only in conformity with the specific minimum considerations and under the carefully delineated conditions set forth in § 14R-9.109-6, it is recognized that waivers comprise a necessary part of the commercialization incentives available to OWRT. It is intended, therefore, that waivers will be provided in appropriate situations to encourage industrial participation and foster rapid commercial utilization in the overall best interest of the United States and the general public. With regard to any waivers granted under this Part 14R-9, OWRT shall maintain a publicly available, periodically updated record of such waiver determinations.

(b) In contracts having as a purpose the conduct of research, development, or demonstration work and in other special contracts, the Government shall normally acquire title in and to any invention or discovery conceived or first actually reduced to practice in the course of or under the contract, allowing the contractor to retain a nonexclusive, revocable, paid-up license in the invention, and upon written request to OWRT, the right to file and retain title in any foreign country in which the Government does not elect to secure patent rights. The contractor's nonexclusive license retained in the invention may be revoked or modified by OWRT only to the extent necessary to achieve expeditious practical application of the invention pursuant to an application for and the grant of an exclusive license in the invention.

(c) In contracts having as a purpose the conduct of research, development, or demonstration work and in other special contracts the Government may have to acquire the right to require licensing of background patent rights to insure reasonable public availability and accessibility necessary to practice the results of the contract in the field of technology specifically contemplated in the contract effort. The need for background patent rights and the particular rights that should be obtained for either the Government or the public will depend upon the type, purpose, and the scope of the contract effort, and the cost to the Government of obtaining such rights. Accordingly, the background patent rights provision which will be appropriate for many contract situations is included in the Patent Rights clause.

(d) Nothing in this Part 14R-9 shall be deemed to convey to any individual, corporation, or other business organization immunity from civil or criminal liability, or to create defenses to actions under the antitrust laws.

§ 14R-9.107-4 Procedures.

(a) *Selection of Patent Rights clause.* (1) Whenever a contract, subcontract, or other arrangement has as a purpose the conduct of research, development, or demonstration work, the operation of a Government-owned research and production facility, the furninshing of architect-engineer, design or other special services, or the coordination and direction of the work of others, and in other special situations involving the use of Government-owned materials, equipment, or classified technical data and information, the Contracting Officer shall include in the proposed contract either the Patent Rights clause of § 14R-9.107-5(a), or the clause of § 14R-9.107-6. The clause set forth in § 14R-9.107-6 may be used only in contracts calling for basic or applied research work with nonprofit or educational institutions, or in certain consultant contracts as set forth in paragraph (a)(5) of this section.

(2) The Patent rights clause of § 14R-9.107-5(a) and § 14R-9.107-6 provide that the Government shall acquire title to inventions made (i.e. conceived or first actually reduced to practice) in the course of or under the contract. However, the contractor shall retain a nonexclusive, revocable license, and suject to OWRT requirements and regulations, may request the right to file and retain title in any foreign country in which the Government does not elect to secure patent rights. The contractor or the inventor may also retain greater rights than these after an invention has been identified and reported to OWRT if the Secretary or his designee determines that the interests of the United States and the general public will best be served by a waiver of such rights, utilizing the considerations set forth in § 14R-9.109-6.

(3) The primary missions of OWRT may require that certain rights in the contractor's privately developed background patents be acquired for the Government's future production, research, development, and demonstration projects. Similar rights may also be required to enable private parties to utilize the technology developed or demonstrated with Government assistance in the field of technology specifically contemplated in the contract effort. To this end, subject to specified exceptions and negotiations, the Patent Rights clause in OWRT contracts shall normally include provisions obtaining rights of the type specified in § 14R-9.107-5 to such background patents, except that for contracts up to $50,000, a determination may be made by the Solicitor to omit such provisions upon the contractor's request therefor to OWRT. This determination will be particularly concerned with the implications of the contract's potential for technological advances to any intentions or plans which the Govenment may have to additionally fund research and development for such advances. It is recognized that the precise rights to be acquired under the provisions will depend upon the facts of each situation and are a matter for determination by OWRT and for negotiation with the contractor. General guidelines for use by Contracting Officers and contract negotiators are provided in § 14R-9.107-5(b).

(4) The short form Patent Rights clause in § 14R-9.107-6 may be used in contracts calling for basic or applied research where the contractor is a nonprofit or educational institution, and in special situations such as consultant contracts. However, this clause will not be used in contracts calling for the operation of Government-owned facilities, contracts in which an advance waiver or greater rights has been granted, in certain consultant contracts as explained in § 14R-9.107-6, or in other special contracts.

(5) Solicitations and proposed contracts shall provide offerors and prospective contractors with notice of and the right to request, in advance of or within 30 days after the effective date of contracting, a waiver of all or any part of the rights of the United States with respect to subject inventions. In no event will the fact that an offeror has requested such a waiver be a consideration in the evaluation of his offer or the determination of his acceptablity. If an advance waiver is granted, the Patent Rights clause of § 14R-9.107-5(a) shall be utilized and appropriately modified in accordance with the terms of such waiver. To provide adequate notice to prospective contractors or offerors, the following provision will be inserted in all soliciations which may result in contracts callng for research, development, or demonstration:

Offerors and prospective contractors in accordance with applicable statutes and OWRT Regulations (41 CFR 14R-9.109-6) have the right to request in advance of or within 30 days after the effective date of contracting a waiver of all or any part of the rights of the United States in subject inventions.

(b) *License for the Government, States and domestic municipal governments.* When a waiver is granted or foreign rights are retained by either the contractor or the inventor, the Government shall retain for the United States, and domestic municipal governments at least a paid-up, nonexclusive, irrevocable license in all applicable inventions unless the Secretary or his designee determines that it would not be in the public interest to acquire such rights for the States and domestic municipal governments. Requests by contractors for such determinations, together with a justification therefor shall be submitted to the Contracting Officer. The Contracting Officer shall refer such requests, along with appropriate comments and recommendations, to the Solicitor to serve as a basis for a determination by the Secretary or his designee.

(c) *Right to sublicense foreign governments.* The Patent Rights clause does not provide the Government with the right to grant sublicenses to a foreign government pursuant to any treaty or agreement in subject inventions to which the contractor has been granted greater or foreign rights. The Secretary or his designee may determine at the time of contracting that it would be in the national interest to acquire this right, or he may reserve the right to make this determination after the invention is identified. When such a determination is made or such right is reserved, the Patent Rights clause should be amended as set forth in § 14R-9.107-5(d).

(d) *License rights (upon request) to the contractor.* Paragraph (c) of the Patent Rights (long form) clause of § 14R-9.107-5(a) specifies the license rights retained by the contractor in inventions made in the course of or under the contract. In appropriate circumstances, such as in contracts for the operation of Government-owned facilities or special long term, cost reimbursement Government-funded research, development, or demonstration work, this provision shall be modified to provide a revocable, nonexclusive, royalty-free license in inventions only upon request by the contractor for reservation of such license. In such situations, the paragraph set forth in § 14R-9.107-5(e) shall be substituted for paragraph (c)(1) of the Patent Rights (long form) clause.

(e) *License rights to contractor (irrevocable).* Paragraph (c)(1) of the Patent Rights clauses specifies that the license rights retained by the contractor in such inventions are revocable. In special circumstances, the license may be irrevocable, in which case the paragraph (c)(1) set forth in § 14R-9.107-5(f) shall be substituted for paragraph (c)(1), (c)(2), and (c)(3) of the Patent Rights (long form) clause. Since granting irrevocable licenses may interfere with

OWRT's licensing program, which is intended to promote the commercial utilization of inventions resulting from its research, development, or demonstration programs, contractors desiring irrevocable licenses shall submit a written request with a justification to the Contracting Officer. The Contracting Officer shall refer such requests, along with appropriate comments and recommendations, to the Solicitor to serve as a basis for approval by the Secretary or his designee.

(f) *Contractor sublicensing.* The right of a contractor having a license as set forth in paragraphs (d) and (e) of this section to grant a revocable license to one or more sublicensees may be considered appropriate by the Secretary or his designee in certain circumstances, such as, for example, where the contractor is cost sharing; where the contractor's control or involvement in the technology which is the subject of the contract is substantial; where the reservation of licensing rights in the contractor would best promote commercialization or utilization of the technology, or where substantial segments of the user population already have licenses or would otherwise be licensed. In such situations, the paragraph in § 14R-9.107-5(g)(1) may be substituted for paragraph (c)(1) of § 14R-9.107-5(a), or the paragraphs in § 14R-9.107-5(g)(2) may be substituted for paragraphs (c)(1), (c)(2), and (c)(3) of § 14R-9.107-5(a), as appropriate.

(g) *Facilities license.* Whenever a contract has as a purpose the design, construction, or operation of a Government-owned research, development, demonstration, or production facility, it is necessary that the Government be accorded certain rights with respect to further use of the facility by or on behalf of the Government upon termination of the contract, including the right to make, use, transfer, or otherwise dispose of all articles, materials, products, or processes embodying inventions or discoveries used or embodied in the facility regardless of whether or not conceived or actually reduced to practice under or in the course of such a contract. Accordingly, the paragraph of § 14R-9.107-5(h) shall be used in all such contracts in addition to the provision of the "long form" Patent Rights clause.

(h) *Subcontracts.* (1) The policy expressed in § 14R-9.107-3 is applicable to prime contracts and to subcontracts regardless of tier. The Patent Rights clause of § 14R-9.107-5(a) or § 14R-9.107-6 shall be included in all subcontracts having as a purpose the conduct of research, development, or demonstration work. However, the Patent Rights clause contained in the prime contract is not to be deemed automatically appropriate for subcontracts. For example, it would not be appropriate to the extent that waivers have been granted the prime contractor at the time of contracting. A separate waiver, if any, must be obtained by subcontractors. Further, the withholding of payment provision of the prime contract will normally not be included in a subcontract except that upon request of the Contracting Officer in special contracting situations the withholding of payment provision may be flowed down to subcontractor. Whenever either the prime contractor or a proposed subcontractor considers the inclusion of the Patent Rights clause of § 14R-9.107-5(a) or § 14R-9.107-6 to be inappropriate, or the subcontractor refuses to accept such a clause in its subcontract, the matter shall be referred prior to award of the subcontract to the Contracting Officer for resolution in accordance with § 14R-9.107-4(k). Upon such referral, the same considerations and procedures followed in selecting the appropriate Patent Rights clause included in the prime contract shall be used in selecting the subcontract clause.

(2) Contractors shall not use their ability to award subcontracts as economic leverage to acquire rights for themselves in the inventions resulting from subcontracts, and a waiver granted to a prime contractor is not normally applicable to inventions of subcontractors. However, in appropriate circumstances, the prime contractor's waiver may be made applicable to the inventions of any or all subcontractors, such as, for example, where there are pre-existing special research and development arrangements between the prime contractor and subcontractor, or where the prime contractor and subcontractor, are partners in a cooperative effort. In addition, in such circumstances the prime contractor may be permitted to acquire nonexclusive licenses in the subcontractor's inventions when a waiver for subcontractor inventions is not applicable.

(i) *Record of decisions.* The Solicitor shall record the basis for the following actions: (1) Waivers at the time of contracting; (2) waivers granted on identified inventions; (3) determinations that no license need be obtained for States or municipal governments; (4) determinations that the right to sublicense foreign governments should be obtained; and (5) the grant of irrevocable licenses.

(j) *Publication of invention disclosures.* The Patent Rights clauses specify that the Government may duplicate and disclose invention disclosures reported under the contract, although it is not OWRT's practice to publish invention disclosures. Since public disclosure before the filing of a U.S. patent application may create a bar to filing certain foreign applications, the clauses also require that patent approval for release or publication of information relating to the contract work be secured from the Solicitor prior to any such release or publication. When the contractor has requested or obtained a waiver, or has advised of its interest in obtaining certain foreign filing rights, provision is made for OWRT to use its best efforts to withhold release or publication of such information for a specified time period in accordance with paragraph (d)(1) or the clause in § 14R-9.107-5(a) to permit the timely filing of a U.S. patent application by the contractor.

(k) *Negotiations and deviations.* Contracting Officers shall contact the Solicitor for assistance in selecting, negotiating, or approving appropriate patent, copyright, and data clauses. Any intended departures or deviations from the policy, procedures, or the clauses specified in this Part § 14R-9 shall be referred to the Solicitor for review and concurrence.

§ 14R-9.107-5 Clause for contracts (long form).

(a) *Patent Rights clause.* When the Contracting Officer has determined that a contract falls within § 14R-9.107-4(a)(1), except where the clause of § 14R-9.107-6 is applicable, the following clause shall be included in the contract.

Patent Rights

(a) *Definitions.* (1) "Subject Invention" means any invention or discovery of the Contractor conceived or first actually reduced to practice in the course of or under this contract, and includes any art, method, process, machine, manufacture, design, or composition of matter, or any new and useful improvement thereof, or any variety of plants, whether patented or unpatented under the Patent Laws of the United States of America or any foreign country.

(2) "Contract" means any contract, grant, agreement, understanding, or other arrangement, which includes research, development, or demonstration work, and includes any assignment, or substitution of parties.

(3) "States and domestic municipal governments" means the States of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, the Trust Territory of the Pacific Islands, and

any political subdivision and agencies thereof.

(4) "Government agency" includes an executive department, independent commission, board, office, agency, administration, authority, Government corporation, or other Government establishment of the Executive Branch of the Government of the United States of America.

(5) "To the point of practical application" means to manufacture in the case of a composition or product, to practice in the case of a process, or to operate in the case of a machine and under such conditions as to establish reasonably accessible to the public.

(6) "Solicitor" means the Solicitor of the U.S. Department of the Interior or his authorized representative.

(7) "OWRT" means Office of Water Research and Technology in the U.S. Department of the Interior.

(8) "Contractor" means any individual, partnership, public or private corporation, association, institution or other entity which is a party to the contract and includes entities controlled by the Contractor. The Term "controlled" means the direct or indirect ownership of more than 50 percent of the outstanding stock entitled to vote for the election of directors, or a directing influence over such stock: Provided, however, that foreign entities not wholly owned by the Contractor shall not be considered as "controlled" for purposes of this patent clause. For the purposes of the patent clause, grantees are deemed Contractors.

(9) "Secretary" means the Secretary of the Interior or his authorized representative.

(b) *Allocation of principal rights.*—(1) *Assignment to the Government.* The Contractor agrees to assign to the Government the entire right, title, and interest throughout the world in and to each Subject Invention, except to the extent that rights are retained by the Contractor under paragraphs (b)(2) and (c) of this clause.

(2) *Greater rights determinations.* The Contractor or the employee-inventor with authorization of the Contractor may request greater rights than the nonexclusive license and the right to request foreign patent rights provided in paragraph (c) of this clause on identified inventions in accordance with 41 CFR 14R-9.109-6. Such requests must be submitted to the Contracting Officer at the time of the first disclosure pursuant to paragraph (e)(2) of this clause, or not later than 6 months after conception or first actual reduction to practice, whichever occurs first, or such longer period as may be authorized by the Contracting Officer for good cause shown in writing by the Contractor.

(c) *Minimum rights to the Contractor.*—(1) *Contractor license.* The Contractor reserves a revocable, nonexclusive, paid-up license in each patent application filed in any country on a Subject Invention and any resulting patent in which the Government acquires title. The license shall extend to the Contractor's domestic subsidiaries and affiliates, if any, within the corporate structure of which the Contractor is a part and shall include the right to grant sublicenses of the same scope, to the extent the Contractor was legally obligated to do so at the time the contract was awarded. The license shall be transferable only with approval of the Solicitor except when transferred to the successor of that part of the Contractor's business to which the invention pertains.

(2) *Revocation limitations.* The Contractor's nonexclusive license retained pursuant to paragrpah (c)(1) of this clause and sublicenses granted thereunder may be revoked or modified by the Solicitor, either in whole or in part, only to extent necessary to achieve expeditious practical application of the Subject Invention under the published Federal Property Management Licensing Regulations (41 CFR 101-4.1), and only to the extent an exclusive license is actually granted. This license shall not be revoked in that field of use and/or the geographical areas in which the Contractor, or its sublicensee, has brought the invention to the point of practical application and continues to make the benefits of the invention reasonably accessible to the public, or is expected to do so within a reasonable time.

(3) *Revocation procedures.* Before modification or revocation of the license or sublicense, pursuant to paragraph (c)(2) of this clause, the Solicitor shall furnish the Contractor a written notice of its intention to modify or revoke the license and any sublicense thereunder, and the Contractor shall be allowed 30 days, or such longer period as may be authorized by the Solicitor for good cause shown in writing by the Contractor, after such notice to show cause why the license or any sublicense should not be modified or revoked. The conclusion of the Solicitor thereafter shall be final unless, within thirty (30) days from the date such conclusion is rendered, the Contractor submits to the Secretary a written appeal therefrom. The Contractor, upon a request therefor in writing, will be afforded an opportunity to be heard and to offer evidence in support of the appeal. The decision of the Secretary or his duly authorized representative for a determination of such appeal, shall be final and conclusive.

(4) *Foreign patent rights.* Upon written request to the Contracting Officer, in accordance with paragraph (e)(2)(i) of this clause, the Contracting Officer, with the authorization of the Solicitor, may reserve to the Contractor, or the employee-inventor, with authorization of the Contractor, the patent rights to a Subject Invention in any foreign country where the Government has elected not to secure such rights provided:

(i) The recipient of such rights, when specifically requested by the Solicitor and three years after issuance of a foreign patent disclosing such Subject Invention, shall furnish the Solicitor a report setting forth:

(A) The commercial use that is being made, or is intended to be made, or said invention, and

(B) The steps taken to bring the invention to the point of practical application or to make the invention available for licensing.

(ii) The Government shall retain at least a nonexclusive, irrevocable, paid-up license to make, use, and sell the invention throughout the world by or on behalf of the Government (including any Government agency) and States and domestic municipal governments, unless the Secretary or his designee determines that it would not be in the public interest to acquire the license for the State and domestic municipal governments.

(iii) Subject to the rights granted in (c) (1), (2), and (3) of this clause, the Secretary or his designee shall have the right to terminate the foreign patent rights granted in this paragraph (c)(4) in whole or in part unless the recipient of such rights demonstrates to the satisfaction of the Secretary or his designee that effective steps necessary to accomplish substantial utilization of the invention have been taken or within a reasonable time will be taken.

(iv) Subject to the rights granted in (c) (1), (2), and (3) of this clause, the Secretary or his designee shall have the right, commencing four years after foreign patent rights are accorded under this paragraph (c)(4) to require the granting of a nonexclusive or partially exclusive license to a responsbile applicant or applicants, upon terms reasonable under the circumstances and in appropriate circumstances to terminate said foreign patent rights in whole or in part, following a hearing upon notice thereof to the public, upon a petition by an interested person justifying such hearing:

(A) If the Secretary or his designee determines, upon review of such material as he deems relevant, and after the recipitent of such rights, or other interested person, has had the opportunity to provide such relevant and material information as the Secretary or his designee may require that such foreign patent rights have tended substantially to lessen competition or to result in undue market concentration in any section of the United States in any line of commerce to which the technology relates; or

(B) Unless the recipient of such rights demonstrates to the satisfaction of the Secretary or his designee at such hearing that the recipient has taken effective steps, or within a reasaonable time thereafter is expected to take such steps, necessary to accomplish substantial utilization of the invention.

(d) *Filing of patent applications.* (1) With respect to each Subject Invention in which the Contractor or the inventor requests foreign patent rights in accordance with paragraph (c)(4) of this clause, a request may also be made for the right to file and prosecute the U.S. application on behalf of the U.S. Government. If such request is granted, the Contractor or inventor shall file a domestic patent application on the invention within 6 months after the request for foreign patent rights is granted, or such longer period of time as may be approved by the Solicitor for good cause shown in writing by the requester. With respect to the invention, the requester shall promptly notify the Solicitor of any decision not to file an application.

(2) For each Subject Invention on which a domestic patent application is filed by the Contractor or inventor, the Contractor or inventor shall:

(i) Within 2 months after the filing or within 2 months after submission of the invention disclosure if the patent application previously

has been filed, deliver to the Solicitor a copy of the application as filed, including the filing date and serial number;

(ii) Within 6 months after filing the application or within 6 months after submitting the invention disclosure if the application has been filed previously, deliver to the Solicitor a duly executed and approved assignment to the Government, on a form specified by the Government;

(iii) Provide the Solicitor with the original patent grant promptly after a patent is issued on the application; and

(iv) Not less than 30 days before the expiration of the response period for any action required by the Patent and Trademark Office, notify the Solicitor of any decision not to continue prosecution of the application.

(3) With respect to each Subject Invention in which the Contractor or inventor has requested foreign patent rights, the Contractor or inventor shall file a patent application on the invention in each foreign country in which such request is granted in accordance with applicable statutes and regulations and within one of the following periods:

(i) Eight months from the date of filing a corresponding United States application, or if such an application is not filed, six months from the date of the request was granted;

(ii) Six months from the date a license is granted by the Commissioner of Patents and Trademarks to file the foreign patent application where such filing has been prohibited by security reasons; or

(iii) Such longer periods as may be approved by the Solicitor for good cause shown in writing by the Contractor or inventor.

(4) Subject to the license specified in paragraph (c)(1), (2), and (3) of this clause, the Contractor or inventor agrees to convey to the Government, upon request, the entire right, title, and interest in any foreign country in which the Contractor or inventor fails to have a patent application filed in accordance with paragraph (d)(3) of this clause, or decides not to continue prosecution or to pay any maintenance fees covering the invention. To avoid forfeiture of the patent application or patent, the Contractor or inventor shall not less than 60 days before the expiration period for any action required by any Patent Office, notify the Solicitor of such failure of decision, and deliver to the Solicitor the executed instruments necessary for the conveyance specified in this paragraph.

(e) *Invention identification, disclosures, and reports.* (1) The Contractor shall establish and maintain active and effective procedures to ensure that Subject Inventions are promptly identified and timely disclosed. These procedures shall include the maintenance of laboratory notebooks or equivalent records and any other records that are reasonably necessary to document the conception and/or the first actual reduction to practice of Subject Inventions, and records which show that the procedures for identifying and disclosing the invention are followed. Upon request, the Contractor shall furnish the Contracting Officer a description of these procedures so that he may evaluate and determine their effectiveness.

(2) The Contractor shall furnish the Contracting Officer for consideration by the Solicitor:

(i) A written report on Form DI-1217, or the equivalent, containing full and complete technical information concerning each Subject Invention within 6 months after conception or first actual reduction to practice whichever occurs first in the course of or under this contract, but in any event prior to any on sale, public use, or public disclosure of such invention known to the Contractor. The report shall identify the contract and inventor and shall be sufficiently complete in technical detail and appropriately illustrated by sketch or diagram to convey to one skilled in the art to which the invention pertains a clear understanding of the nature, purpose, operation, and to the extent known, the physical, chemical, biological, or electrical characteristics of the invention. The report should also include any request for foreign patent rights under paragraph (c)(4) of this clause and any request to file a domestic patent application under (d)(1) of this clause. However, such requests shall be made within the period set forth in paragraph (b)(2) of this clause. When an invention is reported under this paragraph (e)(2)(i), it shall be presumed to have been made in the manner specified in Section 408 of the Water Research and Technology Act of 1978, Pub. L. 95-467, unless the Contractor contends it was not so made in accordance with paragraph (g)(2)(ii) of this clause.

(ii) Upon request, but not more than annually, interim reports on Form DI-1216 listing Subject Inventions and subcontracts awarded containing a Patent Rights clause for that period and certifying that:

(A) The Contractor's procedures for identifying and disclosing Subject Inventions as required by this paragraph (d) have been followed throughout the reporting period;

(B) All Subject Inventions have been disclosed or that there are no such inventions;

(C) All subcontracts containing a Patent Rights clause have been reported or that no such subcontracts have been awarded; and

(iii) A final report on Form DI-1216 within 3 months after completion of the contract work listing all Subject Inventions and all subcontracts awarded containing a Patent Rights clause and certifying that:

(A) All Subject Inventions have been disclosed or that there were not such inventions; and

(B) All subcontracts containing a Patent Rights clause have been reported or that no such subcontracts have been awarded.

(3) The Contractor shall obtain patent agreements to effectuate the provisions of this clause from all persons in its employ who perform any part of the work under this contract except nontechnical personnel, such as clerical employees and manual laborers.

(4) The Contractor agrees that the Government may duplicate and disclose Subject Invention disclosures and all other reports and papers furnished or required to be furnished pursuant to this clause. If the Contractor is to file a foreign patent application on a Subject Invention, the Government agrees, upon written request, to use its best efforts to withhold publication of such invention disclosures until the expiration of the time period specified in paragraph (d)(1) of this clause, but in no event shall the Government or its employees be liable for any publication thereof.

(f) *Publication.* It is recognized that during the course of the work under this contract, the Contractor or its employees may from time to time desire to release or publish information regarding scientific or technical developments made or conceived in the course of or under this contract. In order that public disclosures of such information will not adversely affect the patent interests of the Government, or the Contractor, patent approval for release or publication shall be secured from the Solicitor prior to any such release or publication.

(g) *Forfeitures of rights in unreported Subject Inventions.* (1) The Contractor shall forfeit to the Government, at the request of the Secretary or his designee, all rights in any Subject Invention which the Contractor fails to report to the Contracting Officer within six months after the time the Contractor:

(i) Files or causes to be filed a United States or foreign patent application thereon; or

(ii) Submits the final report required by paragraph (e)(2)(iii) of this clause, whichever is later.

(2) However, the Contractor shall not forfeit rights in a Subject Invention if, within the time specified in (1)(i) or (1)(ii) of this paragraph (g), the Contractor:

(i) Prepared a written decision based upon a review of the record that the invention was neither conceived nor first actually reduced to practice in the course of or under the contract and files the same with the Solicitor; or

(ii) Contending that the invention is not a Subject Invention, the contractor nevertheless discloses the invention and all facts pertinent to this contention to the Solicitor; or

(iii) Establishes that the failure to disclose did not result from the Contractor's fault or negligence.

(3) Pending written assignment of the patent applications and patents on a Subject Invention determined by the Secretary or his designee to be forfeited (such determination to be a final decision under the Disputes Clause), the Contractor shall be deemed to hold the invention and the patent applications and patents pertaining thereto in trust for the Government. The forfeiture provision of this paragraph (g) shall be in addition to and shall not supersede other rights and remedies which the Government may have with respect to Subject Inventions.

(h) *Examination of records relating to inventions.* (1) The Contracting Officer or his authorized representative, until the expiration of 3 years after final payment under this contract shall have the right to examine any books (including laboratory notebooks), records, documents, and other supporting data of the Contractor which the Contracting Officer or his authorized representative reasonably deem pertinent to the discovery or identification of Subject

Inventions or to determine compliance with the requirements of this clause.

(2) The Contracting Officer or his authorized representative shall have the right to review all books (including laboratory notebooks), records, and documents of the Contractor relating to the conception or first actual reduction to practice of inventions in the same field of technology as the work under this contract to determine whether any such inventions are Subject Invention, if the Contractor refuses or fails to:

(i) Establish the procedures of paragraph (e)(1) of this clause; or

(ii) Maintain and follow such procedures; or

(iii) Correct or eliminate any material deficiency in the procedures within thirty (30) days after the Contracting Officer notifies the Contractor of such a deficiency.

(i) *Withholding of payment. (Not applicable to subcontracts).* (1) Any time before final payment of the amount of this contract, the Contracting Officer may, if he deems such action warranted, withhold payment until a reserve not exceeding $10,000 or 10 percent of the amount of this contract, whichever is less, shall have been set aside if in his opinion, the contractor fails to:

(i) Establish, maintain, and follow effective procedures for identifying and disclosing Subject Inventions pursuant to paragraph (e)(1) of this clause; or

(ii) Disclose any Subject Inventions pursuant to paragraph (e)(2)(i) of this clause; or

(iii) Deliver the Interim Reports pursuant to paragraph (e)(2)(ii) of this clause; or

(iv) Provide the information regarding subcontracts pursuant to paragraph (j)(5) of this clause; or

(v) Convey to the Government in a Solicitor-approved form the title and/or rights of the Government in each Subject Invention as required by this clause.

(2) The reserve or balance shall be withheld until the Contracting Officer has determined after consultation with the Solicitor that the contractor has rectified whatever deficiencies exist and has delivered all reports, disclosures, and other information required by this clause.

(3) Final payment under this contract shall not be made by the Contracting Officer before the Contractor delivers to the Contracting Officer all disclosures of Subject Inventions and other information required by (e)(2)(i) of this clause, the final report required by (e)(2)(iii) of this clause, and the Solicitor has issued a patent clearance certification to the Contracting Officer.

(4) The Contracting Officer may, in his discretion, decrease or increase the sums withheld up to the maximum authorized above. If the Contractor is a nonprofit organization, the maximum amount that may be withheld under this paragraph shall not exceed $10,000 or 5 percent of the amount of this contract, whichever is less. No amount shall be withheld under this paragraph while the amount specified by this paragraph is being withheld under other provisions of the contract. The withholding of any amount or subsequent payment thereof shall not be construed as a waiver of any rights accruing to the Government under this contract.

(j) *Subcontracts.* (1) For the purpose of this paragraph, the term "Contractor" means the party awarding a subcontract and the term "Subcontractor" means the party being awarded a subcontract, regardless of tier.

(2) Unless otherwise authorized or directed by the Contracting Officer, the Contractor shall include the Patent Rights clause of 41 CFR 14R-9.107-5(a) or 41 CFR 14R-9.107-6 as appropriate, modified to identify the parties in any subcontract hereunder. In the event of refusal by a Subcontractor to accept this clause, or if in the opinion of the Contractor this clause is inconsistent with OWRT's patent policies, the Contractor:

(i) Shall promptly submit written notice to the Contracting Officer setting forth reasons for the Subcontractor's refusal and other pertinent information which may expedite disposition of the matter; and

(ii) Shall not proceed with the subcontract without the written authorization of the Contracting Officer.

(3) The Contractor shall not, in any subcontract except as may be otherwise provided in this clause, or by using a subcontract as consideration therefor, acquire any rights in its Subcontractor's Subject Invention for the Contractor's own use (as distinguished from such rights as may be required solely to fulfill the Contractor's contract obligations to the Government in the performance of this contract).

(4) All invention disclosures, reports, instruments, and other information required to be furnished by the Subcontractor to OWRT or the Solicitor, under the provision of a Patent Rights clause in any subcontract hereunder may, in the discretion of the Contracting Officer, be furnished to the Contractor for transmission to OWRT or the Solicitor.

(5) The Contractor shall promptly notify the Contracting Officer in writing upon the award of any subcontract containing a Patent Rights clause by identifying the Subcontractor, the work to be performed under the subcontract, and the dates of award, and estimated completion. Upon the request of the Contracting Officer, the Contractor shall furnish a copy of the subcontract.

(6) The Contractor shall identify all Subject Inventions of the Subcontractor of which it acquires knowledge in the performance of this contract and shall notify the Contracting Officer promptly upon the identification of the inventions.

(7) It is understood that the Government is a third party beneficiary of any subcontract clause granting rights to the Government in Subject Inventions and Background Patents, and the Contractor hereby assigns to the Government all rights that the Contractor would have to enforce the Subcontractor's obligations for the benefit of the Government and the public with respect to Subject Inventions and Background Patents. The Contractor shall not be obligated to enforce the agreements of any Subcontractor hereunder relating to the obligations of the Subcontractor to the Government with regard to Subject Inventions and Background Patents.

(k) *Dominating Background Patents.* (1) Definitions. (i) "Background Patent" means a foreign or domestic patent (regardless of its date of issue relative to the date of this contract):

(A) Which the Contractor, but not the Government, has the right to license to others; and

(B) Infringement of which cannot be avoided upon the practice of a Subject Invention or Specified Work Object.

(ii) "Commercial Item" means:

(A) Any machine, manufacture, or composition of matter which, at the time of a request for a license pursuant to this section, is offered for sale or otherwise made available commercially to the public in the regular course of business, at terms reasonable in the circumstances; and

(B) Any process which, at the time of a request for a license, is in commercial use, or is offered for commercial use, so the results of the process or the products produced thereby are or will be accessible to the public at terms reasonable in the circumstances.

(iii) To "practice an invention or patent" means the right of a licensee on his own behalf to make or have made, use or have used, sell or have sold, or otherwise dispose of according to law, any machine, design, manufacture, or composition of matter physically embodying the invention, or to use or have used the process or method comprising the invention.

(iv) "Specified Work Object" means the specific process, method, machine, manufacture, or composition of matter (including relatively minor modifications thereof) which is the subject of the experimental, developmental, or research work performed under this contract.

(2) Contractor agrees that he will make the Background Patent available for use in conjunction with (A) any Subject Invention, and (B) any Specified Work Object, which is in the field of technology where the work of the contract falls. This may be done:

(i) By making available an embodiment of the Subject Invention or the Specified Work Object, which incorporates the invention covered by the Background Patent, as a Commercial Item of reasonable quality, in sufficient quantity and at reasonable prices to satisfy market needs; or

(ii) By the sale of an embodiment of the Background Patent as a Commercial Item in a form which can be employed in the practice of the Subject Invention or the Specified Work Object or can be so employed with relatively minor modifications, or demonstrating to the satisfaction of the Solicitor that a competitive alternative to such an embodiment is offered for sale, or otherwise made available commercially to the public, which is of reasonable quality, in sufficient quantity and at reasonable prices to satisfy market needs; or

(iii) By the licensing of the domestic Background Patent at reasonable terms, including reasonable royalties, to responsible applicants on their request.

(3)(i) When a license to practice a domestic Background Patent in conjunction with any Subject Invention or any Specified Work Object for the technology where the work of

the contract falls is requested, in writing, by a responsible applicant, and such Background Patent is not available as set forth in subparagraphs (k)(2) (i) or (ii) of this clause, the Contractor shall have six (6) months from the date of his receipt of such request to decide whether to make such Background Patent so available. The Contractor shall promptly notify the Contracting Officer, in writing within the said six months, of any such request for a licnese to practice a Background Patent in conjunction with a Subject Invention or Specified Work Object, which the Contractor or his licensee wishes to attempt to make available as set forth in subparagraphs (k)(2) (i) or (ii) of this clause. The Secretary or his designee shall then designate the reasonable time within which the Contractor must make such Background Patent available in reasonable quantity and quality, and at a reasonable price. If the Contractor or his licensee decides not to make such Background Patent so available, or fails to make it available within the time designated by the Secretary or his designee, the Background Patent shall be licensed to a responsible applicant at reasonable terms, including a reasonable royalty, in conjunction with (A) the Specified Work Object, or (B) the Subject Invention; and may be limited by the licensor for practice in the field of technology where the work of the contract falls.

(ii) The Contractor agrees to grant or have granted to a designated applicant, upon the written request of the Government, a nonexclusive license at reasonable terms, including reasonable royalties, under any foreign Background Patent in furtherance of any treaty or agreement between the Government of the United States and a foreign government for governmental purposes of such foreign government if an embodiment of the Background Patent is not commercially available in that country. Such license may be limited by the licensor to the practice of such Background Patent in conjunction with the Subject Inventions or Specified Work Objects in the field of technology where the work of the contract falls.

(iii) The Contractor agrees it will not seek injunctive relief or other prohibition of the use of the invention in enforcing its rights against any responsible applicant for such license and that it will not join with others in any such action. It is understood and agreed that the foregoing shall not affect the Contractor's right to injunctive relief or other prohibition of the use of Background Patents in areas not connected with the practice of Subject Inventions or Specified Work Objects in the field of technology where the work of the contract falls, or where the Contractor has made available the Commercial Item as set out in Subparagraphs (k)(2) (i) or (ii) of this clause.

(4) For use in the field of technology where the work of the contract falls in conjunction with (A) any Specified Work Object, or (B) any Subject Invention, the Contractor agrees to grant to the Government a license under any Background Patent. Such license shall be nonexclusive, nontransferable, royalty-free and worldwide to practice such Patent which is not available as a Commercial Item as specified in subparagraphs (k)(2) (i) or (ii) of this clause for use of the Government in connection with research, development, and demonstration work only. Subject to the royalty-free license provided for in this paragraph and to any license provisions set forth elsewhere in this patent clause, or in other contracts or agreements, any royalty charged the Government under such license shall be reasonable and shall give due credit and allowance for the Government's contribution, if any, toward the making, commercial development or enhancement of the invention(s) covered by the Background Patent.

(5) Any license granted under a process Background Patent for use with a Specified Work Object may be additionally limited by the Contractor to employment of the Background Patent under conditions and parameters reasonably equivalent to those called for or employed under the contract.

(6) It is understood and agreed that the Contractor's obligation to grant licenses under Background Patents shall be limited to the extent of the Contractor's right to grant the same without breaching any unexpired contract it had entered into prior to this contract or prior to the identification of a Background Patent, or without incurring any obligation to another solely on account of said grant. However, where such obligation is the payment of royalties or other compensations, the Contractor's obligation to license his Background Patent shall continue and the reasonable license terms shall include such payments by the applicant as will at least fully compensate the Contractor under said obligation to another.

(7) On the request of the Contracting Officer, the Contractor shall identify and describe any license agreement which would limit his right to grant a license under any Background Patent.

(8) In the event the Contractor has a parent or an affiliated company, which has the right to license a patent which would be a Background Patent if owned by the Contractor, but which is not available as a Commercial Item as specified in subparagraphs (k)(2) (i) or (ii) of this clause, and a qualified applicant requests a license under such patent for practice in the field of technology where the work of the contract falls in connection with the use of any Subject Invention or any Specified Work Object, the Contractor shall, at the written request of the Government, recommend to his parent company, or affiliated company, as the case may be, the granting of the requested license on reasonable terms, including reasonable royalties, and actively assist and participate with the Government and such applicant, as to technical matters and in liaison functions between the parties, as may reasonably be required in connection with any negotiations for issuance of such license. For the purpose of this paragraph:

(i) a parent company is one which owns or controls, through direct or indirect ownership of more than 50 percent of the outstanding stock entitled to vote for the election of directors, another company or other entity; and

(ii) affiliated companies are companies or other entities owned or controlled by the same parent company.

(l) *Effectuating agreements.* Except as otherwise authorized in writing by the Contracting Officer, the Contractor will obtain patent agreements to effectuate the provisions of this clause from all persons who perform any part of the work under this contract, except such clerical and manual labor personnel as will not have access to technical data.

(b) *Background Patents.* (1) It will normally be the case that a contractor qualified to perform work under an OWRT contract will have developed a degree of expertise in the general field of activity to which the contract relates. Accordingly, it will not be unusual for a prospective contractor to have an established patent position relating to the general field of work to be performed under an OWRT contract and to have ongoing research and development programs in that general field which could result in patentable inventions. Since the contractor is obligated to apply its best efforts to accomplishing the objectives of the contract work, it is to be expected that inventions owned or controlled by the contractor at any time during the contract period may be utilized in connection with the work performed under the contract. If such inventions are or become the subject of a patent, such patented inventions may control a subject of the contract or the contract results.

(2) It is usually the case that at the time an OWRT contract is negotiated, such inventions, if any, of the contractor are not known to the Government and may not be known to the contractor either. Use by the contractor of such inventions in connection with the contract work does not necessarily result in a need for rights in those inventions by the Government or others. However, failure of OWRT to obtain limited rights on behalf of the Government and/or third parties in a narrow class of those inventions, defined as "Background Patents" could frustrate the objectives of OWRT to promptly make the benefits of its programs widely available to the public and to promote the commercial utilization of the technology developed or demonstrated under OWRT programs. Therefore, it is OWRT's policy to obtain limited license rights in Background Patents on a basis that is reasonble under the circumstances of the particular contract and takes into account the relative equties of the contractor, the Government, and the general public.

(3) Paragraph (k) of the Patent Rights clause of § 14R-9.107-5(a) sets out the Background Patent provision that will be appropriate for OWRT contracting situations by balancing the needs of OWRT programs with the equities of the contractor. This clause obtains a nonexclusive, royalty-free license for the Government for research, development, and demonstration work only. Also in the absence of an available commercial alternative for the invention of a Background Patent, or where there is a failure on the part of the contractor itself or with its licensees in action to supply the market in sufficient quantities and reasonable prices, the contractor is required to license responsible parties on reasonable terms for use of the background invention with Subject Inventions and Specified Work Object in the field of technology specifically contemplated in the contract effort. The Background Patent provisions, however, are only applicable insofar as infringement of the Background Patent cannot be avoided in order to effectively utilize the results of the contract work. Additionally, the clause is not effective if the contractor can demonstrate to the satisfaction of the Secretary or his designee that commercial alternatives are available, or that the contractor or its licensees are supplying the market in sufficient quantities and at reasonable prices or have taken effective steps or within a reasonable time are expected to take effective steps to so supply the market. In determining whether to request such licensing, OWRT will recognize the need, where appropriate, to limit licensing to preserve the commercialization incentives provided by the patent, and also to meet the needs of the public for early availability of the technology.

(4) Subparagraph (k)(1) provides a definition of those inventions which will fall within the area of what constitutes a Background Patent, while subparagraphs (k)(2) and (k)(3) define Contractor's alternatives to licensing, as well as the scope or field of use of any license granted. Although OWRT as explained in subparagraph (3) of this paragraph (b) may control the requesting of licenses to responsible parties, the final resolution of questions regarding the scope of such licenses, the terms thereof including reasonable royalties are then left to the negotiation of the parties with final resolution of the issues being made by a court of competent jurisdiction if necessary. Any decision not to apply the licensing requirement of subparagraphs (k)(2) and (k)(3), however, is subject to the final decision of the Secretary or his designee because the determinations are dependent in substantial part on the requirements of OWRT's statutory mission.

(5) Balancing of the respective equities in particular contracting situations, however, may require that paragraph (k) be modified. Paragraph (k) may be deleted for contracts up to $50,000 with the advice of the Solicitor. For example, paragraph (k) may not be appropriate in study contracts, planning contracts, and contracts for specialized equipment not intended for use by the public.

(6) On the other hand, there will be situations where the equities between the Government and the contractor, or anticipated Government needs, would require that rights be obtained for either the Government or for the public greater than those set forth in paragraph (k). For example, where (i) the contribution of the Government towards the development and/or commercialization of the Background Patent is substantially greater than that of the contractor, (ii) it is expected that the agency may be involved in special long-term projects, or (iii) the Government may require substantial production or procurement for purposes outside of research, development, or demonstration, it may be necessary to obtain greater rights. In such situations, consideration should be given to extending the Government's rights beyond research, development, and demonstration work, or to adjust royalties that may be due by the Government to reflect the Government's contribution. Such adjustment could take the form of (i) credit to be given the Government based upon its contribution through the contract, or (ii) a royalty based upon the relative contributions of the contractor and the Government. Consideration could also be given to utilizing the relative contributions in determining reasonable royalties to be charged to others.

(7) Similarly, it may be necessary to obtain greater rights for the public in the contractor's background patents where, for example, the contractor's background patents cover the basic technology intended to be developed under the contract effort, rather than subcomponents or products or processes which are ancillary to the contract effort, or where the future market for the contract results will be very large and there are presently only a few suppliers available.

(8) It may also be appropriate to modify the rights acquired by paragraph (k) where the contractor's background patent rights were of primary importance in granting the contractor a waiver. For example, if the contractor was permitted to retain exclusive rights to Subject Inventions based upon the consideration that both foreground and background inventions would be licensed at reasonable royalties, then paragraph (k) should be modified. In such cases, the definition of "Backgtound Patent" should be broadened to include all patents useful in the practice of the contract results in additional fields of technology or other aspects of the contract.

(9) The application of paragraph (k) is extended to the practice of any specific process, method, or machine, manufacture, or composition of matter which is a subject of the research, development, or demonstration work performed under the contract, otherwise referred to as "Specified Work Object," and normally intended to provide the rights covered in paragraph (k) limited to the same fields of use or intended uses of the contract results as generally contemplated by the program involved. During negotiations, when the subject matter of the contract and the intended uses of the results thereof are known, a more specific statement of the field of technology intended to be covered may be substituted for the expression "the field of technology where the work of the contract falls." For example, the application of paragraph (k) may be limited to specified fields of use which cover the anticipated use of the technology being developed under the contract.

(10) The considerations and statements in the foregoing subparagraphs (1)-(9) of this paragraph also apply to the negotiation, application, and inclusion of background patent rights provisions in subcontracts.

(c) *License for the States and domestic municipal governments.* When the Secretary or his designee determines at the time of contracting that it would not be in the public interest to acquire a paid-up license in Subject Inventions for States and domestic municipal governments, paragraph (c)(4)(ii) of the Patent Rights clause in § 14R-9.107-5(a) shall be replaced with the following paragraph (c)(4)(ii):

(ii) The Government shall retain at least a nonexclusive, irrevocable, paid-up license to make, use, and sell the invention throughout the world by or on behalf of the Government of the United States (including any Government agency).

(d) *Right to sublicense foreign governments.* (1) When the Secretary or his designee determines at the time of contracting that it would be in the national interest to acquire the right to

sublicense foreign governments pursuant to any treaty or agreement, a sentence shall be added to the end of paragraph (c)(4)(ii) of the Patent Rights clause in § 14R-9.107-5(a) as follows:

This license shall include the right of the Government to sublicense foreign governments pursuant to any treaty or agreement with such foreign governments.

(2) When the Secretary or his designee wishes to reserve the right to make the determination to sublicense foreign governments pursuant to any treaty or agreement until after the invention has been identified, a sentence shall be added to the end of paragraph (c)(4)(ii) of the Patent Rights clause in § 14R-9.107-5(a) as follows:

This license shall include the right of the Government to sublicense foreign governments pursuant to any treaty or agreement if the Secretary or his designee determines after the invention has been indentified that it would be in the national interest to acquire this right.

(e) *License rights (upon request) to contractor (revocable).* When the Solicitor or his designee determines that the contractor may reserve a revocable, nonexclusive, paid-up license in Subject Inventions, only upon a request by the contractor for the retention of such a license, paragraph (c)(1) of the clause in § 14R-9.107-5(a) shall be replaced with the following paragraph (c)(1):

(c)(1) The Contractor may reserve upon request a revocable, nonexclusive, paid-up license in each patent application filed in any country on a Subject Invention and any resulting patent in which the Government acquires the title. The license shall extend to the Contractor's domestic subsidiaries and affiliates, if any, within the corporate structure of which the Contractor is a part and shall include the right to grant sublicenses of the same scope to the extent the Contractor was legally obligated to do so at the time the contract was awarded and revocable under the same terms and conditions as set forth herein. The license shall be assignable only with approval of OWRT except to the successor of the part of the Contractor's business to which the invention pertains.

(f) *License rights to contractor (irrevocable).* When the Solicitor or his designee determines that the contractor may reserve a nonexclusive, irrevocable, paid-up license in the inventions resulting from the contract, paragraph (c)(1) of the Patent Rights clause of § 14R-9.107-5(a) shall be replaced with the following paragraph (c)(1) and paragraphs (c)(2) and (c)(3) and references thereto shall be cancelled:

(c)(1) The contractor reserves a nonexclusive, irrevocable, paid-up license in each patent application filed in any country on a Subject Invention and any resulting patent in which the Government acquires the title. The license shall extend to the Contractor's domestic subsidiaries and affiliates, if any, within the corporate structure of which the Contractor is a part and shall include the right to grant sublicenses of the same scope to the extent the Contractor was legally obligated to do so at the time the contract was awarded. The license shall be transferable only with the approval of OWRT except when transferred to the successor of the part of the Contractor's business to which the invention pertains.

(g) *Contractor sublicense (revocable).* When the Secretary or his designee determines at the time of contracting that, as indicated in § 14R-9.107-4(f), it would be in the interests of the Government to permit a contractor having the right to retain a revocable, nonexclusive license in a Subject Invention to have the further right to grant to one or more sublicensees a revocable license of the same scope, the following paragraph may be substituted for paragraph (c)(1) of the Patent Rights clause in § 14R-9.107-5(a):

(c)(1) The Contractor reserves a revocable, nonexclusive, paid-up license in each patent application filed in any country on a Subject Invention and any resulting patent in which the Government acquires the title. The license shall extend to the Contractor's domestic subsidiaries and affiliates, if any, within the corporate structure of which the Contractor is a part and shall include the right to grant revocable, nonexclusive sublicenses of the same scope. The license shall be transferable only with the approval of OWRT except when transferred to the successor of the part of the Contractor's business to which the invention pertains.

(2) Where the contractor has been granted the right to retain a nonexclusive, irrevocable, license in a Subject Invention, and it is determined as in (g)(1) of this section to leave in the contractor the right to grant one or more revocable sublicenses thereunder, the following three paragraphs willl be substituted for paragraphs (c)(1), (c)(2), and (c)(3) of the Patent Rights clause in § 14R-9.107-5(a):

(c)(1) Contractor license. The Contractor reserves a nonexclusive, irrevocable, paid-up license in each patent application filed in any country on a Subject invention and any resulting patent in which the Government acquires the title. The license shall extend to the Contractor's domestic subsidiaries and affiliates, if any, within the corporate structure of which the Contractor is a part and shall include the right to grant revocable, nonexclusive sublicenses which are revocable under the same terms and conditions as set forth in paragraphs (c) (2) and (3) of this clause. The license shall be transferable only with the approval of OWRT except when transferred to the successor of the part of the Contractor's business to which the invention pertains.

(c)(2) Revocation limitations. Any sublicense granted by the Contractor may be revoked or modified by OWRT, either in whole or in part, only to the extent necessary to achieve expeditious practical application of the Subject Invention, and only to the extent an exclusive license is actually granted by the Government. This sublicense shall not be revoked in that field of use and/or the geographical areas in which the Contractor, or its sublicense, has brought the invention to the point of practical application and continues to make the benefits of the invention reasonably accessible to the public, or is expected to do so within a reasonable time.

(c)(3) Revocation procedures. Before modification or revocation of any sublicense pursuant to paragraph (c)(2) of this clause, OWRT shall furnish the Contractor and the sublicensee written notice of its intention to modify or revoke the sublicense, and the Contractor and the sublicensee shall be allowed 30 days, or such longer period as may be allowed by the Solicitor for good cause shown in writing by the Contractor or the sublicensee, after such notice to show cause why the sublicense should not be modified or revoked by a determination of the Solicitor or his authorized representative. The Contractor or the sublicensee shall have the right to appeal to the Secretary or his designee any decision concerning the modification or revocation of the sublicense.

(h) *Facilities license.* The following paragraph will be included as paragraph (1) of the Patent Rights (long form) clause in each contract having as a purpose the design, construction, or operation of a Government-owned research, development, demonstration, or production facility. The scope of the license in the following paragraph may, in appropriate situations, be expanded to cover similar facilities.

(1) *Facilities license.* In addition to the rights of the parties with respect to inventions or discoveries conceived or first actually reduced to practice in the course of or under this contract, the Contractor agrees to and does hereby grant to the Government a nonexlcusive, irrevocable, paid-up license in and to any inventions or discoveries regardless of when conceived or actually reduced to practice or acquired by the Contractor, which are owned or controlled by the Contractor at any time through completion of this contract and which are incorporated or embodied in the construction of the facility or which are utilized in the operation of the facility or which cover articles, materials, or products manufactured at the facility (1) to practice or to have practiced by or for the Government at the facility, and (2) to transfer such license with the transfer of that facility. The acceptance or exercise by the Government of the aforesaid rights and license shall not prevent the Government at any time from contesting the

enforceability, validity or scope of, or title to, any rights or patents herein licensed.

§ 14R-9.107-6 Clause for contracts (short form).

The following clause may be used instead of the clause of § 14R-9.107-5(a) in contracts for basic or applied research where the contractor is a nonprofit or educational institution, except in contracts calling for the operation of Government-owned facilities, or contract in which an advance waiver has been granted, or other special contracts such as those for the conduct of major long-term continuing programs or basic overall agreements providing for the assignment of new tasks from time to time by mutual agreement.

Patents Rights (Short Form)

(a) *Definitions.* (1) "Subject Invention" means any invention or discovery of the Contractor conceived or first actually reduced to practice in the course of or under this contract, and includes any art, method, process, machine, manufacture, design, or composition of matter, or any new and useful improvement thereof, or any variety of plants, whether patented or unpatented, under the Patent Laws of the United States of America or any foreign country.

(2) "Solicitor" means the Solicitor of the U.S. Department of the Interior.

(b) *Invention disclosures and reports.* (1) The Contractor shall furnish the Contracting Officer:

(i) A written report (on Form DI-1217 or an equivalent) containing full and complete technical information concerning each Subject Invention which in 6 months after conception or first actual reduction to practice, whichever occurs first, in the course of or under this contract, but in any event prior to any on sale, public use, or public disclosure of such invention known to the Contractor. The report shall identify the contract and inventor and shall be sufficiently complete in technical detail and appropriately illustrated by sketch or diagram to convey to one skilled in the art to which the invention pertains a clear understanding of the nature, purpose, operation, and to the extent known, the physical, chemical, biological, or electrical characteristics of the invention.

(ii) Upon request, but not more than annually, interim reports (on Form DI 1216 or an equivalent) listing Subject Inventions for that period and certifying that all Subject Invention have been disclosed or that there were no such inventions; and

(iii) A final report (on Form DI-1216 or equivalent) within 3 months after completion of the contract work listing all Subject Inventions and certifying that all Subject Invention have been disclosed or that there were no such inventions.

(2) The Contractor agrees that the Government may duplicate and disclose Subject Invention disclosures and all other reports and papers furnished or required to be furnished pursuant to the contract.

(c) *Allocation of principal rights.*—(1) *Assignment to the Government.* The Contractor agrees to assign to the Government the entire right, title, and interest throughout the world in and to each Subject Invention, except to the extent that rights are retained by the Contractor under paragraph (c)(2) and (d) of this clause.

(2) *Greater rights determinations.* The Contractor, or the employee-inventor with authorization of the Contractor, may request greater rights than the nonexclusive license and the right to request foreign patent rights provided in paragraph (d) of this clause on identified inventions in accordance with the procedure and criteria of 41 CFR 14R-9.109-6. A request for a determination of whether the Contractor or the employee-inventor is entitled to retain such greater rights must be submitted to the Contracting Officer at the time of the first disclosure of the invention pursuant to paragraph (b)(1) of this clause or not later than 6 months after conception or first actual reduction to practice, whichever occurs first, or such longer period as may be authorized by the Contracting Officer for good cause shown in writing by the Contractor. The information to be submitted for a greater rights determination is specified in 41 CFR 14R-9.109-6(e).

(d) *Minimum rights to the Contractor.* The Contractor reserves a revocable, nonexclusive, paid-up license in each patent application filed in any country on a Subject Invention and any resulting patent in which the Government acquires title. Rovocation shall be in accordance with the procedures of paragraphs (c)(2) and (3) of the clause in 41 CFR 14R-9.107-5(a). The Contractor also has the right to request foreign rights in accordance with the procedures of paragraph (c)(4) of the clause in 41 CFR 14R-9.107-5(a).

(e) *Employee and Subcontractor agreements.* Unless otherwise authorized in writing by the Contracting Officer, the Contractor shall:

(1) Obtain patent agreements to effectuate the provisions of the Patent Rights clause from all persons in its employ who perform any part of the work under this contract except nontechnical personnel, such as clerical employees and manual laborers.

(2) Unless otherwise authorized or directed by the Contracting Officer, the Contractor shall include the Patent Rights clause of 41 CFR 14R-9.107-5(a) or 41 CFR 14R-9.107-6, as appropriate, modified to identify the parties in any subcontract hereunder having as a purpose the conduct of research, development, or demonstration work; and

(3) Promptly notify the Contracting Officer in writing upon the award of any subcontract containing a Patent Rights clause by identifying the subcontractor, the work to be performed under the subcontract, and the dates of award and estimated completion. Upon the request of the Contracting Officer, the Contractor shall furnish a copy of the subcontract to such requester.

(f) *Publication.* In order that information concerning scientific or technical developments conceived or first actually reduced to practice in the course of or under the contract is not prematurely published so as to adversely affect patent interest of the parties to the contract, the Contractor agrees to submit to the Solicitor for patent review a copy of each paper 60 days prior to its intended publication date. The Contractor may publish such information after expiration of a 60-day period following such submission or prior thereto if specifically approved by the Solicitor, unless the Contractor is informed that in order to protect patentable subject matter, publication must be further delayed.

(g) *Dominating Background Patents.* (1) Definitions.

(i) "Background Patents" means a foreign or domestic patent (regardless of its date of issue relative to the date of this contract)

(A) Which the Contractor, but not the Government, has the right to license to others; and

(B) Infringement of which cannot be avoided upon the practice of a Subject Invention or Specified Work Object.

(ii) "Commercial Item" means:

(A) Any machine, manufacture, or composition of matter which, at the time of a request for a license pursuant to this section, is offered for sale or otherwise made available commercially to the public in the regular course of business, at terms reasonable in the circumstances; and

(B) Any process which, at the time of a request for a license, is in commercial use, or is offered for commercial use, so the results of the process or the products produced thereby are or will be accessible to the public at terms reasonable in the circumstances.

(iii) To "practice an invention or patent" means the right of a licensee on his own behalf to make or have made, use or have used, sell or have sold, or otherwise dispose of according to law, any machine, design, manufacture, or composition of matter physically embodying the invention, or to use or have used the process or method comprising the invention.

(iv) "Specified Work Object" means the specific process, method, machine, manufacture, or composition of matter (including relatively minor modifications thereof) which is the subject of the experimental, developmental, or research work performed under this contract.

(2) Contractor agrees that he will make the Background Patent available for use in conjuction with (A) any Subject Invention and (B) any Specified Work Object which is in the field of technology where the work of the contract falls. This may be done:

(i) By making available an embodiment of the Subject Invention or Specified Work Object, which incorporates the invention covered by the Background Patent, as a Commerical Item of reasonable quality, in sufficient quantity, and at resonable prices to satisfy market needs; or

(ii) By the sale of an embodiment of the Background Patent as a Commercial Item in a form which can be employed in the practice of the Subject Invention or the Specified Work Object or can be so employed with relatively minor modifications or demonstrating to the satisfaction of the Solicitor that a competitive alternative to such an embodiment is offered for sale, or otherwise made available commercially to

the public, which is of reasonable quality, in sufficient quantity, and at reasonable prices to satisfy market needs; or

(iii) By the licensing of the domestic Background Patent at reasonable terms, including reasonable royalties to responsible applicants on their request.

(3) (i) When a license to practice a domestic Background Patent in conjunction with any Subject Invention or any Specified Work Object for the technology where the work of the contract falls is requested, in writing, by a responsible applicant, and such Background Patent is not available as set forth in subparagraphs (g)(2)(i) or (ii) of this clause, the Contractor shall have six (6) months from the date of his receipt of such request to decide whether to make such Background Patent so available. The Contractor shall promptly notify the Contracting Officer, in writing within the said six months, of any such request for a license to practice a Background Patent in conjunction with a Subject Invention or Specified Work Object, which the Contractor or his licensee wishes to attempt to make available as set forth in subparagraphs (g)(2)(i) or (ii) of this clause. The Secretary shall then designate the reasonable time within which the Contractor must make such Background Patent available in reasonable quantity and quality, and at a reasonable price. If the Contractor or his licensee decides not to make such Background Patent so available, or fails to make it available within the time designated by the Secretary or his designee, the Background Patent shall be licensed to a a responsible applicant at reasonable terms, including a reasonable royalty, in conjunction with (A) the Specified Work Object, or (B) the Subject Invention; and may be limited by the licensor for practice in the field of technology where the work of the contract falls.

(ii) The Contractor agrees to grant or have granted to a designated applicant, upon the written request of the Government, a nonexclusive license at reasonable terms, including reasonable royalties, under any foreign Background Patent in furtherance of any treaty or agreement between the Government of the United States and a foreign government for the governmental purposes of such foreign government if an embodiment of the Background Patent is not commercially available in that country. Such license may be limited by the licensor to the practice of such Background Patent in conjunction with the Subject Inventions or Specified Work Objects in the field of technology where the work of the contract falls.

(iii) The Contractor agrees it will not seek injunctive relief or other prohibition of the use of the invention in enforcing its rights against any responsible applicant for such license and that it will not join with others in any such action. It is understood and agreed that the foregoing shall not affect the Contractor's right to injunctive relief or other prohibition of the use of Background Patents in areas not connected with the practice of a Subject Invention or Specified Work Object in the field of technology where the work of the contract falls, or where the Contractor has made available the Commerical Item as set out in subparagraphs (g)(2)(i) or (ii) of this clause.

(4) For use in the field of technology where the work of the contract falls in conjunction with (A) any Specified Work Object, or (B) and Subject Invention, the Contractor agrees to grant to the Government a license under any Background Patent. Such license shall be nonexclusive, nontransferable, royalty-free, and worldwide to practice such patent which is not available as a Commerical Item as specified in subparagraphs (g)(2)(i) or (ii) of this clause for use of the Government in connection with research, development, or demonstration work only. Subject to the royalty-free license provided for in this subparagraph and to any license provisions set forth elsewhere in this patent clause, or in other contracts or agreements, any royalty charged the Government under such license shall be reasonable and shall give due credit and allowance for the Government's contribution, if any, toward the making, commercial development or enhancement of the invention(s) covered by the Background Patent.

(5) Any license granted under a process Background Patent for use with a Specified Work Object may be additionally limited by the Contractor to employment of the Background Patent under conditions and parameters reasonably equivalent to those called for or employed under the contract.

(6) It is understood and agreed that the Contractor's obligation to grant licenses under Background Patent shall be limited to the extent of the Contractor's right to grant the same without breaching any unexpired contract it had entered into prior to this contract or prior to the identification of a Background Patent, or without incurring any obligation to another solely on account of said grant. However, where such obligation is the payment of royalties or other compensations, the Contractor's obligation to license his Background Patent shall continue and the reasonable license terms shall include such payments by the applicant as will at least fully compensate the Contractor under said obligation to another.

(7) On the request of the Contracting Officer, the Contractor shall identify and describe any license agreement which would limit his right to grant a license under any Background Patent.

(8) In the event the Contractor has a parent or an affiliated company, which has the right to license a patent which would be a Background Patent if owned by the Contractor, but which is not available as the Commerical Item as specified in subparagraphs (g)(2)(i) or (ii) of this clause, and a qualified applicant requests a license under such patent for practice in the field of technology where the work of the contract falls in connection with the use of any Subject Invention or any Specified Work Object, the Contractor shall, at the written request of the Government, recommend to his parent company, or affiliated company, as the case may be, the granting of the requested license on reasonable terms, including reasonable royalties, and actively assist and participate with the Government and such applicant, as to technical matters and in liaison functions between the parties, as may reasonably be required in connection with any negotiations for issuance of such license. For the purpose of this paragraph:

(i) A parent company is one which owns or controls, through direct or indirect ownership of more than 50 percent of the outstanding stock entitled to vote for the election of directors, another company or other entity; and

(ii) Affiliated companies are companies or other entities owned or controlled by the same parent company.

§ 14R-9.107-7 Foreign contracts.

The clause authorized for contracts in §§ 14R-9.107-5 and 14R-9.107-6 may be modified by the Contracting Officer in consultation with the Solicitor or his designee to meet the requirements peculiar to foreign procurement.

§ 14R-9.108 [Reserved].

§ 14R-9.109 Administration of patent clauses.

§ 14R-9.109-1 Patent rights follow-up.

It is important that the Government and the contractor know and exercise their rights in inventions conceived or first actually reduced to practice in the course of or under Government contracts in order to ensure their expeditious availability to the public, to enable the Government, the contractor, and the public to avoid unnecessary payment of royalties and to defend themselves against claims and suits for patent infringement. To attain these ends, contracts having Patent Rights clauses should be so administered that:

(a) Inventions are identified, disclosed, and reported as required by the contract clauses;

(b) The rights of the Government in such inventions are established;

(c) When appropriate, patent applications are timely filed and prosecuted by the contractor, the inventor, or by the Government as appropriate;

(d) The filing of patent applications is documented by formal instruments such as licenses or assignments; and

(e) Expeditious commercial utilization of such inventions is achieved.

§ 14R-9.109-2 Follow-up by contractor.

(a) The Patent Rights clause requires contractors to establish and maintain effective procedures to ensure that inventions made under the contract are identified, disclosed, and when appropriate, patent applications filed, and that the Government's rights therein are established and protected. When it is determined after the award of a contract that the contractor or subcontractor may not have a clear

understanding of the rights and obligations of the parties under a Patent Rights clause, a post-award orientation conference or letter should be used by OWRT to explain these rights and obligations. When reviewing a contractor's procedures, particular attention shall be given to ascertain their effectiveness for identifying and disclosing inventions.

(b) A qualified representative of the contractor shall furnish to the contracting officer interim reports upon request, and upon completion of the contract work, a final report setting forth:

(1) A list of all Subject Inventions made during the reporting period;

(2) A certification that all Subject Inventions have been disclosed or that there were no such inventions, and that the contractor's procedures for identifying and disclosing inventions have been followed throughout the period; and

(3) A list of all subcontracts entered into during the reporting period which contain a Patent Rights clause, together with copies of such subcontracts (if not earlier furnished to OWRT), or a statement that there were no such subcontracts.

(c) Ordinarily, inventions and discoveries will be reported on Form DI-1217 (copies of which shall be made available by OWRT) or on such other form that has been approved by OWRT. Reporting of inventions promptly and before the completion of the work under the respective contracts will aid patent clearance. Submission of annual interim reports, where contracts cover an extended period, will also facilitate the disposition of patent matters and expedite the issuance of final patent clearance.

§ 14R-9.109-3 Follow-up by Government.

(a) With respect to each contract, subcontract, or other agreement under their jurisdictions, the heads of OWRT's procuring activities are responsible:

(1) For assuring compliance with the provisions of this Part 14R-9 in executing or approving any contracts, subcontracts, other agreement, understandings, or other arrangements, or any supplements thereto. The Solicitor should be consulted to ensure that only authorized departure is made from the requirements set forth in these regulations and that all substantive and procedural rights required by Section 9 of the Federal Nonnuclear Energy Research and Development Act of 1974, as cited in Section 408 of the Water Research and Development Act of 1978 are obtained;

(2) For transmitting the information furnished by the contractor as requested by the Solicitor;

(3) For reviewing, in consultation with the contractor, subcontractor, or vendor, arrangements for obtaining adequate patent agreements from employees and others performing work under any contract, subcontract, or other agreements containing patent provisions in favor of the Government. (The form of such patent agreement actually in use or proposed for use shall be forwarded for approval to the Solicitor.);

(4) For forwarding a notice of completion or termination of the work and a request for patent clearance to the Solicitor for each contract, subcontract, or other agreement containing patent provisions giving rise to rights in the Government; and

(5) For withholding payments due to contractors in accordance with paragraph (i) of the clause § 14R-9.107-5(a) until, in the case of interim reports, a determination has been made in consultation with the Solicitor that existing deficiencies have been corrected or that delivery of all reports, disclosures, and other information have been made, or, in the case of final reports, receipt of written patent clearance certification from the Solicitor.

(b) Upon receipt of the notice of completion or termination as provided in paragraph (a)(4) of this section, a notice of patent clearance will be issued by the Solicitor when there has been to his best knowledge and belief compliance with the patent provisions.

(c) The Solicitor will assist contracting officers in selecting and negotiating patent provisions, and otherwise assist heads of OWRT's procuring activities, contractors, contracting officer, subcontractors, and vendors in: Reporting of inventions and discoveries; reviewing and providing patent clearance prior to publication or release of reports and proposed technical articles, and prior to public release or disclosure of information regarding scientific and technical developments made in the course of or under the contract; handling claims for patent and copyright infringement; the preparation of certificates to initiate patent clearances; and the handling of other patent matters.

(d) Patent application filing and determination of rights to inventions and discoveries. The Solicitor shall:

(1) Determine whether and where patent protection will be obtained on inventions;

(2) Represent OWRT before domestic and foreign patent offices;

(3) Accept assignments and instruments confirmatory of the Government's rights to inventions; and

(4) Represent OWRT in patent matters not specifically reserved to the Secretary or his designee under these regulations.

§ 14R-9.109-4 Remedies.

If a contractor operating under a Patent Rights clause fails to establish, maintain, or follow effective procedures of identifying and disclosing inventions as required by the Patent Rights clause, or fails to correct any deficiency after notice thereof, the contracting officer may require the contractor to make available for examination books, records, and documents relating to inventions in the same field of technology as the contract to enable an agency determination of whether there are such inventions, and may invoke the withholding of payments provision. Further, the contracting officer may invoke the withholding of payments provision if a contractor fails to disclose an invention deemed by OWRT to be a Subject Invention.

§ 14R-9.109-5 Conveyance of invention rights acquired by the Government.

Whether the Government acquires the entire right, title, and interest in an invention pursuant to a contract or by operation of law, assignments shall be obtained from the inventor to the Government with the consent of the contractor, to perfect or confirm the Government's rights. The form of conveyance of title from the inventor to the contractor must be legally sufficient to convey the rights the contractor is required to convey to the Government.

§ 14R-9.109-6 Waivers.

(a) *General.* The Secretary or his designee may waive all or any part of the rights of the United States (other than certain rights prescribed in paragraph (i) of this section) with respect to any invention or class of inventions made or which may be made by any person or class of persons in the course of or under any contract of OWRT, if it is determined that the interest of the United States and the general public as set forth in the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5908), and made applicable to OWRT in Section 408 of the Water Research and Development Act of 1978, Pub. L. 95-467, will best be served by such waivers. In making such determinations, the Secretary or his designee shall have the following objectives:

(1) Making the benefits of water research, development, and demonstration programs widely available to the public in the shortest practicable time.

(2) Promoting the commercial utilization of such inventions.

(3) Encouraging participation by private persons in OWRT's water research, development, and demonstration program.

(4) Fostering competition and preventing undue market concentration or the creation or maintenance of other situations inconsistent with the antitrust laws.

If it is not possible to attain each of these objectives immediately and simultaneously for any one waiver determination, the Secretary or his designee will seek to reconcile these objectives in light of the overall purposes of the patent policy sections of the Federal Nonnuclear Energy Research and Development Act of 1974, as made applicable to OWRT in Section 408 of the Water Research and Development Act of 1978. Over time, however, the application of this waiver policy is expected to attain each of these objectives. In addition to the patent policies provided by legislation, and where not inconsistent therewith, the Solicitor's waiver determinations will also be guided by the revised Presidential Memorandum and Statement of Government Patent Policy issued August 23, 1971 (36 FR 16887–16892).

(b) *Advance waiver.* In determining whether a waiver to the contractor at the time of contracting will best serve the interests of the United States and the general public, the Secretary or his designee shall, as a minimum, specifically include as considerations the following:

(1) The extent to which the participation of the contractor will expedite the attainment of the purposes of the program;

(2) The extent to which a waiver of all or any part of such rights in any or all fields of technology is needed to secure the participation of the particular contractor;

(3) The extent to which the contractor's commercial position may expedite utilization of the research, development, and demonstration program results;

(4) The extent to which the Government has contributed to the field of technology to be funded under the contract;

(5) The purpose and nature of the contract, including the intended use of the results developed thereunder;

(6) The extent to which the contractor has made or will make substantial investment of financial resources or technology developed at the contractor's private expense which will directly benefit the work to be performed under the contract;

(7) The extent to which the field of technology to be funded under the contract has been developed at the contractor's private expense;

(8) The extent to which the Government intends to further develop to the point of commercial utilization the results of the contract effort;

(9) The extent to which the contract objectives are concerned with the public health, public safety, or public welfare;

(10) The likely effect of the waiver on competition and market concentration;

(11) In the case of a nonprofit educational institution, the extent to which such institution has a technology transfer capability and program, approved by the Secretary or his designee as being consistent with the applicable policies of this section; and

(12) The small business status of the contractor.

(c) *Waiver of identified inventions.* In determining whether a waiver to the contractor or inventor of rights to an identified invention will best serve the interests of the United States and the general public, the Secretary or his designee shall, as a minimum, specifically include as considerations the following:

(1) The extent to which such waiver is a reasonable and necessary incentive to call forth private risk capital for the development and commercialization of such invention;

(2) The extent to which the plans, intentions, and ability of the contractor or inventor will obtain expeditious commercialization of such invention;

(3) The extent to which the Government has contributed to the field of technology of the invention;

(4) The purpose and nature of the invention, including the anticipated use thereof;

(5) The extent to which the contractor has made or will make substantial investment of financial resources or technology developed at the contractor's private expense which will directly benefit the commercialization of the invention;

(6) The extent to which the field of technology of the invention has been developed at the contractor's expense;

(7) The extent to which Government intends to further develop the invention to the point of commercial utilization;

(8) The extent to which the invention is concerned with the public health, public safety, or public welfare;

(9) The likely effect of the waiver on competition and market concentration;

(10) In the case of a nonprofit educational institution, the extent to which such institution has a technology transfer capability and program, approved by the Secretary or his designee as being consistent with the applicable policies of this section; and

(11) The small business status of the contractor.

(d) *Procedures.* (1) All waiver determinations shall be initiated by a written request. Such requests may be submitted by existing or potential contractors in the case of requests for an advance waiver and by contractors or employee-inventors in the case of requests for waiver for identified inventions. A request for an advance waiver may also be made for an identified invention which has already been conceived and which reasonably may be first actually reduced to practice in the course of or under an OWRT contract. Such waiver requests must include a copy of the patent or patent application covering the identified invention.

(2) A request for an advance waiver shall be submitted to the contracting officer or to contractors for their subcontractors at any time prior to execution of the contract or within thirty (30) days thereafter, but should normally be submitted as part of the contract proposal. Advance waivers may also be requested where the purpose or scope of work of an existing contract is to be substantially altered. When advance waivers are granted, the rights set forth in paragraphs (b), (c), and (d) of the clause of § 14R-9.107-5(a) should be modified to conform to the waiver granted.

(3) A request for waiver (other than advance waivers for an identified invention shall be submitted to the contracting officer at the time the invention is reported to OWRT, or not later than six (6) months after conception or first actual reduction to practice, whichever occurs first, or such longer period as may be authorized by the contracting officer for good cause shown in writing by the contractor or inventor.

(4) All requests for waiver received by OWRT or its contractors will be forwarded promptly to the Solicitor, together with any reference or supporting documents provided by the staff of the activity. If the request for waiver appears to contain insufficient information, the Solicitor may seek

additional information from the requestor to supplement the request, and may also seek additional information from other sources. The Solicitor will thoroughly analyze the request in view of each of the objectives and considerations set forth in this § 14R-9.109-6, and shall also consider the overall rights obtained by the Government in the patent, copyright, and data clauses of the contract. Where it appears that a lesser part of the rights of the United States than requested would be more appropriate in view of the policies set forth in this § 14R-9.109-6, the Solicitor should attempt to negotiate a compromise acceptable to both the requestor and OWRT.

(5) The Solicitor will prepare and recommend a Statement of Considerations setting forth the rationale for eiher accepting or rejecting the waiver request. While the Statement need not make specific findings as to each and every consideration of paragraph (b) or (c) of this section, it will cover those that raise significant issues and those that are decisive, and it will explain the basis for the recommended determination. There may be occasions when the application of the various considerations in paragraphs (b) or (c) of this section to a particular case could cause conflicting results, and in those instances the differences will be reconciled giving due regard to the overall policies set forth in this § 14R-9.109-6.

(6) The Statement shall serve as a recommended basis for the waiver determination. The Solicitor will also obtain comments from the appropriate OWRT program division to assist the Secretary or his designee in the waiver determination.

(7) In making waiver determinations, the Secretary or his designee shall objectively review all requests for waiver in views of the objectives and considerations set forth in this § 14R-9.109-6. If this determination and the rationale therefor is not accurately reflected in the recommended Statement of Consideration, a new Statement shall be prepared.

(8) Where the request for advance wiaver has not been approved prior to the effective date of the contract and the terms and conditions of the waiver has thus not been made a part of the contract, the contracting officer shall promptly notify the requestor by letter of the determination of the Secretary or his designee, and the basis therefor. If the advance waiver is approved, the letter shall state the scope, terms, and conditions of such waiver. Where the terms and conditions of an approved advance waiver have not been made a part of the contract, the letter shall inform the requestor that the advance waiver shall be effective (i) as of the effective date of the contract for an advance waiver of inventions identified, i.e., conceived prior to the effective date of the contract, or (ii) as of the date the invention is reported with an election by the contractor to retain rights therein, i.e., for an invention conceived or first actually reduced to practice after the effective date of the contract; provided a copy of the letter is signed and promptly returned to the contracting officer by the requestor acknowledging the acceptance of the scope, terms, and conditions of the advance waiver. After the acceptance by the contractor of an advance waiver, the contracting officer shall cause a unilateral no-cost modification to be made to the contract incorporating the terms and conditions of the waiver in lieu of previous patent provisions. Whenever a requested determination has been denied, the requestor may, within thirty (30) days, request reconsideration. Such a request shall include any additional facts and rationale not previously submitted which support the request. Requests for reconsideration shall be submitted and processed in accordance with the procedures set forth in paragraph (d) of this section.

(e) *Content of waiver requests.* (1) All requests for waiver shall include the following information:

(i) The requestor's identification, business address, and, if represented by counsel, the counsel's name and address.

(ii) An identificaiton of the pertinent contract or proposed contract and a copy of the contract statement of work or a nonproprietary statement which fully describes the proposed work to be performed.

(iii) The nature and extent of waiver requested.

(iv) A full and detailed statement of facts, to the extent known by or available to the requestor, directed to each of the considerations set forth in paragraph (b) or (c) of this section, as applicable, and a statement applying such facts and considerations to the policies set forth in paragraph (a) of this section. It is important that this submission be tailored to the unique aspects of each request for waiver, and be as complete as feasible; and

(v) The signature of the requestor or his authorized representative with the following statement:

The facts set forth in this request for waiver are within the knowledge of the requestor and are submitted with the intention that the Secretary or his designee rely on them in reaching the waiver determination.

(2) Requests for waiver for identified inventions shall, in addition to paragraph (e)(1)(i)-(v) of this section, include:

(i) The full names of all inventors;

(ii) A statement of whether a patent application has been filed on the invention, together with a copy of such application if filed, or, if not filed, a complete description of the invention;

(iii) If a patent application has not been filed, any information which may indicate a potential statutory bar to the patenting of the invention under 35 U.S.C. 102, or a statement that no bar or potential bar is known to exist; and

(iv) Where the requestor is the inventor, written authorization from the applicable contractor or subcontractor permitting the inventor to request a waiver.

(3) Subject to Department of the Interior regulations, requirements, and restrictions on the treatment of proprietary and classified information, all material submitted in requests for waiver or in support thereof will be made available to the public after a determination on the waiver request has been made, regardless of whether a waiver is granted. Accordingly, requests for waiver should not contain information or data that the requestor is not willing to have made public. If proprietary or classified information is needed to make the waiver determination, such information shall not be submitted unless specifically requested by the Solicitor.

(f) *Record waiver determinations.* The Solicitor shall maintain and periodically update a publicly available record of waiver determinations.

(g) *Waiver situations and types of waivers.* (1) The various factual situations which are appropriate for waivers cannot be categorized precisely inasmuch as the appropriateness of a waiver will depend upon the manner in which the considerations set forth in paragraph (b) or paragraph (c) of this section relates to the facts and circumstances surrounding the particularing contracting situation or the particular invention in order to best achieve the objectives set forth in paragraph (a) of this section. However, some examples of factors bearing on where waivers might be appropriate are the following:

(i) Cost sharing contracts;

(ii) Situations in which OWRT is providing increased funding to a specific on-going privately sponsored research, development, or demonstration project;

(iii) Situations involving the private use of Government facilities and the contractor is funding all or a part of such costs; and

(iv) Situations in which the equities of the contractor are so substantial in relation to that of the Government that the waiver is necessary to obtain the participation of the contractor.

(2) As stated in paragraph (a) of this section, waivers may be granted as to all or any part of the rights of the United States to an invention except for certain rights set forth in paragraph (i) of this section. Accordingly, the waiver of all patent rights that are inherent to an invention, rather than part of the rights, will not necessarily be appropriate. The scope of the waiver will depend upon the relationship of the contractual situation or identified invention to the considerations set forth in paragraph (b) or (c) of this section in order to best achieve the objectives set forth in paragraph (a) of this section. For example, waivers may be restricted to a particular field of use in which the contractor has substantial equities or a commercial position, or restricted to those uses that are not the primary object of the contract effort. Waivers may also be limited to particular geographical locations, may be made effective only for a specified duration of time, or may require the contractor to license others at reduced royalties in consideration of the Government's contribution to the research, development, or demonstration effort.

(3) In advance waivers of identified inventions, the invention will be deemed to be a Subject Invention and the waiver will be considered as being effective as of the effective date of the contract. This will be true regardless of whether the identified invention had been first reduced to practice under the contract. A purpose of such waivers is to clarify and definitize the rights of the parties to such inventions when the facts surrounding the first actual reduction to practice prior to or during the contract are or will be difficult to establish.

(h) *Waivers to educational institutions.* (1) Except to the extent that a nonprofit educational institution may be engaged as a contractor operating a Government-owned facility or undertaking other special contracts, the following considerations apply to the granting of advance and identified waivers to educational institutions having an approved technology transfer program and capability. To obtain approval of its technology transfer program, educational institutions shall forward their requests to OWRT as provided in paragraph (h)(2) of this section.

(2) A nonprofit educational institution desiring to obtain approval of its technology transfer program and capability shall provide OWRT at the time of contracting with the following information:

(i) General information concerning the institution, including:

(A) A copy of its Articles of Incorporation;

(B) A statement of the institution's purposes and aims; and

(C) A statement indicating the source of the institution's funds.

(ii) A copy of the institution's established patent policy, together with the date and manner of its adoption;

(iii) The name, title, address, and telephone number of the officer responsible for administration of patent and invention matters and a description of staffing in this area, including all offices which contribute to the institution's patent management capabilities;

(iv) A description of the institution's procedures for identifying and reporting inventions and a description of the procedures for evaluation of such inventions for inclusion in the institution's promotional program;

(v) A copy of the agreement signed by employees engaged in research and development, indicating their obligation in regard to inventions conceived or first actually reduced to practice in the course of their assigned duties;

(vi) A copy of the invention report form or outline utilized for preparation of invention reports;

(vii) A statement of whether the institution has an agreement with any patent management organizations or consultants and a copy of any such agreements;

(viii) A description of the plans and intentions of the institution to bring to the marketplace inventions to which it retains title including a description of the efforts typically undertaken by the institution to license its inventions together with copies of earnest offers or proposals to the institution from identified prospective licensee(s) to commit funds, facilities, proprietary background technology and know-how, and the services of personnel, to bring to the marketplace an invention or inventions to which the institution retains title;

(ix) A description of the institution's past patent application and patent licensing activities, including the following:

(A) Number of inventions reported to the institution during each of the past ten (10) years;

(B) Number of patent applications filed during each of the past ten (10) years;

(C) Number of patents obtained during each of the past ten (10) years;

(D) Number of exclusive licenses issued during each of the past ten (10) years;

(E) Number of nonexclusive licenses, other than those to sponsor Government agencies, issued during each of the past ten (10) years;

(F) Gross royalty income during each of the past ten (10) years;

(G) A general description of royalties charged, including minimum and maximum royalty rates;

(x) A list of subsidiary or affiliate institutions which would be covered by an agreement signed by the institution;

(xi) If the institution is a subsidiary or affiliate organization, the name of the other related organization and a description of the relationship;

(xii) The amount of Government support for research and development activities currently being administered by the institution, giving Government agency and breakdown;

(xiii) A statement of the institution's policies with respect to the sharing of royalties with employees; and

(xvi) A description of the uses made of any net income generated by the institution's patent management program.

(3) Before an institution's technology transfer program and capabilities are approved for the contracting, the institution shall have a technology transfer program which, as a minimum shall include the five (5) criteria listed below:

(i) An established patent policy which is consistent with the four policy objectives in § 14R-9.109-6(a) and is administered on a continuous basis by an officer or organization responsible to the institution.

(ii) Agreements with employees requiring them to assign to the institution or its designee or the Government any invention conceived or first actually reduced to practice by them in the course of or under Government contracts and awards or assurance that such agreements are obtained prior to the assignment of personnel to Government-supported research and development projects;

(iii) Procedures for insuring that inventions are promptly identified and timely disclosed to the officer or organization administering the patent policy of the institution;

(iv) Procedures for insuring that inventions disclosed to the institutions are evaluated for inclusion in the institution's promotional program for the licensing and marketing of inventions.

(4) In considering approval of technology transfer programs and capabilities in connection with requests for waivers, such approval shall be considered in lieu of commercial, manufacturing, and marketing capabilities which normally reside in industry. Such approval shall not be considered sufficient in and of itself as justifying the granting of a waiver to an institution. Approval of the grant of a waiver must be viewed in light of the considerations of § 14R-9.106(b) or (c) above, as applicable, and the four objectives set forth in § 14R-9.109-6(a), above.

(i) *Terms and conditions of waivers.* Each waiver shall contain, as a minimum, provisions covering each of the following

(1) Advance waivers shall apply only to inventions reported in accordance with paragraph (e)(2)(i) of the clause of § 14R-9.107-5(a) and with which is included an election as to whether the contractor will retain the rights waived in the invention, and specifying those countries in which rights will be retained.

(2) Subject to the rights granted in paragraphs (c)(1), (2), and (3) of the clause of § 14R-9.107-5(a), the contractor or inventor shall agree to convey to the Government, upon request, the entire domestic right, title, and interest in any Subject Invention when the contractor or inventor as appropriate:

(i) Does not elect, in accordance with (i)(1) of this section to retain such rights; or

(ii) Fails to have a United States patent application filed on the invention in accordance with paragraph (i)(5) of this section, or decides not to continue prosecution of such application; or

(iii) At any time, no longer desires to retain title.

(3) Subject to the rights granted in paragraph (c) (1), (2), and (3) of the clause of § 14R-9.107-5(a), the contractor or inventor shall agree to convey to the Government, upon request, the entire right, title, and interest in any Subject Invention in any foreign country if the contractor or inventor, as appropriate:

(i) Does not elect, in accordance with paragraph (i)(1) of this section to retain such rights in the country; or

(ii) Fails to have a patent application filed in the country on the invention in accordance with paragraph (i)(6) of this section, or decides not to continue prosecution or to pay any maintenance fees covering the invention. To avoid forfeiture of the patent application or patent, the contractor or inventor shall notify the contracting officer or patent counsel not less than 60 days before the expiration period for any action required by the foreign patent office.

(4) Conveyances requested pursuant to paragraph (i) (2) or (3) of this section shall be made by delivering to the Solicitor duly executed instruments and such other papers as are deemed necessary to vest in the Government the entire right, title, and interest in the invention to enable the Government to apply for and prosecute patent applications covering the invention in this or the foreign country, respectively, or otherwise establish its ownership of the invention.

(5)(i) With respect to each invention in which the contractor has an advance waiver and elects to retain domestic rights pursuant to paragraph (i)(1) of this section, the contractor shall have a domestic patent application filed within 6 months after submission of the invention disclosure pursuant to paragraph (e)(2)(i) of the clause of § 14R-9.107-5(a) or such longer period as may be approved by the Solicitor for good cause shown in writing by the contractor or inventor. For identified inventions waived to the contractor or inventor, the contractor or inventor shall have a domestic patent application filed within 6 months after the waiver has become effective. With respect to such inventions, the contractor or inventor shall promptly notify the Solicitor of any decision not to file an application.

(ii) For each Subject Invention on which a patent application is filed by the contractor or inventor, the contractor or inventor shall:

(A) Within 2 months after the filing or within 2 months after submission of the invention disclosure if the patent application previously has been filed, deliver to the Solicitor a copy of the application as filed, including the filing date and serial number;

(B) Include the following statement in the second paragraph of the specification of the application and any patents issued on a Subject Invention, "The Government has rights in this invention pursuant to Contract No. ———— (or Grant No. ————) awarded by the Office of Water Research and Technology of the United States Department of the Interior."

(C) Within 6 months after filing the application or within 6 months after submitting the invention disclosure if the application has been filed previously, deliver to the Solicitor a duly executed and approved instrument fully confirmatory of all rights to which the Government is entitled, and provide the Solicitor an irrevocable power to inspect and make copies of the patent application filed;

(D) Provide the Solicitor with a copy of the patent within 2 months after a patent is issued on the application; and

(E) Not less than 30 days before the expiration of the response period for any action required by the Patent and Trademark Office, notify the Solicitor of any decision not to continue prosecution of the application and deliver to the Solicitor executed instruments granting the Government a power of attorney.

(iii) For each invention in which the contractor initially elects pursuant to paragraph (i)(1) of this section not to retain the rights waiver, the contractor shall inform the Solicitor promptly in writing of the date and identity of any on sale, public use, or public disclosure of the invention which may constitute a statutory bar under 35 U.S.C. 102, which was authorized by or known to the contractor, or any contemplated action of this nature.

(6)(i) With respect to each invention in which the contractor elects pursuant to paragraph (i)(1) of this section to retain the rights waived in a foreign country, or in which the contractor or inventor has obtained a waiver of foreign rights on an identified invention, the contractor or inventor shall have a patent application filed on the invention in that country, in accordance with applicable statutes and regulations, and within one of the following periods:

(A) Eight (8) months from the date of a corresponding United States patent application filed by the contractor or inventor, of if such an application is not filed, 6 months from the date the invention is submitted in a disclosure pursuant to paragraph (e)(2)(i) of the clause of § 14R-9.107.5(a);

(B) Six (6) months from the date a license is granted by the Commissioner of Patents and Trademarks to file foreign applications where such filing has been prohibited by security reasons; or

(C) Such longer period as may be approved by the Solicitor.

(7) The contractor or inventor shall, three years after a waiver is effective as to an invention, and at three-year intervals thereafter, and when specifically requested by the Solicitor, furnish the Solicitor a report setting forth:

(i) The commercial use that is being made, or is intended to be made, of said invention, and

(ii) The steps taken to bring the invention to the point of practical application or to make invention available for licensing.

(8) The Government's retention of at least a nonexclusive, irrevocable, paid-up license to make, use, and sale the invention throughout the world by or on behalf of the Government (including any Government agency) and States and domestic municipal governments, unless the Secretary or his designee determines that it would not be in the public interest to acquire the license for the States and domestic municipal governments.

(9) The right of the Secretary or his designee to require the granting of nonexclusive, exclusive, or partially exclusive license to a responsible applicant or applicants, upon terms reasonable under the circumstances:

(i) To the extent that the invention is required for public use by Government regulations;

(ii) As may be necessary to fulfill health, safety, or energy needs; or

(iii) For such other purposes as may be stipulated in the applicable agreement.

(10) The right of the Secretary or his designee to terminate such waiver in whole or in part unless the recipient of such waiver demonstrates to the satisfaction of the Secretary or his designee that effective steps have been taken, or within a reasonable time thereafter are expected to be taken, necessary to accomplish substantial utilization of the invention.

(11) The right of the Secretary, or his designee, commencing four years after a waiver is effective as to an invention, to require the granting of a nonexclusive or partially exclusive license to a responsible applicant or applicants, upon terms reasonable under the circumstances, and in appropriate circumstances to terminate the waiver in whole or in part, following a hearing upon notice thereof to the public, upon a petition by an interested person justifying such hearing;

(i) If the Secretary or his designee determines upon review of such material as he deems relevant, and after the recipient of the waiver, or other interested person, has had the opportunity to provide such relevant and material information as the Secretary or his designee may require, that such waiver has tended substantially to lessen competition or to result in undue market concentration in any section of the United States in any line of commerce to which the technology relates; or

(ii) Unless the recipient of the waiver demonstrates to the satisfaction of the Secretary or his designee at such hearing that he has taken effective steps, or within a reasonable time thereafter is expected to take such steps necessary to accomplish substantial utilization of the invention.

(j) *Terminations.* (1) Any waiver may be terminated at the discretion of the Secretary, or his designee, in whole or in part, if the request for waiver is found to contain false material statements or nondisclosure of material facts, and such were specifically relied upon in reaching the waiver determination.

(2) Any waiver, as applied to particular invention, may be terminated at the discretion of the Secretary, or his designee, in whole or in part, if the requirements set forth in paragraph (i) of this section (Terms and conditions of waivers) have not been fulfilled, and such failure is determined by the Secretary or his designee to be material and detrimental to the interests of the United States and the general public.

(3) Prior to terminating a waiver under paragraph (j)(1) or (j)(2) of this section, the recipient of the waiver will be given written notice of the intention to terminate the waiver, the extent of such proposed termination and the reason therefor, and a period of 30 days, or such longer period as the Secretary or his designee shall determine for good cause shown in writing, to show cause why the waiver should not be so terminated.

(4) All terminations of waivers shall be subject to the rights granted in paragraph (c)(1) of the clause of § 14R-9.107-5(a), and when justified by equitable considerations termination shall normally be partial in nature, requiring the waiver recipient to grant nonexclusive or partially exclusive licenses to responsible applicants upon terms reasonable under the circumstances.

(k) *Effective date.* Waivers shall be effective on the following dates:

(1) For advance waivers of identified invention, i.e., inventions conceived prior to the effective date of the contract, on the effective date of contract, even through the advance waiver may have been requested after this date;

(2) For identified inventions under advance waivers, i.e., invention conceived or first actually reduced to practice after the effective date of the contract, on the date the invention is reported with the election to retain rights as to that invention; and

(3) For waivers of identified inventions (other than under an advance waiver), on the date of the letter notifying the requestor that the waiver has been granted.

§ 14R-9.110 Reporting of royalties.

In order that OWRT may be informed regarding royalty payments to be made by a contractor in connection with any procurement, construction, or operation where the amount of the royalty payments is reflected in the contract price, or is to be reimbursed by the Government, the negotiator shall (a) obtain from the offeror information concerning any royalty payments expected to be made in connection with the proposed procurement, construction, or operation, together with the names of the licensors and either the patent numbers involved or such other information as will permit identification of the patents and patent applications as well as the basis on which the royalties are to be paid, or (b) obtain from the offeror a certificate that the contract price includes no amount representing the payment of any royalty by the offeror directly to others in connection with the performance of the contract, or (c) insert in the contract the clause set forth below:

Reporting of Royalties

If this contract is in an amount which exceed $10,000 and if any royalty payments are directly involved in the contract or are reflected in the contract price to the Government, the Contractor agrees to report in writing to the Contracting Officer during the performance of this contract and prior to its completion or final settlement the amount of any royalties or other payments paid or to be paid by it directly to others in connection with the performance of this contract together with the names and addresses of licensors to whom such payments are made and either the patent numbers involved or such other information as will permit identification of the patents or other basis on which the royalties are to be paid. The approval of OWRT of any individual payments or royalties shall not stop the Government at any time from contesting the enforceability, validity or scope of, or title to, any patent under which a royalty or payments are made.

Subpart 14R-9.2—Technical Data and Copyrights

§ 14R-9.200 Scope of subpart.

This subpart sets forth OWRT's policy, procedures, and contract clauses with respect to the acquisition and use of technical data and copyrights in contracts or subcontracts entered into, with or for the benefit of the Government. The policy, as implemented by the procedures and contract clauses, is promulgated to comply with section 408, of the Water Research and Development Act of 1978, Public Law 95-467, which in a concluding proviso states:

That, subject to the patent policy of section 403, all research or development contracted

for, sponsored, cosponsored, or authorized under authority of this Act, shall be provided in such manner that all information, data, and know-how, regardless of their nature or mediums, resulting from such research and development will (with such exceptions and limitations, if any, as the Secretary may find to be necessary in the interest of national defense) be usefully available for practice by the general public consonant with the purpose of this Act.

Thus, the statutorily mandated availability for practical utility of the contract's resulting informational products is carried out by this Subpart with provisions requiring acquisition by the Government of unlimited rights in all technical data produced in the performance of the contract, which are supplemented with further provisions ensuring compliance with the mandate by requiring where essential for use in connection with the practice of the informational products, the availability of contractor's proprietary data in the form of results obtained by their use, through marketing in sufficient quantity and at reasonable price, or by licensing that proprietary data on suitable terms to the Government and third parties applying for such licensing.

§ 14R-9.201 Definitions.

For the purpose of this subpart, the following terms have the meanings set forth below:

(a) "Technical Data" means recorded information, regardless of form or characteristic, of a scientific or technical nature. It may, for example, document research, experimental, developmental, demonstration, or engineering work, or be usable or used to define a design or process or to procure, produce, support, maintain, or operate materiel. The data may be graphic or pictorial delineations in media such as drawings or photographs, text in specifications or related performance or design type documents, or computer software (including computer programs, computer software data bases, and computer software documentation). Examples of technical data include research and engineering data, engineering drawings and associated lists, specifications, standards, process sheets, manuals, technical reports, catalog item identification, and related information. Technical data as used in this Subpart does not include financial reports, cost analyses, and other information incidental to contract administration.

(b) "Proprietary Data" means technical data which embody trade secrets developed at private expense, such as design procedures or techniques, chemical composition of materials, manufacturing methods, process, or treatments, including minor modifications thereof, or computer formatting, provided that such data are protectable and accordingly:

(1) Are not generally known or available from other sources without obligation concerning their confidentiality,

(2) Have not been made available by the owner to others without obligation concerning their confidentiality, and

(3) Are not already available to the Government without obligation concerning their confidentiality.

(c) "Contract Data" means technical data first produced in the performance of the contract, technical data which are specified to be delivered in the contract, technical data that may be called for under the Additional Technical Data Requirements clause of the contract, if any, or technical data actually delivered in connection with the contract.

(d) "Unlimited Rights" means rights to use, duplicate, or disclose technical data, in whole or in part, in any manner and for any purpose whatsoever, and to permit others to do so.

§ 14R-9.202 Acquisition and use of technical data.

§ 14R-9.202-1 General.

(a) The provisions herein pertain to contracts other than those for the operation of a Government-owned facility and special contracts covered by § 14R-9.202.4. Under OWRT's broad charter to perform research, development, and demonstration work in water fields, and in operating Government-owned facilities, OWRT has extensive needs for technical data. The satisfaction of these needs and the achievement of OWRT's objectives through a sound data policy are found in the balancing of the needs and equities of the Government, industry, and the general public.

(b) It is important to keep a clear distinction between contract requirements for the furnishing of technical data on the one hand, and rights in the technical data furnished on the other. The legal rights which the Government acquires in technical data are set forth in a "Rights in Technical Data" clause of § 14R-9.202-3(e)(2). However, this clause does not obtain for the Government the delivery of any data whatsoever. Rather, known requirements for specific technical data to be furnished by the contractor shall be set forth as part of the contract (e.g., in the Statement of Work). An "Additional Technical Data Requirements" clause is included in this subpart to enable the Contracting Officer to require the contractor to furnish additional technical data, the requirement for which was not known at the time of contracting. There is, however, a built-in limitation of the kind of technical data which a contractor may be required to deliver under either the contract Statement of Work or the "Additional Technical Data Requirements" clause. This limitation is found in the withholding procedure of paragraph (e) of the "Rights in Technical Data" (long form) clause which provides that the contractor need not furnish "proprietary data." It is specifically intended that the contractor may withhold "proprietary data" even though a requirement for technical data specified in the Statement of Work or called for pursuant to the "Additional Technical Data Requirements" clause would seemingly require the furnishing of proprietary data. This withholding of proprietary data is the primary means by which the contractor may protect its proprietary position. However, in no event is withholding of data first produced in the performance of the contract to be sanctioned since not having been developed at private expense it cannot be proprietary for the purposes of withholding.

(c) There are, however, two situations where the Government, or its representatives, may need to have limited access to a contractor's proprietary data. First, paragraph (f) of the "Rights in Technical Data" (long form) clause gives the Contracting Officer's representatives the limited right to inspect at the contractor's facility the contractor's proprietary data which was withheld from delivery under paragraph (e) for the purpose of verifying that such data was properly withheld or to evaluate work performance. In carrying out the inspection, normally the Contracting Officer's representative is a Government employee, although he may be an employee of a Government contractor acting under an agreement to treat in confidence the proprietary data to be inspected. However, where the contractor whose data are to be inspected demonstrates that there would be a possible conflict of interest if the inspection were made by such a contractor employee, the Contracting Officer's representative may be limited to a Government employee. Paragraph (f) has a built-in exclusion from these inspection rights for "specific items of proprietary data" when they are so specified in the contract schedule. Such exclusions limit even OWRT's minimum rights of evaluating contract work performance and verifying that technical

data withheld by the contractor is proprietary in fact. Such exclusions should be sparingly used, and only in situations where program personnel stipulate to the fact that OWRT has no need for access to the specified items to be excluded from paragraph (f), i.e., that the nondisclosure and nonaccessibility will not adversely affect the OWRT program involved. It should also be noted that paragraph (f) permits exclusion of "specific items" of proprietary data and, accordingly, should not be used to exclude classes of technical data or all technical data pertaining to specific items or process or classes of items or processes. The second situation, where the Government may have limited access to a contractor's proprietary data, is provided in paragraph (h) of the Rights in Technical Data (long form) clause. When used, paragraph (h) provides the Government the right to require the contractor to furnish with limited rights the proprietary data previously withheld under paragraph (e). In this situation, the limited rights in proprietary data and the Government's obligation for limited use and disclosure of such data as set forth in the Rights in Technical Data (long form) clause provides the means by which the contractor protects its proprietary position. Paragraph (h) will be used only where it is determined by OWRT that for programmatic reasons there is a need for the delivery of proprietary data to the Government. Where proprietary data is to be delivered under paragraph (h) and subparagraph (a) or (b) of the Limited Rights Legend is to be applied to the data, the contractor may, if he can show the possibility of a conflict of interest regarding disclosure of such data to other contractors, limit or modify subparagraphs (a) or (b) as set forth in § 14R-9.202-3(e)(3), to exclude or include certain contractors.

(d) The contractor licensing provisions of paragraph (g) of the Rights in Technical Data (long form) clause enable OWRT to require limited licenses in proprietary contract data to be granted to the Government and responsible parties in certain circumstances. Such a license may parallel or supplement a license obtained in Background Patents under the provisions of paragraph (k) of the Patent Rights clause of Subpart 14R-9.1. Paragraph (g) is included in contracts for research, development, or demonstration where the limited license afforded therein may be necessary to ensure widespread commercial use or practical utilization of a subject of the contract including any Subject Invention. As explained in § 14R-9.202-3(e)(1), paragraph (g) provides that upon request by the Government or responsible third parties the contractor will grant to the Government and such responsible third parties a license in proprietary data only where such data in the form of results obtained by its use, i.e., essential equipment, articles, products, and the like which were the subject of the contract or are necessary for the practice of a Subject Invention, are not otherwise available or cannot be made available in a reasonable time as set forth in paragraph (g).

(e) It is the responsibility of prime contractors and higher-tier subcontractors, in meeting their obligations with respect to contract data, to obtain from their subcontractors the rights in, access to, and delivery of such data on behalf of the Government. Accordingly, subject to the policy set forth in these regulations, and subject to the approval of the Contracting Officer where required, selection of appropriate technical data provisions for subcontracts is the responsibility of the prime contractor or higher-tier subcontractor. In many, but not all, instances, inclusion in a subcontract of the Rights in Technical Data (long form) clause of § 14R-9.202-3(e)(2) will suffice to obtain for the benefit of the Government the rights in and, if appropriate, access to technical data. Access by OWRT to technical data, i.e., the inspection rights afforded in paragraph (f) of the Rights in Technical Data (long form) clause, § 14R-9.202-3(e)(2) normally should be obtained only in first tier subcontracts having as a purpose the conduct of research, development, or demonstration work or the furnishing of supplies for which there are substantial technical data requirements as reflected in the prime contract. If a subcontractor refuses to accept technical data provisions affording rights in and access to technical data on behalf of the Government, the contractor shall so inform the Contracting Officer in writing and not proceed with the subcontract without written authorization of the Contracting Officer. In prime contracts (or higher-tier subcontracts) which contain the Additional Technical Data Requirements clause, it is the further reponsibility of the contractor (or higher-tier subcontractor) to determine whether inclusion of such clause in a subcontract is required to satisfy technical data requirements of the prime contract (or higher-tier subcontract). As is the case for OWRT in its determination of technical data requirements, the Additional Technical Data Requirements clause should not be used at any subcontracting tier where the technical data requirements are fully known, and normally the clause will be used only in subcontracts having as a purpose the conduct of research, development, or demonstration. Prime contractors and higher-tier subcontractor shall not use their power to award subcontracts as economic leverage to inequitably acquire rights in the subcontractor's proprietary data for their private use, and they shall not acquire rights on behalf of the Government to proprietary data for standard commercial items unless required by the prime contract.

(f) Related to the acquisition and use of technical data are the contractor's rights in contract data as well as technical data furnished to the contractor by OWRT or its contractors. These rights are set forth in paragraph (b)(2) of each Rights in Technical Data clause of this Subpart and provide that the contractor may, subject to patent, security, and other provisions of the contract, use for its private purposes contract data it first produces in the performance of the contract provided that the contractor has met its data requirements (e.g., delivery of data in the form of progress or status reports specified to be delivered) as of the date of the private use of such data. It is not necessary that a "Final Report" be submitted in order to privately use data if all required progress and interim reports and other technical data then due have been delivered. Paragraph (b)(2) further provides that technical or other data received by the contractor in the performance of the contract must be held in confidence by the contractor in accordance with restrictions accompanying the data.

(g) An additional clause in this subpart includes that of paragraph § 14R-9.202-3(f)(2) entitled Rights in Data—Special Works which is to be used in place of or in addition to the Rights in Technical Data clause in contracts where a purpose of the contract is the production of copyrightable material, a substantial portion of which is to be first produced in the performance of the contract, such as motion pictures, television recordings, books, histories, fine art, etc. Where, during contract negotiations, it may be determined to purchase, i.e., "specifically acquire," unlimited rights in technical data, or to lease or obtain a license therein, or to obtain rights in existing data, an appropriate clause therefor should be obtained from the Solicitor. In situations where technical data including computer software are to

be leased or licensed, the terms of any agreement restricting the Government's rights will be included in the contract as either a special provision or an agreement annexed thereto. Another clause, the Rights in Technical Data (short form) clause of § 14R-9.202-3(g)(2) is provided for use in research contracts with educational institutions and consultants. Such contracts may, for example, include those for conducting symposia, training or education, or other contracts not involving possible use of proprietary data.

§ 14R-9.202-2 Policy.

The technical data policy is directed toward achieving the following objectives:

(a) Making the benefits of the water research, development, and demonstration programs of OWRT widely available to the public for practical use in the shortest practicable time;

(b) Promoting the commercial utilization of the technology developed under OWRT programs;

(c) Encouraging participation by private persons in OWRT water research, development, and demonstration programs; and

(d) Fostering competition and preventing undue market concentration or the creation or maintenance of other situations inconsistent with the antitrust laws.

§ 14R-9.202-3 Procedures (Supply, Research, Development, or Demonstrations Contracts).

(a) *Known requirements for technical data.* Technical data requirements are determined in relation to the intended use of that data, which in turn depends upon the intended use of the contract end item. In many contracts for research, the end item may often be a technical report or series of such reports, while in contracts beyond research the subject of the contract may be a feasibility model, an engineering or advance development model, or a prototype. The extent to which required technical data may be needed often depends on the level of maturity of design and perfection of the end item, and, for a demonstration plant or prototype may include data pertaining to performance, operational, and environmental testing, repair, maintenance, operation, quality assurance, detailed design, logistics, training, etc. Known technical data requirements shall be programmatically ascertained prior to contracting and shall be included in requests for proposals or disclosed during contract negotiations for incorporation as data requirements in the contract Statement of Work. In any event, the technical data actually delivered consonant with the requirements shall include, in addition to any progress or interim reports specified for delivery, a final report providing full coverage of the work done under the contract in the form specified by a paragraph to be added to the Statement of Work or Specification as follows:

A complete technical report shall be submitted to the Contracting Officer summarizing the state of the art and covering all work accomplished and results achieved under this contract, and including conclusions and recommendations derived therefrom. The final report shall include a complete disclosure of all materials, processes, and equipment employed, and shall be in such full, clear, concise, and exact detail, including data such as mathematical, graphic, and written descriptive materials and other means of disclosure appropriate in the circumstances, to enable any person skilled in the art to achieve the results of the work performed under the contract to the extent that is commensurate with the scope of the work. The Contractor shall furnish, to the extent applicable, drawings, specifications, and necessary operating and maintenance instructions concerning any equipment, item, or process developed under the contract to enable any person skilled in the art to make and use such equipment and perform such process by application of the most advanced state of the art achieved in the performance of this contract. Where appropriate, the report shall include recommendations for further improvements which would advance the future state of the art based on knowledge acquired in the performance of this contract. If this contract is with an individual or an educational institution and the right to publish has not been reserved by the Government, the Contracting Officer may at his option accept as the final technical report a publication describing the results accomplished in the research under the contract together with a report setting forth such additional information as may be necessary to complete the information specified hereinabove; provided, however, that a copy of the manuscript for such publication must have been submitted to the Contracting Officer for informational purposes at least 90 days prior to the date of publication or such shorter period as may be agreed to by the Contracting Officer.

(b) *Additional requirements for technical data.* In contracts for research, development, or demonstration, it is not normally possible or appropriate for the Government to ascertain all actual needs for technical data in advance of contracting. Accordingly, the Additional Technical Data Requirements clause in paragraph (c) of this section shall normally be used in such contracts (and, if appropriate, in subcontracts) to enable the ordering of technical data as the actual need and requirement therefor became known during the course of the contract. If all technical data requirements are known in advance of contracting and are set forth in the contract Statement of Work, this clause need not be used. The Additional Technical Data Requirements clause should not normally be used in supply contracts because the required technical data therefor are ordinarily known in advance and thus are specified in the contract Statement of Work or Specification.

(c) *Additional technical date requirement clause.*

Additional Technical Data Requirements

(a) In addition to the technical data specified elsewhere in this contract to be delivered, the Contracting Officer may at any time during the contract performance, or within one year after final payment, call for the Contractor to deliver any technical data first produced or specifically used in the performance of this contract except technical data pertaining to items of standard commercial design.

(b) The provisions of the "Rights in Technical Data" clause included in this contract are applicable to all technical data called for under this "Additional Technical Data Requirements" clause. Accordingly, nothing contained in this clause shall require the Contractor to actually deliver any technical data, the delivery of which is excused by paragraph (e) of the "Rights in Technical Data" clause.

(c) When technical data are to be delivered under this clause, the Contractor will be compensated for appropriate costs for converting such data into the prescribed form, for reproduction, and for delivery.

(d) *Proposals.* The policy and procedures for treatment of proposal information solicited and unsolicited proposals are contained in § 14-4.5101 of these Regulations in which it is provided that proposals may be marked with the Notice set forth in § 14-4.5101-3. It is OWRT policy, in consideration of the contract award, to obtain unlimited rights in the technical data contained in the proposal unless the prospective contractor marks those portions of the technical information which he asserts as being proprietary data. If a contract is to be awarded based on a proposal even though it is marked with the Notice in § 14-4.5101-3, the prospective contractor is obliged under § 14-4.5101-3(a)(1) and (2) to identify the portions thereof which contain proprietary data. Data identified as proprietary data does not constitute a stipulation by the Government that it is in fact proprietary data.

(e) *Rights in technical data.* (1) The Rights in Technical Data (long form) clause set forth in paragraph (2) below

will be used in all contracts having as a purpose the conduct of research, development, or demonstration or in contracts for supplies, or in any other contract where technical data are expected to be first produced under the contract, e.g., technical or architectural specifications, and computer software (including computer programs, computer software data bases, and computer software documentation), or where technical data are specified to be delivered in the contract or where the contract contains the Additional Data Requirements clause. In many contracting situations, the achievement of OWRT's objectives would be frustrated if the Government at the time of contracting did not obtain on behalf of responsible third parties and itself limited license rights in and to proprietary contract data. Where, for example, the contractor is required to license Background Patents, consideration should be given to securing coextensive license rights to the Government and responsible third parties at reasonable royalties, and under appropriate restrictions, for contract data which are proprietary data in order to practice the technology which is a subject of the contract, including Subject Inventions. The Rights in Technical Data (long form) clause is therefore provided with paragraph (g), except when no need therefor is demonstrated. Paragraph (g) will normally be sufficient to cover proprietary contract data for items and processes that were used in the contract and are necessary in order to insure widespread commercial use of a subject of the contract including Subject Inventions. The expression "subject of the contract" is intended to limit the license required in clause (g) to the fields of technology specifically contemplated in the contract effort and may be replaced by a more specific statement of the fields of technology intended to be covered in the manner described in § 14R-9.107-5(b)(9) of Subpart § 14R-9.1 of these Regulations pertaining to "Background Patents." Where, however, proprietary contract data cover the main purpose of basic technology of the research, development, or demonstration effort of the contract, rather than subcomponents, products, or processes which are ancillary to the contract effort, the limitations set forth in subparagraphs (1)-(4) of paragraph (g) should be modified or deleted. Paragraph (g) further provides that technical data may be specified in the contract as being excluded from or not subject to the licensing requirements thereof. This exclusion can be implemented by limiting the applicability of the provisions of paragraph (g) to only those classes or categories of proprietary data determined as being essential for licensing. Although contractor licensing may be required under paragraph (g), the final resolution of questions regarding the scope of such licenses, the terms thereof, including provisions for confidentiality and reasonable royalties, is then left to the negotiation of the parties with resolution of the issues being made, if necessary, by a court of competent jurisdiction. Accordingly, all OWRT contracts for research, development, or demonstration will contain the Rights in Technical Data (long form) clause of paragraph (2) except as noted in § 14R-9.202-4 and § 14R-9.202-3(f) and (g) and except contracts for standard commercial "off-the-shelf" supplies where technical data such as operating or repair manuals are routinely furnished with the supplies.

(2) *Rights in technical data clause.*

Rights in Technical Data—Long Form

(a) *Definitions.* (1) "Technical Data" means recorded information, regardless of form or characteristic, of a scientific or technical nature. It may, for example, document research, experimental, developmental, demonstration, or engineering work, or be usable or used to define a design or process or to procure, produce, support, maintain, or operate materiel. The data may be graphic or pictorial delineations in media such as drawings or photographs, text in specifications or related performance or design type documents, or computer software (including computer programs, computer software data bases, and computer software documentation). Examples of technical data include research and engineering data, engineering drawings and associated lists, specifications, standards, process sheets, manuals, technical reports, catalog item identification, and related information. Technical data as used herein does not mean financial reports, cost analyses, and other information incidental to contract administration.

(2) "Proprietary Data" means technical data which are trade secrets developed at private expense, such as may be included in design procedures or techniques, chemical composition of materials, or manufacturing methods, process, or treatments, including minor modifications thereof, or computer formatting, provided that such data are protectable as trade secret and accordingly:

(i) Are not generally known or available from other sources without obligation concerning their confidentiality,

(ii) Have not been made available by the owner to others without obligation concerning their confidentiality, and

(iii) Are not already available to the Government without obligation concerning their confidentiality.

(3) "Contract Data" means technical data first produced in the performance of the contract, technical data which are specified to be delivered in the contract, technical data that may be called for under the "Additional Technical Data Requirements" clause of the contract, if any, or technical data actually delivered in connection with the contract.

(4) "Unlimited Rights" means rights to use, duplicate, or disclose technical data, in whole or in part, in any manner and for any purpose whatsoever, and to permit others to do so.

(b) *Allocation of rights.* (1) The Government shall have:

(i) Unlimited rights in contract data except as otherwise provided below with respect to proprietary data.

(ii) The right to remove, cancel, correct, or ignore any marking not authorized by the terms of this contract on any technical data furnished hereunder, if upon delivery of the data the propriety of such markings is not substantiated by the Contractor, in writing, to the satisfaction of the Contracting Officer. The Contractor will be notified of any such action contemplated under this subparagraph (b)(ii), and which will be taken if the Contractor fails to respond thereto so as to substantiate the propriety of the markings within 60 days.

(2) The Contractor shall have:

(i) The right to withhold proprietary data in accordance with the provisions of this clause.

(ii) The right to use for its private purposes, subject to patent, security, or other provisions of this contract, contract data it first produces in the performance of this contract provided the data requirements of this contract have been met as of the date of the private use of such data: The Contractor agrees that to the extent it receives or is given access to proprietary data or other technical, business, or financial data in the form of recorded information from OWRT or an OWRT Contractor or subcontractor, the Contractor shall treat such data in accordance with any restrictive legend contained thereon, unless use is specifically authorized by prior written approval of the Contracting Officer.

(3) Nothing contained in this "Rights in Technical Data" clause shall imply a license to the Government under any patent or be construed as affecting the scope of any licenses or other rights otherwise granted to the Government under any patent.

(c) *Copyrighted material.* (1) The Contractor agrees not to, without prior written authorization of the Contracting Officer, establish a claim to statutory copyright in any contract data first produced in the performance of the contract, and warrants that anyone who authors such contract data will have agreed, in writing, to the same. To the extent such authorization is granted, the Government reserves for itself and others acting on its behalf at least a nonexclusive, irrevocable, royalty-free, world-wide license for Governmental purposes to publish, distribute, translate, duplicate, exhibit, and perform any such data copyrighted by the Contractor.

(2) The Contractor agrees not to include in the technical data delivered under the contract any material copyrighted by the Contractor and not to knowingly include any

material copyrighted by others without first granting or obtaining at no cost to the Government a license therein for the benefit of the Government of the same scope as set forth in paragraph (c)(1) above. If such royalty-free license is unavailable and the Contractor nevertheless determines that such copyrighted material must be included in the technical data to be delivered, rather than merely incorporated therein by reference, the Contractor shall request the written authorization of the Contracting Officer to include such copyrighted material in the technical data without a license.

(d) *Subcontracting.* It is the responsibility of the Contractor to obtain from its subcontractors technical data and rights therein, on behalf of the Government, necessary to fulfill the Contractor's obligations to the Government with respect to such data. In the event of refusal by a subcontractor to accept a clause affording the Government such rights, the Contractor shall:

(1) Promptly submit written notice to the Contracting Officer setting forth reasons for the subcontractor refusal and other pertinent information which may expedite disposition of the matter; and

(2) Not proceed with the subcontract without the written authorization of the Contracting Officer.

(e) *Withholding of proprietary data.* Notwithstanding the inclusion of the "Additional Technical Data Requirements" clause in this contract or any provision of this contract specifying the delivery of technical data, the Contractor may withhold proprietary data from delivery, provided that the Contractor furnishes in lieu of any such proprietary data so withheld technical data disclosing the source, size, configuration, mating, and attachment characteristics, functional characteristics and performance requirements ("Form, Fit, and Function" data, e.g., specification control drawings, catalog sheets, envelope drawings, etc.) or a general description of such proprietary data where "Form, Fit, and Function" data are not applicable. The Government shall acquire no rights to any proprietary data so withheld except that such data shall be subject to the "inspection rights" provision of paragraph (f), the "Contractor licensing" provision of paragraph (g), and, if included, the "Limited rights in proprietary data" provisions of paragraph (h).

(f) *Inspection rights.* Except as may be otherwise specified in this contract for specific items of proprietary data which are not subject to this paragraph, the Contracting Officer's representatives, at all reasonable times up to three (3) years after final payment under this contract, may inspect at the Contractor's facility any proprietary data withheld under paragraph (e) and not furnished under paragraph (h) for the purposes of verifying that such data properly fell within the withholding provision of paragraph (e), or for evaluating work performance.

(g) *Contractor licensing.* Except as may be otherwise specified in this contract as technical data not subject to this paragraph, the Contractor agrees that upon written application, it will grant to the Government and responsible third parties, for purposes of practicing a subject of this contract, a nonexclusive license in any contract data which are proprietary data on terms and conditions reasonable under the circumstances including appropriate provisions for confidentiality. "A subject of this contract" as used in this provision (g) means any product, item of manufacture, or process which was used in the effort covered by the contract's Statement of Work or Specification, and it includes Subject Inventions made under the contract. The licensing required may be limited to the field or fields of technology contemplated for this contract. Contractor shall not be obligated to license any data if the Contractor demonstates to the satisfaction of the Solicitor that:

(1) Such data are not essential to the manufacture or practice of hardware designed or fabricated, or processes developed under this contract;

(2) Such data, in the form of results obtained by their use, have a commercially competitive alternative available.

(3) Such data, in the form of results obtained by their use, are being supplied by the Contractor or its licensees in sufficient quantity and at reasonable prices to satisfy market needs, or the Contractor or its licensees have taken effective steps or within a reasonable time are expected to take effective steps to so supply such data in the form of results obtained by its use within a period of time set by the Solicitor upon a written request therefor by the Contractor.

(3) *Optional Clause—limited rights in proprietary data.* In research, development, or demonstration contracts and supply contracts where it is determined that delivery of proprietary data is necessary with limited rights in the Government, the Rights in Technical Data (long form) clause shall be supplemented by the additional paragraph (h) set forth below. It should be noted that this paragraph does not entitle the contractor to place a Limited Rights Legend on any technical data furnished to the Government under paragraph (h) below unless the Contracting Officer requests in writing delivery of identified technical data previously withheld under paragraph (e) of the rights in Technical Data clause. Paragraph (h) provides that proprietary data may be specified in the contract as being excluded from the delivery requirement of paragraph (h). Alternatively, the Limited Rights Legend specified in paragraph (h) may be made applicable to only those classes of proprietary data determined as being necessary for delivery with limited rights. In addition, when furnishing proprietary data with the Limited Rights Legend, subparagraphs (a), (b), and (C) thereunder may be modified as follows. When proprietary data is to be furnished only for evaluation, subparagraph (a) of the Limited Rights Legend shall used, and subparagraphs (b) and (c), if otherwise inapplicable, may be deleted. When there is a programmatic requirement that proprietary data be disclosed to other OWRT contractors only for information or use in connection with work performed under their contracts, subparagraph (b) of the Limited Rights Legend shall be used, and subparagraphs (a) and (c) may be deleted, if otherwise inapplicable. In either of the foregoing examples, the contractor may, if he can show the possibility of a conflict of interest because of disclosure of such data to certain contractors or evaluators, exclude such contractors or evaluators from subparagraphs (a) or (b). If the data is required solely for emergency repair or overhaul, subparagraph (c) of the Limited Rights Legend shall be retained, and subparagraphs (a) and (b) may, unless otherwise applicable, be deleted. In the event it is determined that all of the subparagraphs (a), (b), and (c) of the Limited Rights Legend are to be deleted, the word "none" shall be inserted in the Legend after the colon (:).

(h) *Limited rights in proprietary data.* Except as may be otherwise specified in this contract as technical data which are not subject to this paragraph, the Contractor shall, upon written request from the Contracting Officer at any time prior to three (3) years after final payment under this contract, promptly deliver to the Government any "proprietary data" withheld pursuant to paragraph (e) of the "Rights in Technical Data" clause of this contract. The following legend and no other is authorized to be affixed on any "proprietary data" delivered pursuant to this provision, provided the "proprietary data" meets the conditions for initial witholding under paragraph (e) of the "Rights in Technical Data" clause. The Government will thereafter treat the "proprietary data" in accordance with such legend. However, at the written request of the Contractor, the restrictive period for the proprietary data of three (3) years, as appears in the legend, may be made a longer time upon approval thereof in writing by the Contracting Officer when found warranted by the Contractor's justification therefor in negotiations before submittal of such data under this provision.

Limited Rights Legend

This "proprietary data," is a trade secret of ———, and is submitted in confidence on ———, under Contract No. ——— (and Subcontract ———, if appropriate) with the Office of Water Research and Technology, United States Department of the Interior (and Purchase Order No. ———, if applicable). It may be duplicated and used by the Government with the express limitations that it may not be disclosed outside the Government or be used for purposes of manufacture without prior permission of the

Contractor, except that further disclosure or use may be made solely for the following purposes:

(a) This "proprietary data" may be disclosed for evaluation purposes under the restriction that the proprietary data be retained in confidence and not be further disclosed;

(b) This "proprietary data" may be disclosed to other Contractors participating in the Government's program of which this contract is a part for information or use in connection with the work performed under their contracts and under the restriction that the "proprietary data" be retained in confidence and not be further disclosed; or

(c) This "proprietary data" may be used by the Government or others on its behalf for emergency repair or overhaul work, or other purpose(s) specified as follows (if no other, enter "NONE"):, under the restriction that the "proprietary data" be retained in confidence and not be further disclosed.

These restrictions shall terminate three (3) years from the date of submittal stated in this notice.

This legend shall be marked on any reproduction of this data in whole or in part.

(4) *Acquisition of proprietary data-computer software.* Where it has been determined that delivery of proprietary computer software is necessary with limited rights in the Government, the Rights in Technical Data (long form) clause shall be supplemented by the addition of paragraph (h) set forth below. The Limited Rights Legend specified in paragraph (h) is applicable only to the proprietary computer software determined to be necessary for delivery with limited rights. Government acquisition of any rights in the software greater than the rights appearing from the numbered subparagraph of the Legend shall be specified in the contract, and, unless found impractical, stated on the Legend in additional subparagraphs.

(h) *Acquisition of proprietary data-computer software.* Upon written request of the Contracting Officer for any computer software which has been data withheld pursuant to paragraph (e) of this clause, the Contractor shall promptly furnish (including any data specifically identified in the contract as required to be furnished under this paragraph) such data. The following notice is authorized to be affixed to the data furnished and the Government will thereafter treat the data in accordance with such notice:

Restricted Rights Notice

This computer software is the property of ——— and is furnished under OWRT Contract No. ——— (and subcontract ———, if appropriate). It may not be used, duplicated, nor disclosed by the Government except as provided below or as otherwise stated in the contract.

The Government may:

(i) use this computer software with the computer for which it was acquired, including use at any Government installation to which the computer may be transferred;

(ii) use this computer software with a backup computer if the computer for which it was acquired is inoperative;

(iii) copy this computer software for safekeeping (archives) or backup purposes;

(iv) modify this computer software or combine it with other software, subject to the provision that where the derivative software contains portions which remain identifiable as proprietary data, such portions shall be subject to the same restricted rights;

(v) disclose this computer software for use by on-site employees of support service Contractors providing such Contractors agree to protect such computer software from unauthorized use or disclosure; and

(vi) treat this computer software, if it bears a copyright notice, as a published copyrighted work licensed without disclosure prohibitions to the Government with minimum rights in accordance with subparagraphs (i) through (iv) above.

Any greater rights which the Government may have acquired in this computer software are stated in the contract. This Notice shall be marked on any reproduction of this computer software, in whole or in part.

Where it is impractical to include the above notice on computer software in machine readable form, the following short form notice may be used in lieu thereof:

Restricted Rights Notice (Short Form)

Duplication, use, or disclosure is subject to restrictions stated in Contract No. ——— with (name of Contractor) ———.

(f) *Rights in data—special works.* (1) The clause set forth in paragraph (2) below shall be used in all contracts where the principal purpose or task of the contract is the production of copyrightable works, even though such works may incorporate uncopyrighted material or material previously copyrighted by the contractor or others. Such contracts include those:

(i) Primarily for production of motion pictures, or other audio-visual works, television recordings or scripts, musical compositions or arrangements, sound tracks or recordings, sculptures, paintings and other fine arts, photographs and other pictorial works, translations, adaptations, and the like;

(ii) For books, compilations, surveys, histories, or technology information pamphlets;

(iii) For works pertaining to management studies, support services, training, career guidance, or similar functions of a Government agency; and

(iv) For works pertaining to guidance or instruction of Government officials or employees in the discharge of official duties.

The clause in paragraph (2) below should be modified with the assistance of the Solicitor where the contract calls for the editing, translation, addition, or other modification of the subject matter of an existing work.

(2) *Rights in data—special works clause.*

Rights in Data—Special Works

(a) The term "Data" as used herein means recorded information regardless of form or characteristics, such as writings, musical and dramatic works, motion pictures, television and other audio-visual works, sound recordings, sculptures, paintings and other fine arts, or other pictorial works or reproductions, drawings or other graphic representations, and works of similar nature (whether or not copyrighted) which are to be delivered under this contract. The term includes data such as management studies and data produced under support services contracts but does not include financial reports, cost analyses, and other information incidental to contract administration.

(b) All data first produced or composed in the course of or under this contract shall be the sole property of the Government. Except with the prior written permission of the Contracting Officer, the Contractor agrees not to assert any rights at common law or in equity or establish any claim to statutory copyright in such data and warrants that anyone who authors such data will have agreed, in writing, to the same. The Contractor shall not publish or reproduce such data in whole or in part or in any manner or form, or authorize others so to do, without the written consent of the Contracting Officer until such time as the Government may have released such data to the public.

(c) The Contractor hereby grants to or will obtain for the Government a nonexclusive; irrevocable, royalty-free license throughout the world (1) to publish, exhibit, translate, reproduce, deliver, perform, use, and dispose of, in any manner, any and all data which are not first produced or composed in the performance of this contract but which are incorporated in the work furnished under this contract; and (2) to authorize others to do as provided in (1) of this paragraph (c).

(d) The Contractor shall indemnify and save and hold harmless the Government, its officers, agents, and employees acting within the scope of their official duties against any liability, including costs and expenses, (1) for violation of proprietary rights, copyrights, or rights of privacy, arising out of the public translation, reproduction, delivery, performance, use, or disposition of any data furnished under this contract; or (2) based upon any libelous, defamatory, or other unlawful matter contained in such data. The provisions of this paragraph do not apply to material furnished to the Contractor by the Government and incorporated in data furnished under this contract.

(e) Nothing contained in this clause shall imply a license to the Government under any patent, or be construed as affecting the scope of any licenses or other rights otherwise granted to the Government under any patent.

(g) *Rights in technical data clause (short form).* (1) The clause set forth in paragraph (2) below may be used in

contracts for basic research including grants, special support research agreements with educational institutions, contracts with consultants, contracts for symposia or for the conduct of training and educational programs, and in other contracts of a similar nature. This clause shall not be used in any contract where proprietary information of the contractor may be utilized in the performance of work under the contract, and in such instances the Additional Technical Data Requirements clause of § 14R-9.202-3(c) and the Rights in Technical Data (long form) clause of § 14R-9.202-3(e)(2) shall be used. The short form clause of this section shall not be used in situations involving long-term consultancy arrangements.

(2) *Rights in technical data clause—short form.*

Rights in Technical Data—Short Form

(a) *Definitions.* The definitions of terms set forth in 41 CFR 14R-9.201 apply to the extent these terms are used herein.

(b) *Allocation of rights.* (1) The Government shall have:

(i) Unlimited rights in technical data first produced or specifically used in the performance of this contract;

(ii) The right of the Contracting Officer or his representatives to inspect at all reasonable times up to three (3) years after final payment under this contract all technical data first produced or specifically used in the contract (for which inspection the Contractor or its subcontractor shall afford proper facilities to Government employees);

(iii) The right to have any technical data first produced or specifically used in the performance of this contract delivered to the Government as the Contracting Officer may from time to time direct during the progress of the work or in any event as the Contracting Officer shall direct upon completion or termination of this contract.

(2) The Contractor shall have the right to use for its private purposes, subject to patent, security, or other provisions of this contract, technical data it first produces in the performance of this contract provided the data requirements of this contract have been met as of the date of the private use of such data. The Contractor agrees that to the extent it receives or is given access to proprietary data or other technical, business, or financial data in the form of recorded information from OWRT or an OWRT Contractor or subcontractor, the Contractor shall treat such data in accordance with any restrictive legend contained thereon, unless use is specifically authorized by prior written approval of the Contracting Officer.

(c) *Copyrighted material.* (1) The Contractor agrees not to, without prior written authorization of the Contracting Officer, establish a claim to statutory copyright on any contract data first produced in the performance of the contract and warrants that anyone who authors such contract data will have agreed, in writing, to the same. To the extent such authorization is granted, the Government reserves for itself and others acting on its behalf at least a nonexclusive, irrevocable, royalty-free, world-wide license for Governmental purposes to publish, distribute, translate, duplicate, exhibit, and perform any such data copyrighted by the contract.

(2) The Contractor agrees not to include in the technical data delivered under the contract any material copyrighted by the Contractor and not to knowingly include any material copyrighted by others without first granting or obtaining at no cost to the Government a license therein for the benefit of the Government of the same scope as set forth in paragraph (c)(1) above. If such royalty-free license is unavailable and the Contractor nevertheless determines that such copyrighted material must be included in the technical data to be delivered, rather than merely incorporated therein by reference, the Contractor shall request the written authorization of the Contracting Officer to include such copyrighted material in the technical data without a license.

(h) *Rights in existing books, fine art, computer software, motion pictures or television recordings, or similar existing work.* (1) Where a contract has for an objective the purchase of an existing work protected by copyright, whether or not registered or marked by notice thereof, and a purpose of the purchase is to reproduce the work, or to undertake any other activity coming under the copyright, the following clause shall be used. The Schedule of the contract may set forth limitations consistent with the purposes for which the material covered by the contract is being procured. Examples of these limitations in procurement of existing motion pictures or television recordings are (i) means of exhibition or transmission, (ii) time, (iii) types of audience, and (iv) geographical location. Consideration should be given to the modificaiton of paragraph (b) of the clause in consultation with the Solicitor to make the indemnity coextensive with the rights acquired under paragraph (a) of the clause as limited by the Schedule of the contract.

(2) *Rights in existing work data clause.*

Rights in Data—Existing Works

(a) Except as otherwise provided in the Schedule of this contract, the Contractor hereby grants to the Government a nonexclusive, irrevocable, royalty-free license to distribute, perform, use, and exhibit the material called for under this contract for Governmental purposes throughout the world, and to authorize others to do so.

(b) The Contractor shall indemnify and save and hold harmless the Government, its officers, agents, and employees acting within the scope of their official duties, and on behalf of the Government, against any liability, including costs and expenses for (1) violation of proprietary rights, copyrights, or rights of privacy, arising out of the public translation, reproduction, delivery, performance, use, or disposition of any data furnished under this contract; or (2) any libelous or other unlawful matter contained in such data. The provisions of this paragraph do not apply to material furnished to the Contractor by the Government and incorporated in data furnished under this contract.

(i) *Contracts for the purchase or lease of existing computer software.* When purchasing or leasing existing computer software directly, rather than from a Federal Supply Schedule contract, it is important that the contract adequately describe the computer program or the computer data base, the form (tape, punch cards, disk packs) of the program to be delivered, and all the necessary documentation pertaining thereto. The contract should also specify the rights of the Government and any limitations on the right of the Government to use, disclose, or copy the computer software, such as the physical location, number of uses, or other conditions under which the computer software may be utilized. The provisions of § 14R-9.202-3(e)(4) should be used as a guide to assure that the Government obtains the necessary minimum rights to the purchased or leased computer software. The Contracting Officer shall consult with the Solicitor in drafting such rights provisions for these contracts.

§ 14R-9.202-4 Procedures—Government-owned, contractor-operated facilities.

(a) *General.* It is essential that OWRT maintain continuity in its programs which are implemented by contracts for the operation of Government-owned, contractor-operated facilities. Contract data first produced or specifically used in the performance of such contracts must be considered as integral to and remaining with the facility or plant after termination of such contracts and thus available to OWRT and its future contractors for the continued use of the facilities or plant. However, it is recognized that these contracts by their nature cannot always be subject to one set of prescribed contract provisions which will always apply. Accordingly, the Rights in Technical Data—Facility clause set forth in paragraph (c)(2) below is to be used as a basic or minimal clause which may be modified or expanded with the concurrence of the Solicitor to meet particular contract situations.

(b) *Subcontracting.* Unless otherwise directed by the Contracting Officer, the contractor shall follow the policy and procedures of § 14R-9.202-1, 2, and 3 above, and shall employ the provisions of the Additional Technical Data

Requirements clause of § 14R-9.202-3(c), and the Rights in Technical Data clause of § 14R-9.202-3(e)(2) where appropriate, except in subcontracts for the design of special production plants or facilities or specially designed equipment for such facilities or plants in which instances contractors shall include the provision of the Rights in Technical Data clause of § 14R-9.202-4.

(c) *Rights in technical data clause—facility.* (1) Whenever a contract has as a purpose the operation of a Government-owned contractor-operated research or production facility, the clause set forth in subparagraph (2) of this paragraph shall normally be included in the contract. Inasmuch as this clause secures to the Government ownership, access to, and, if requested, delivery of all technical data first produced in the performance of the contract and access to and delivery of technical data which are specifically used in the performance of the contract, there is no need to include the Additional Technical Data Requirements clause of § 14R-9.202-3(c).

(2) Rights in technical data clause—facility.

Rights in Technical Data—Facility

(a) *Definitions.* (1) "Technical Data" means recorded information, regardless of form or characteristic, of a scientific or technical nature. It may, for example, document research, experimental, developmental, demonstration, or engineering work, or be usable or used to define a design or process or to procure, produce, support, maintain, or operate materiel. The data may be graphic or pictorial delineations in media such as drawings or photographs, text in specifications or related performance or design type documents, or computer software (including computer programs, computer software data bases, and computer software documentation). Examples of technical data include research and engineering data, engineering drawings and associated lists, specifications, standards, process sheets, manuals, technical reports, catalog item identification, and related information. Technical data as used herein does not mean financial reports, cost analyses, and other information incidental to contract administration.

(2) "Proprietary Data" means technical data which are trade secrets developed at private expense, such as may be included in design procedures or techniques, chemical composition of materials, or manufacturing methods, process, or treatments, including minor modifications thereof, provided that such data are protectable as trade secret and accordingly:

(i) Are not generally known or available from other sources without obligation concerning their confidentiality,

(ii) Have not been made available by the owner to others without obligation concerning their confidentiality, and

(iii) Are not already available to the Government without obligation concerning their confidentiality.

(3) "Unlimited Rights" means rights to use, duplicate, or disclose technical data, in whole or in part, in any manner and for any purpose whatsoever, and to permit others to do so.

(b) *Allocation of rights.* (1) The Government shall have:

(i) Ownership in all technical data first produced in the performance of the contract.

(ii) The right to inspect technical data first produced or specifically used in the performance of the contract at all reasonable times (for which inspection the proper facilities shall be afforded the Government by the Contractors and its subcontractors.

(iii) The right to have all technical data first produced or specifically used in the performance of the contract delivered to the Government or otherwise disposed of by the Contractor, either as the Contracting Officer may from time to time direct during the progress of the work or in any event as the Contracting Officer shall direct upon completion or termination of this contract, provided that nothing contained in this paragraph shall require the Contractor to actually deliver any technical data the delivery of which is excused by this Rights in Technical Data clause.

(iv) Unlimited rights in technical data specifically used in the performance of this contract except technical data pertaining to items of standard commercial design; the Contractor agrees to leave a copy of such technical data at the facility or plant to which such data relate, and to make available for access or to deliver to the Government such data upon request by the Contracting Officer; provided that if such data are proprietary, the rights of the Government in such data shall be governed solely by the provisions of paragraph (e) hereof—"Limited Rights in Proprietary Data."

(v) The right to remove, cancel, correct, or ignore any marking not authorized by the terms of this contract on any technical data furnished hereunder, if upon delivery of the data the propriety of such markings is not substantiated by the Contractor, in writing, to the satisfaction of the Contracting Officer. The Contractor will be notified of any such action contemplated under this subparagraph (b)(v), and which will be taken if the Contractor fails to respond thereto so as to substantiate the propriety of the markings within 60 days.

(2) The Contractor shall have:

(i) The right to withhold its proprietary data, subject to the provisions of this clause.

(ii) The right to use for its private purposes, subject to patent, security, or other provisions of this contract, technical data it first produces in the performance of this contract provided the data requirements of this contract have been met as of the date of the private use of such data. The Contractor agrees that to the extent it receives or is given access to proprietary data or other technical, business, or financial data in the form of recorded information from OWRT or an OWRT Contractor or subcontractor, the Contractor shall treat such data in accordance with any restrictive legend contained thereon, unless use is specifically authorized by prior written approval of the Contracting Officer.

(3) Nothing contained in this clause shall imply a license to the Government under any patent or be construed as affecting the scope of any licenses or other rights otherwise granted to the Government under any patent.

(c) *Copyrighted material.* (1) The Contractor agrees not to, without prior written authorization of the Contracting Officer, establish a claim to statutory copyright in any technical data first produced in the performance of the contract, and warrants that anyone who authors such contract data will have agreed, in writing, to the same. To the extent such authorization is granted, the Government reserves for itself and others acting on its behalf at least a nonexclusive, irrevocable, royalty-free, worldwide license for Governmental purposes to publish, distribute, translate, duplicate, exhibit, and perform any such data copyrighted by the Contractor.

(2) The Contractor agrees not to include in the technical data delivered under the contract any material copyrighted by the Contractor and not to knowingly include any material copyrighted by others without first granting or obtaining at no cost to the Government a license therein for the benefit of the Government of the same scope as set forth in paragraph (c)(1) above. If the Contractor believes that such copyrighted material for which the license cannot be obtained must be included in the technical data to be delivered, rather than merely incorporated therein by reference, the Contractor shall obtain the written authorization of the Contracting Officer to include such material in the technical data prior to its delivery.

(d) *Subcontracting.* (1) Unless otherwise directed by the Contracting Officer, the Contractor agrees to use in subcontracts having as a purpose the conduct of research, development, or demonstration or in subcontracts for supplies, the contract clause provisions in 41 CFR 14R-9.202-3(c) and 41 CFR 14R-9.202-3(e) (2) in accordance with the policy and procedures at 41 CFR 14R-9.202-1, 2, and 3.

(2) It is the responsibility of the Contractor to obtain from its subcontractors rights, on behalf of the Government, in technical data necessary to fulfill the Contactor's obligations to the Government with respect to such data. In the event of refusal by a subcontractor to accept a clause affording the Government such rights, the Contractor shall:

(i) Promptly submit written notice to the Contracting Officer setting forth reasons for the subcontractor refusal and other pertinent information which may expedite disposition of the matter; and

(ii) Not proceed with the subcontract without the without the written authorization of the Contracting Officer.

(d) *Optional clause—limited rights in proprietary data.* In contracts where it is determined that delivery of proprietary data is necessary with limited rights in the Government, the Rights in Technical Data clause of this section shall be

supplemented by the additional paragraph (e) set forth below. Paragraph (e) provides that technical data may be specified in the contract as being exluded from the delivery requirement thereof. Alternatively, paragraph (e) may be limited or made applicable to only those classes of proprietary data determined as being necessary for delivery with limited rights. In addition, when furnishing proprietary data with the Limited Rights Legend, subparagraphs (a), (b), and (c) thereunder may be modified as follows. When proprietary data is to be furnished only for evaluation, subparagraph (a) of the Limited Rights Legend shall be used, and subparagraphs (b) and (c), if otherwise inapplicable, may be deleted. When there is a programmatic requirement that proprietary data be disclosed to other OWRT contractors only for information or use in connection with work performed under their contracts, subparagraph (b) of the Limited Rights Legend shall be used, and subparagraphs (a) and (c) may be deleted, if otherwise inapplicable. In either of the foregoing examples, the contractor may, if he can show the possibility of a conflict of interest because of disclosure of such data to certain contractors, or evaluators, exclude such contractors or evaluators from subparagraphs (a) or (b). If the data is required solely for emergency repair or overhaul, subparagraph (c) of the Limited Rights Legend shall be retained, and subparagraphs (a) and (b) may, unless otherwise applicable, be deleted. In the event it is determined that all of the subparagraphs (a), (b), and (c) of the Limited Rights Legend are to be deleted, the word "none" shall be inserted in the Legend after the colon (:).

(e) *Limited rights in proprietary data.* Except as may be otherwise specified in this contract as technical data which are not subject to this paragraph, the Contractor agrees to and does hereby grant to the Government a nonexclusive, irrevocable, paid-up license and right to use by or for the Government any proprietary data of the Contractor specifically used in the performance of this contract; provided, however, that to the extent that any proprietary data when furnished or delivered is specifically identified by the Contractor at the time of initial delivery to the Government or a representative of the Government, such data shall not be used within or otherside the Government except as provided in the "Limited Rights Legend" set forth below. All such proprietary data shall be marked with the following "Limited Rights Legend:"

Limited Rights Legend

This "proprietary data," furnished under Contract No. —— with the Office of Water Research and Technology, United States Department of the Interior (and Purchase Order No. ——, if applicable), may be duplicated and used by the Government with the express limitations that the "proprietary data" may not be disclosed outside the Government or be used for purposes of manufacture without prior permission of the Contractor, except that further disclosure or use may be made solely for the following purposes:

(a) This "proprietary data" may be disclosed for evaluation purposes under the restriction that the proprietary data be retained in confidence and not be further disclosed;

(b) This "proprietary data" may be disclosed to other Contractors participating in the Government's program of which this contract is a part for information or use in connection with the work performed under their contracts and under the restriction that the "proprietary data" be retained in confidence and not be further disclosed; or

(c) This "proprietary data" may be used by the Government or others on its behalf for emergency repair or overhaul work under the restriction that the "proprietary data" be retained in confidence and not be further disclosed.

These restrictions shall terminate three (3) years from the date of submittal stated in this notice.

This legend shall be marked on any reproduction of this data in whole or in part.

§ 14R-9.202-5 Negotiations and deviations.

Contracting Officers shall contact the Solicitor for assistance to the Contracting Officer in selecting, negotiating, or approving appropriate data and copyright clauses in accordance with the procedures as set forth in § 14R-9.107-4(k). In particular, advice of the Solicitor should be obtained regarding the appropriateness of modification of paragraphs (g) and (h) of the Rights in Technical Data (long form) clause, the exclusion of specific items of proprietary data from paragraph (f) in said clause, and the exclusion of the Additional Technical Data Requirements clause of § 14R-9.202-3(c).

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FEDERAL EMERGENCY MANAGEMENT AGENCY

[44 CFR Part 67]

[Docket No. FI-5611]

National Flood Insurance Program; Proposed Addition of Special Flood Hazard Area for the City of Sherwood, Ark.

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.

ACTION: Final rule.

SUMMARY: Technical information or comments are solicited on the proposed addition of the Special Flood Hazard Area as described below. This proposed addition of Special Flood Hazard Area is the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed addition of Special Flood Hazard Area are available for review at City Hall, 201 Country Club, Sherwood, Arkansas. Send comments to: The Honorable B. E. Henson, Mayor of Sherwood, 201 Country Club, Sherwood, Arkansas 72116.

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed addition of Special Flood Hazard Area for the City of Sherwood, Arkansas, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 66. This Special Flood Hazard Area, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. It should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. The proposed addition of Special Flood Hazard Area will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents. The

proposed addition of Special Flood Hazard Area is along Five Mile Creek, north of U.S. Routes 67 and 167.

(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: June 25, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-20714 Filed 7-3-79; 8:45 am]

BILLING CODE 4210-23-M

[44 CFR Part 67]

[Docket No. FI-5612]

National Flood Insurance Program; Proposed Base Flood Elevation for the Village of Rosedale, La.

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevation as described below. This proposed base flood elevation is the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the floodprone areas and the proposed base flood elevation are available for review at the City Hall, Rosedale, Louisiana. Send comments to: The Honorable Lawrence J. Badeaux, Mayor of Rosedale, Box 167, Rosedale, Louisiana 70772.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, Assistant Administrator, 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 proposed base flood elevation for the Village of Rosedale, Louisiana, 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 44 CFR Part 66. This base (100-year) flood elevation, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. It should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. The proposed base flood elevation will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed 100-year flood elevation is:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Bayou Grosse Tete	Northwest corporate limit of newly annexed area.	15

(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: June 25, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-20715 Filed 7-3-79; 8:45 am]

BILLING CODE 4210-23-M

[44 CFR Part 67]

[Docket No. FI-3194]

National Flood Insurance Program; Proposed Flood Zone Designation for Goodhue County Minn.

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed zone designation described below. This proposed zone designation is the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety-days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed zone designation are available for review at the County Courthouse, Red Wing, Minnesota. Send comments to: Mr. J. W. Bucher, Goodhue County Zoning Administrator, County Courthouse, Red Wing, Minnesota 55066.

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed zone designation for Goodhue County, Minnesota, 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 44 CFR 67.1(a).

Zone designations and base (100-year) flood elevations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. The proposed zone designation will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed zone designation is:

A portion of the area designated a C zone south of the City of Dennison, Minnesota, and adjacent to several small streams and the Rice County boundary will be changed to an unnumbered A zone.

(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: June 15, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-20717 Filed 7-3-79; 8:45 am]

BILLING CODE 4210-01-M

FEDERAL MARITIME COMMISSION

[46 CFR Part 536, 538]

[Docket No. 79-58]

Dual Rate Contract Systems in the Foreign Commerce of the United States—Rate Increases on Less than Ninety Days' Notice

AGENCY: Federal Maritime Commission.

ACTION: Denial of Request for Enlargement of Time to Comment.

SUMMARY: Various interested persons have requested an enlargement of time to file comments in response to the notice of proposed rulemaking in this proceeding (44 FR 32408; June 6, 1979). The proposed rules would allow ocean carriers to directly pass through sudden, severe and unforeseen cost increases to dual rate contract signatories. The recent surge in bunkering costs is an example of the type of situation intended to be covered by this proposal. In view of the current bunker situation and the number of recent pleas for relief from this situation, it is appropriate that this proceeding be completed promptly to determine whether an amendment of the nature proposed is possible or appropriate. Accordingly, no enlargement of time to comment will be granted in this proceeding.

DATE: Comments on or before July 6, 1979.

ADDRESS: Send comments to: Secretary, Federal Maritime Commission, 1100 L Street, N.W., Washington, D.C. 20573.

SUPPLEMENTARY INFORMATION: None.

Francis C. Hurney,

Secretary.

[FR Doc. 79-20634 Filed 7-3-79; 8:45 am]

BILLING CODE 6730-01-M

[46 CFR Parts 536 and 552]

[Docket No. 79-65]

Certification of Company Policies and Efforts to Combat Rebating in the Foreign Commerce of the United States; Proposed Rulemaking

AGENCY: Federal Maritime Commission.

ACTION: Proposed Rulemaking.

SUMMARY: This rule is proposed to enable the Commission to implement the provisions of Pub. L. 96-25, 93 Stat. 71, which mandates that the Commission require the Chief Executive Officer of every vessel operating common carrier by water in the foreign commerce of the United States to file periodic certification attesting to company policies and efforts to combat rebating. Discretionary authority is given to the Commission to require similar certification from any shipper, consignor, consignee, forwarder, broker, other carrier or other person subject to the Shipping Act, 1916.

DATE: Comments due on or before September 4, 1979.

ADDRESSES: Comments (original and fifteen copies) to: Secretary, Federal Maritime Commission, 1100 L Street, NW., Room 11101, Washington, DC 20573.

FOR FURTHER INFORMATION CONTACT: Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L Street, NW, Room 11101, Washington, DC 20573, (202) 523-5725.

On June 19, 1979, the Shipping Act Amendments of 1979, Pub. L. 96-25, 93 Stat. 71, were enacted to strengthen the provisions prohibiting rebating practices in the United States foreign trades. Section 4 of Pub. L. 96-25 amends section 21 of the Shipping Act, 1916, by adding a new subsection (b) mandating the Commission to require the Chief Executive Officer of every vessel operating common carrier by water to file a periodic certification attesting to company policies and efforts to combat rebating and to other information necessary for the Commission to carry out the provisions of Pub. L. 96-25. The Commission is given discretionary authority to require similar certification from any shipper, consignor, consignee, forwarder, broker, other carrier or other person subject to the Shipping Act, 1916.

Provisions

A brief summary of the provisions of this proposed rule to comply with section 21(b) of the Shipping Act, 1916, as amended, by Pub. L. 96-25 is set forth:

Scope

In this section, the applicability of the rule is proposed to be binding on all vessel operating common carriers by water in the foreign trade while, at the Commission's discretion, it may be applicable to any shipper, forwarder, consignee, consignor, broker, other carrier, or other person subject to the Act.

Form of Certification

This section prescribes the form and content of the requisite certification to include:

(a) that company policy prohibits payment and illegal rebates;

(b) that such company policy has been promulgated;

(c) the details of any measures to prevent illegal rebates to any agents;

(d) an afformation that the company will cooperate with the Federal Maritime Commission in rebate investigations.

Tariff Notification

Carriers, or where applicable, Conferences/Rate Agreements shall file a tariff provision providing notice of individual company policies prohibiting payment of rebates. General Order 13, 46 CFR Part 536, is proposed to be amended accordingly.

Change in Executive Officer

Carriers and others required to file certificates by this rule shall notify the Commission of the identity of any new Chief Executive Officer within 30 days after appointment and shall file a new certificate.

Reporting Requirements

This section establishes an annual reporting requirement for vessel operating common carriers by water and authorizes the Commission to require any shipper, consignor, consignee, forwarder, broker, other carrier or other person subject to the Act to file certification on reasonable notice. A certification form, FMC , is attached.

Therefore, it is ordered, That pursuant to the provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 553), sections 21 and 43 of the Shipping Act, 1916, as amended (46 U.S.C. 820 and 841(a)), notice is hereby given that the Federal Maritime Commission is considering the following Amendments to Title 46 CFR.

1. Adding a new Part 552 reading as follows:

PART 552—CERTIFICATION OF COMPANY POLICIES AND EFFORTS TO COMBAT REBATING IN THE FOREIGN COMMERCE OF THE UNITED STATES

Sec.
552.1 Scope.
552.2 Form of Certification.
552.3 Tariff Notification.
552.4 Change of Executive Officer.
552.5 Reporting Requirements.

Authority: Sec. 10(e), 93 Stat. 71, and Secs. 21, 32 and 43 of the Shipping Act, 1916 (46 U.S.C. 820, 831 and 843.)

§ 552.1 Scope.

The requirements set forth in this part are binding upon every vessel operating common carrier by water in the foreign commerce of the United States and, at the discretion of the Commission, will be applicable to any shipper, consignor, consignee, forwarder, broker, other carrier, or other person subject to the Shipping Act, 1916.

§ 552.2 Form of Certification.

The Chief Executive Officer of every vessel operating common carrier by water in the foreign commerce of the United States and, when required, at the discretion of the Commission, the Chief Executive Officer of any shipper, consignor, consignee, forwarder, broker, other carrier, or other person subject to the Shipping Act, 1916, shall file a written certification, under oath, as set forth in form FMC , appended hereto, attesting to the following:

(a) That it is the stated policy of the filing company that the payment, solicitation or receipt, of any rebate directly or indirectly, by any officer, employee, or agent which is unlawful under the provisions of the Shipping Act of 1916, as amended, is prohibited as a matter of company policy, and,

(b) That such company policy, as provided for in § 552.2(a) of this part, has been promulgated, together with the date of such promulgation, to each owner, officer, employee and agent of the filing company, and,

(c) The details of measures instituted by the filing company to eliminate, discourage, and prevent the payment of illegal rebates in the foreign commerce of the United States by the filing company and any subsidiaries, affiliated companies, or agents, and,

(d) That the filing company affirms it will fully cooperate with the Commission in its investigation of illegal rebating or refunds in United States foreign trades and with the Commission's efforts to end such illegal practices. Full cooperation shall include disclosure of all relevant documents and information.

§ 552.3 Tariff Notification.

Within a reasonable period of time, but not to exceed 90 days after the effective date of this part, each common carrier by water in the foreign commerce of the United States, or where applicable, the appropriate Conference/Rate Agreement shall file with the Commission a tariff provision in each of its tariffs on file with the Commission and applicable to foreign commerce, which provision shall be effective upon filing and shall read substantially as follows: (See 46 CFR 536.5(c)(2)(ii).)

(Name of Company) has a company policy [or, The members of this Conference/Rate Agreement have individual company policies] against the payment of any rebate, directly or indirectly, by any officer, employee, or agent, which payment would be unlawful under the United States Shipping Act, 1916, as amended. Such policy has been certified to the Federal Maritime Commission in accordance with the Shipping Act Amendments of 1979, Pub. L. 96-25, 93 Stat. 71, and the regulations of the Commission set forth in 46 CFR Part 552.

§ 552.4 Change of Executive Officer.

Every vessel operating common carrier by water and any other person required by the Commission to file a certification in accordance with § 552.2, within thirty (30) days after the appointment of any new Chief Executive Officer, shall notify the Secretary, Federal Maritime Commission, the identity of such new Chief Executive Officer. Within thirty (30) days after the appointment of a new Chief Executive Officer, that new Chief Executive Officer shall file a new certification as required by § 552.2 of this part.

§ 552.5 Reporting Requirements.

(a) Every vessel operating common carrier by water in the foreign commerce of the United States, required by this part to submit a written certification, shall submit the initial certification to the Secretary, Federal Maritime Commission, thirty (30) days after the effective date of this part, and, thereafter, annually on the anniversary date of the initial submission.

(b) Every person other than a vessel operating common carrier by water in the foreign commerce of the United States who is required by the Commission to submit a written certification under § 552.2 of this part, shall submit the initial certification to the Secretary, Federal Maritime Commission, on the date designated by the Commission, and, thereafter, annually, as the Commission may direct.

PART 536—PUBLISHING AND FILING TARIFFS BY COMMON CARRIERS IN THE FOREIGN COMMERCE OF THE UNITED STATES

2. Designating the current language of § 536.5(c)(2) as subparagraph (i) and adding the following provision as a new subparagraph (ii) applicable to vessel operating common carriers by water:

§ 536.5 Tariff Contents.

* * * * *

(c) * * *

(2) * * *

(ii) (Name of Company) has a company policy [or, The members of this Conference/Rate Agreement have individual company policies] against the payment of any rebate, directly or indirectly, by any officer, employee, or agent, which payment would be unlawful under the United States Shipping Act, 1916, as amended. Such policy has been certified to the Federal Maritime Commission in accordance with the Shipping Act Amendments of 1979, Pub. L. 96-25, 93 Stat. 71, and the regulations of the Commission set forth in 46 CFR Part 552.

By the Commission.

Francis C. Hurney,

Secretary.

(Name of Filing Company)

Certification of Company Policies and Efforts to Combat Rebating in the Foreign Commerce of the United States

Pursuant to the requirements of Public Law 96-25 and Federal Maritime Commission regulations promulgated pursuant thereto, 46 CFR Part 552, I, ———, Chief Executive Officer of (*name of company*), state under oath that:

1. It is the policy of (*name of company*) that the payment, solicitation or receipt, of any rebate directly or indirectly, by any officer, employee, or agent which is unlawful under the provisions of the shipping Act of 1916, as amended, is prohibited as a matter of company policy;

2. Such company policy was promulgated to each owner, officer, employee and agent of (*name of company*) on ———, 19—;

3. [Set forth the details of measures instituted by the filing company to eliminate, discourage, and prevent the payment of illegal rebates in the foreign commerce of the United States by the filing company, and any subsidiaries, affiliated companies, or agents of the filing company]; and

4. (*name of company*) affirms it will fully cooperate with the Commission in its investigation of illegal rebating or refunds in United States' foreign trades and with the Commission's efforts to end such illegal practices. Full cooperation will include the disclosure of all relevant documents and information.

Signature ———

Subscribed and Sworn before me this — day of ———, 19—.

Notary Public ———

[FR Doc. 79-20743 Filed 7-3-79; 8:45 am]

BILLING CODE 6730-01

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 1264-6]

Approval and Promulgation of Implementation Plans; Arizona State Plan Revision Inspection/Maintenance Program

AGENCY: Environmental Protection Agency.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: Revisions to the Arizona Rules and Regulations for Air Pollution Control have been submitted to the Environmental Protection Agency (EPA) by the Governor's designee for the purpose of revising the Arizona State Implementation Plan (SIP). The intended effect of these revisions is to amend the annual motor vehicle inspection and maintenance (I/M) program in Maricopa and Pima Counties. This Notice provides a description of the proposed revisions, discusses the applicable Clean Air Act requirements, and invites public comments on the revisions especially with respect to the requirements of Part D of the Clean Air Act, "Plan Requirements for Nonattainment Areas."

DATES: Comments may be submitted up to August 6, 1979.

ADDRESSES: Comments may be sent to: Regional Administrator, Attn: Air & Hazardous Materials Division, Air Technical Branch, Regulatory Section (A-4), Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, CA 94105.

Copies of the proposed revisions and EPA's associated Evaluation Report are contained in document file No. NAP-AZ-5 and are available for public inspection during normal business hours at the EPA Region IX Library at the above address and at the following locations:

Arizona Department of Health Services, State Health Building, 1740 West Adams Street, Phoenix, AZ 85007.
Pima Association of Governments, 405 Transamerica Building, Tucson, AZ 85701.
Maricopa Association of Governments, 1820 West Washington, Phoenix, AZ 85007.
Public Information Reference Unit, Room 2922 (EPA Library), 401 "M" Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Douglas Grano, Chief, Regulatory Section, Air Technical Branch, Air & Hazardous Materials Division, Environmental Protection Agency, Region IX, (415) 556-2938.

SUPPLEMENTARY INFORMATION:

Background

New provisions of the Clean Air Act enacted in August 1977, Public Law No. 95-95, require states to revise their SIPs for all areas that do not attain the National Ambient Air Quality Standards (NAAQS). The amendments required each state to submit to the Administrator a list of the NAAQS attainment status designations for all areas within the state. The Administrator promulgated these lists, with certain modifications, on March 3, 1978 (43 FR 8962). State and local governments were required to develop, adopt, and submit to EPA revisions to their SIP for these designated nonattainment areas by January 1, 1979 which meet the requirements of Part D of the Clean Air Act and which provide for the attainment of the NAAQS as expeditiously as practicable. In Arizona, the Maricopa County Urban Planning Area and the Metropolitan Pima County Planning Area were both designated nonattainment for carbon monoxide and photochemical oxidants (ozone). Arizona submitted Nonattainment Area Plans for carbon monoxide and photochemical oxidants to EPA for the Maricopa County Urban Planning Area on February 23, 1979 and for the Metropolitan Pima County on March 29, 1979.

Section 172 of Part D of the Clean Air Act requires that an I/M program be part of the SIP for areas unable to attain the carbon monoxide or photochemical oxidants (ozone) standard by December 31, 1982. Since the State has requested an extension beyond 1982 for the Maricopa County Urban Planning Area, which is expected to attain the 0.08 ppm photochemical oxidants (ozone) standard by 1985, an I/M program is required for the area. Further, although the current control strategy analysis for carbon monoxide and the 0.08 ppm oxidant level in Pima County indicates attainment by 1982, the strategy is based on the implementation of an I/M program to attain both standards. Thus, the Arizona I/M program is being implemented in both the Maricopa and Pima County urban planning areas to meet the requirements of Part D. A detailed discussion of the relationship of the Arizona I/M program to Maricopa and Pima Counties' control strategies for attaining the oxidant (ozone) and carbon monoxide NAAQS is described in separate Federal Register notices concerning each plan.

Arizona's I/M Program

The I/M program in Arizona was first enacted in 1969 and required the adoption of rules and regulations controlling the release of air contaminants from motor vehicles and combustion engines. In 1972, legislation required that all state, county, city, town, and school district light-duty vehicles operated in Maricopa and Pima counties be inspected for emissions control and that any vehicle failing to meet certain standards be adjusted or repaired to bring it into compliance with these standards. As a result of legislation enacted in 1974, a mandatory vehicular emissions inspection program was implemented in counties with a population in excess of 350,000 on January 2, 1976. Amendments to the legislation in 1975 delayed mandatory maintenance until January 1, 1977, and therefore the program operated for the first year with a voluntary requirement for maintenance of those vehicles failing the test. The program now requires a motor vehicle owner to obtain a certificate of compliance issued by an official emissions inspection station once a year prior to registration. In order to assure public awareness of the I/M, an insert is sent with individual registration notices listing the hours and locations of inspection stations.

Certificates of waiver, exemption, and a Director's certificate can also be accepted as evidence that a vehicle is in compliance with the requirements of the program. Inspections are made at State owned, operated, or contracted emissions inspection facilities. The State regulations also provide for permit procedures for fleet stations, licensing of inspectors, inspection of government vehicles, reinspection of vehicles, and inspection of State and fleet stations.

The exhaust emissions inspection consists of sampling the exhaust emissions in the idle mode and measuring the concentrations of hydrocarbons (oxidant/ozone precursor) and carbon monoxide. While in the idle mode, all vehicles powered by internal combustion engines are tested by dynamometer loadings. Each vehicle that is inspected by a State station must be accompanied by a document such as registration, certificate of title or bill of sale which identifies the vehicle by make, model year, identification number and license plate. The fee for an emissions inspection is $5.00.

Mechanics training is included as a part of the I/M program. Monthly training clinics are scheduled in Phoenix and Tucson for both mechanics and the general public to improve tune-ups and to show the cause for the correction of emission failures.

The State makes periodic inspections of emissions analyzers. Analyzers not

meeting the specified accuracy requirements are retired for use until they are repaired.

The program also provides for certain exceptions including electric powered vehicles, light duty motor vehicles more than 13 years old, and vehicles with engine displacement less than 90 cubic centimeters. Any vehicle not complying with the requirements of Arizona's I/M program may not be registered and is prohibited from operating on public roads.

Description of Proposed Revisions

On March 21, 1979 the Governor's designee submitted amendments to Article 10, *Motor Vehicles; Combustion Engines; Fuel* of Chapter 3 of Title 9 of the Arizona Rules and Regulations for Air Pollution Control. These amendments were adopted by the State Health Department and certified by the Attorney General of the State of Arizona. These regulations revise the requirements for the annual mandatory I/M program for used light-duty vehicles being registered or re-registered in counties with more than 350,000 population.

The following regulatory portions of Article 10 were amended by the March 21, 1979 submittal.

Section and Title

R9-3-1002—Definitions
R9-3-1003—Vehicles to be Inspected by the Mandatory Vehicular Emissions Inspection Program
R9-3-1005—Time of Inspection
R9-3-1006—The Mandatory Vehicular Emissions Inspection
R9-3-1008—Procedure for Issuing Certificates of Waiver
R9-3-1010—Low Emissions Tune-up
R9-3-1011—Inspection Report
R9-3-1012—Inspection Procedure and Fee
R9-3-1014—Waiver Surveillance
R9-3-1017—Inspection of Government Vehicles
R9-3-1019—Fleet Station Procedures and Permits
R9-3-1020—State Stations Acting as Fleet Inspection Stations
R9-3-1022—Procedure for Waiving Inspections Due to Technical Difficulties
R9-3-1023—Certificate of Exemption
R9-3-1027—Registration of Repair Industry Analyzers

The substantive changes to Arizona's I/M program contained in this submittal include the following:

(a) Revision of a definition to remove the exemption of Federally owned or leased vehicles;

(b) Clarification of allowed exemptions;

(c) Addition of more stringent maximum allowable emission standards;

(d) Revision of the market values of certain vehicle models, revising the maximum costs of repair; and

(e) Provision under which certificates of waiver may be withheld.

The major effect of this submittal is to reduce the maximum allowable emission standards of the existing I/M program, thereby increasing the number of motor vehicles which fail the inspection test. The remaining changes to the program are primarily procedural and editorial, adding requirements or improving the enforceability of the I/M program.

Discussion

These regulations amend portions of Article 10 of the State of Arizona Rules and Regulations for Air Pollution Control, as contained in the approved SIP. These changes appear to be consistent with 40 CFR Part 51 requirements and have the effect of strengthening the SIP. In addition to the requirements of Part 51, the I/M regulations, in their entirety, must satisfy specific criteria for approval under Part D, Section 172(b)(11)(B), of the Clean Air Act.

The general requirements for the I/M programs are described in a February 24, 1978 memorandum from the EPA Administrator (reprinted in the Federal Register on May 19, 1978, 43 FR 21673). Additionally, EPA published a General Preamble for Proposed Rulemaking on approval of Plan Revisions for Nonattainment Areas (44 FR 20372, April 4, 1979) which identifies the major considerations that will guide EPA's evaluation of each nonattainment plan submittal, including I/M programs. These requirements include certification of adequate legal authority and a commitment to develop, adopt, and implement the I/M program as expeditiously as practicable.

All of the above general requirements appear to be met through the statutes and regulations of the I/M program, which includes adequate legal authority. The mandatory I/M program was implemented in 1977 and is currently being carried out in the State. In addition to complying with EPA's general requirements, the Arizona I/M program is also consistent with EPA policy in that the Regulations provide for:

1. Regular periodic inspections of all vehicles for which emission reductions are claimed in the SIP;

2. Maintenance and retesting of failed vehicles to provide for compliance with applicable emission standards;

3. Prohibition against vehicle registration for operating on public roads for any vehicle which does not comply with the applicable exhaust emission requirements;

4. Quality control regulations and procedures for the inspection system including:

a. minimum specifications for emission analyzers,

b. required calibrations of all types on analyzers, and

c. minimum record keeping;

In addition, as a result of the cut points used in the starting date of the program, it appears that implementation of the regulations will result in emission reductions of 25% for both hydrocarbons and carbon monoxide by December 31, 1987, in accordance with EPA policy.

In summary, the amended Regulations listed and discussed in this Notice appear to meet the requirements of 40 CFR Part 51 and Section 172 of the Clean Air Act, and are consistent with EPA policy. Under Section 110 of the Clean Air Act, as amended, and 40 CFR Part 51, the Administrator is required to approve or disapprove regulations submitted as revisions to the SIP. The Regional Administrator hereby issues this notice setting forth these revisions, including rule deletions caused thereby, as proposed rulemaking and advises the public that interested persons may participate by submitting written comments to the Region IX Office. Comments received on or before 30 days after publication of this notice will be considered. Comments received will be available for public inspection at the Arizona State Department of Health, Pima Association of Governments, Maricopa Association of Governments, EPA Region IX Library and the EPA Public Information Reference Unit. EPA believes the available period for comments is adequate because:

(1) The SIP revision has been available for inspection and comment since May 1, 1979;

(2) EPA's Notice of Receipt/Availability published in the May 1, 1979, Federal Register, indicated the possibility that the comment period may be less than 60 days; and

(3) EPA has a responsibility under the Act to take final action by July 1, 1979, if possible, on that portion of the SIP that addresses the requirements of Part D. A longer period for public comments would make that deadline difficult to meet.

The Administrator's decision to approve or disapprove the proposed revisions will be based on the comments received and on a determination whether the amendments meet the requirements of Section 110 and Part D of the Clean Air Act and 40 CFR Part 51,

Requirements for Preparation, Adoption, and Submittal of State Implementation Plans.

Under Executive Order 12044 EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized". EPA has reviewed the regulations being acted upon in this notice and determined that they are specialized regulations not subject to the prucedural requirements of executive Order 12044.

(Sections 110, 129, 171 to 178 and 301(a) of the Clean Air Act as amended (42 U.S.C. §§ 7410, 7429, 7501 to 7508, and 7601(a)).

Dated: June 4, 1979.

Paul DeFalco, Jr.,

Regional Administator.

[FR Doc. 79-20940 Filed 7-3-79; 10:40 am]

BILLING CODE 6560-01-M

COUNCIL ON ENVIRONMENTAL QUALITY

[40 CFR Parts 1500 and 1510]

Improving Government Regulations Semiannual Agenda

AGENCY: Council on Environmental Quality.

ACTION: Semiannual agenda of regulations.

SUMMARY: This semiannual agenda contains a report on the status of the two regulations for which the Council has responsibility: the National Environmental Policy Act (NEPA) regulations, and the National Oil and Hazardous Substances Pollution Contingency Plan regulations.

FOR FURTHER INFORMATION: Questions should be addressed to: Nicholas C. Yost, General Counsel, Council on Environmental Quality, 722 Jackson Place, NW., Washington, D.C. 20006, (202) 395-5750.

Semiannual Agenda of Regulations

A. National Evironmental Policy Act Regulations

The Council's final regulations implementing the procedural requirements of the National Environmental Policy Act were published in Volume 43 Federal Register page 55990, on November 29, 1978. Their effective date is July 30, 1979. The Council's NEPA regulations will be published in Volume 40 Code of Federal Regulations beginning with Section 1500.

No revisions or amendments to these final regulations are under preparation or consideration by the Council.

B. National Oil and Hazardous Substances Pollution Contingency Plan regulations

1. Need For Amendments.—The National Response Team's Committee on Revision has determined that the current National Contingency Plan regulations need to be revised to conform to legislative amendments to the Clean Water Act, to provide scientific support planning and other revisions. The Committee on Revision has drafted Proposed amendments to the regulations and has submitted them to the Council for action.

2. Legal Basis.—Section 311(c)(2) of the Federal Water Pollution Control Act (33 U.S.C. § 1321) requires the President to prepare and publish a National Contingency Plan. In Executive Order 11735 (August 3, 1973) the President designated the Council on Environmental Quality to carry out this responsibility.

3. Status of National Contingency Plan regulations.—The National Contingency Plan regulations in their current form are published in Volume 40 Code of Federal Regulations beginning with Section 1510.

On May 14, 1979 the Council published proposed amendments to the National Contingency Plan regulations in the Federal Register for a 60 day public review and comment period. (44 FR 28196) After consideration of public and agency comments, the Council will promulgate the final amendments to the regulations.

Dated: June 29, 1979.

Nicholas C. Yost,

General Counsel.

[FR Doc. 79-20684 Filed 7-3-79; 8:45 am]

BILLING CODE 3125-01-M

Notices

Federal Register
Vol. 44, No. 130
Thursday, July 5, 1979

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

CIVIL AERONAUTICS BOARD

[Docket No. 34242]

Florida Airlines, Inc., Fitness Investigation; Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on July 12, 1979, at 10:00 a.m. (local time) in Room 1003, Hearing Room C, Universal Building North, 1875 Connecticut Avenue, NW., Washington, D.C., before Administration Law Judge Richard J. Murphy.

Dated at Washington, D.C., June 28, 1979.

Richard J. Murphy,
Administration Law Judge.

[FR Doc. 79-20696 Filed 7-3-79; 8:45 am]
BILLING CODE 6320-01-M

[Order 79-6-200; Docket No. 23080-2]

Priority and Nonpriority Domestic Service Mail Rates Investigation; Order

June 28, 1979.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 28th day of June 1979.

By Order 78-11-80, the Board established final domestic service mail rates for the period March 28, 1973, through the indefinite future. Specific rates were prescribed only through June 30, 1979, pending the first semiannual review of current cost data and the issuance of a show cause order proposing updated final rates through December 31, 1979, pursuant to the techniques adopted in Order 78-11-80. Due to technical difficulties, Board action will be briefly delayed beyond June 30, 1979. To avoid any ambiguity, the currently effective rates established by Order 78-11-80 are hereby adopted for temporary purposes, subject to adjustment, for the period from July 1, 1979, until further Board order.

Accordingly,

1. We find that the fair and reasonable temporary rates of compensation for the air transportation of mail in domestic service for the period July 1, 1979, until further Board order are the rates established by Order 78-11-80 as final rates for the period January 1, 1979, through June 30, 1979.
2. We make this order effective immediately.
3. We will serve a copy of this order upon all parties to the proceeding.
4. We will publish a copy of this order in the Federal Register.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,[1]
Secretary.

[FR Doc. 79-20701 Filed 7-3-79; 8:45 am]
BILLING CODE 6320-01-M

[Order 79-6-201; Docket No. 26487]

Transatlantic, Transpacific, and Latin American Service Mail Rates; Investigation; Order

June 28, 1979

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 28th day of June 1979.

By Order 78-12-159, the Board established final international service mail rates for the period March 8, 1974, through the indefinite future. Specific rates were prescribed only through June 30, 1979, pending the first semiannual review of current cost data and the issuance of a show cause order proposing updated final rates through December 31, 1979, pursuant to the techniques adopted in Order 78-12-159. Due to technical difficulties, Board action will be briefly delayed beyond June 30, 1979. To avoid any ambiguity, the currently effective rates established by Order 78-12-159 are hereby adopted for temporary purposes, subject to adjustment, for the period from July 1, 1979 until further Board order.

Accordingly,

1. We find that the fair and reasonable temporary rates of compensation for the air transportation of mail in international service for the period July 1, 1979, until further Board order are the rates established by Order 78-12-159 as final rates for the period January 1, 1979, through June 30, 1979.
2. We make this order effective immediately.
3. We will serve a copy of this order upon all parties to the proceeding.
4. We will publish a copy of this order in the Federal Register.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,[1]
Secretary.

[FR Doc. 79-20700 Filed 7-3-79; 8:45 am]
BILLING CODE 6320-01-M

[1] All Members concurred.

DEPARTMENT OF COMMERCE

National Bureau of Standards

Advanced Data Communications Control Procedures

Introduction

Under the provisions of Pub. L. 89-306 (79 Stat. 1127; 40 U.S.C. 759(f)) and Executive Order 11717 (38 FR 12315, dated May 11, 1973), the Secretary of Commerce is authorized to establish uniform Federal automatic data processing (ADP) standards.

A. *Proposed Federal Information Processing Standard.* An Advanced Data Communications Control Procedures standard is being proposed for Federal use. Prior to the submission of this recommended standard to the Secretary of Commerce for review and approval as a Federal Information Processing Standard, it is essential to assure that proper consideration is given to the needs and views of the public, State and local governments, and to officers of applicable equipment and services.

This proposed Federal Information Processing Standard is technically consistent with Federal Telecommunications Standard 1003, which is being processed by the General Services Administration and the National Communications System.

The proposed Federal Information Processing Standard contains two basic sections: (1) an announcement section which provides information concerning the applicability and implementation of the standard, and (2) a specifications section defining the technical parameters of the standard. The specifications section incorporates by reference American National Standard X3.66-1979, Advanced Data

[1] All Members concurred.

Communications Control Procedures (ADCCP), and describes how the technical specifications of that standard may be used.

By arrangement with the American National Standards Institute, interested parties may obtain copies of the above cited American National Standard form, and are invited to submit their comments in writing on this standard to:

Director, Institute for Computer Sciences and Technology, Attention: Proposed ADCCP Standard, National Bureau of Standards, Washington, D.C. 20234.

To be considered, comments on this proposed standard must be received on or before September 4, 1979. All written comments received in response to this portion of this notice will be made part of the public record and will be available for inspection and copying in the Freedom of Information Records Inspection Facility, Room E120, Administration Building, National Bureau of Standards, Gaithersburg, Maryland.

B. *Possible Future Revision of Proposed Federal Information Processing Standard.* Although the Advanced Data Communications Control Procedures standard proposed for adoption in Part A of this notice is deemed satisfactory for use by Federal agencies in its present form, it is believed that the Government's intent as described in the proposed standard would be better met over the long term if announcement of the consideration of future revision of this proposed standard were given at this time and in the same notice. Accordingly, this portion of this notice is intended to advise that a possible future revision of the proposed Federal Information Processing Standard is being considered which would require the use of one or more designated classes of procedures for all ADP equipment and services employing synchronous data communications. The classes being considered are:

—Unbalanced Normal with options 1 and 7;

—Balanced Asynchronous with options 1, 2, 7, and 11; and

—Balanced Asynchronous with options 1, 2, 3, 7, 10, and 11.

These basic repertoires and options are as defined in American National Standard X3.66–1979, Advanced Data Communications Control Procedures (ADCCP).

Interested parties are invited to submit written comments relative to this possible future revision on:

(1) The economic and technological impact of such a revision,

(2) Desired formats for the information field associated with option 1 and supporting information on current and planned use of this field, and

(3) Information concerning applicable existing and planned ADP equipment and services that support these classes.

Comments on this possible future revision should be submitted to:

Director, Institute for Computer Sciences and Technology, Attention: Future Revision of Proposed ADCCP Standard, National Bureau of Standards, Washington, D.C. 20234.

To be considered, comments on this possible future revision must be received on or before October 3, 1979. If the proposed standard referred to in Part A of this notice is adopted, and if the comments received in response to its possible future revision together with other available information indicate a need for revision of that standard, a notice announcing such proposed revision will be published in the Federal Register for public comment.

Persons seeking information relative to any portion of this notice may contact Mr. Eric Scace, 301–921–3723.

Dated: June 29, 1979.

Ernest Ambler,

Director.

Federal Information Processing Standards Publication

(dates)

Announcing the Standards for Advanced Data Communications Control Procedures

Federal Information Processing Standards Publications are issued by the National Bureau of Standards, pursuant to section III(f)(2) of the Federal Property and Administrative Services Act of 1949, as amended, Public Law 89–306 (79 Stat. 1127) Executive Order 11717 (38 FR 12315, dated May 11, 1973), and Part 6 of Title 15 Code of Federal Regulations (CFR).

Name of Standard: Advanced Data Communications Control Procedures (FIPS PUB———);

Category of Standard: Hardware, Data Transmission.

Explanation: This standard defines the data link control procedures to be used by authomatic data processing (ADP) equipment and services employing bit-oriented synchronous data communications links. The procedures provide:

—transfer of information across a data link;

—minimal exposure to errors and to the loss or duplication of information;

—control functions relating to beginning, suspending, and terminating the flow of information across a link; and

—operation on any type of synchronous data transmission facility.

The Government's intent in employing this standard is to reduce the cost of acquiring and using computer network facilities and services:

—increasing the available alternative sources of supply for ADP equipment and services which employ synchronous data communications;

—increasing the reutilization of such equipment; and

assuring required interoperability by providing a common data link control procedure for use between such equipment and services.

Approving Authority: Secretary of Commerce.

Maintenance Agency: Department of Commerce, National Bureau of Standards (Institute for Computer Sciences and Technology).

Cross Index: American National Standard X3.66–1979), Advanced Data Communications Control Procedures (ADCCP).

Federal Telecommunications Standard 1003 (FED–STD 1003), published by the General Services Administration, is technically consistent with the standard.

Applicability: This Federal Information Processing Standard shall be used in the design and procurement of all ADP systems, ADP terminal equipment, and ADP services that are to be employed in computer networking or teleprocessing environments involving bit-oriented synchronous data communications.

Prior to accepting equipment or services which are required to conform to this standard, the conformance of such equipment or services shall be verified by demonstration or other means acceptable to the Government.

Specifications: This Federal Information Processing Standard adopts by reference American National Standard X3.66–1979, Advanced Data Communications Control Procedures (ADCCP), with the following exceptions:

(1) When the address field consists of a single octet, the least significant bit (bit number 1) shall always be set to one, making the address format consistent with the extended format prescribed by section 4.3.2. of X3.66; i.e., the basic address format prescribed by section 4.3.1. of X3.66 shall not be used.

(2) The four non-reserved commands (section 7.4.5 of X3.66) and four non-reserved responses (section 7.5.5 of X3.66) shall not be specified or used.

(3) Option 11 (deleting RSET) should always be implemented in balanced stations.

Implementation Schedule: The provisions of this standard are effective 30 days after the date of publication of the approved standard in the Federal Register. All applicable equipment and services ordered on or after the effective date, or procurement actions for which solicitation documents have not been issued by that date, must conform to the provisions of this standard unless a waiver has been granted in accordance with the procedure described elsewhere in this publication.

Regulations concerning the specific use of this standard in Federal procurement will be issued by the General Services Administration and become part of the Federal Property Management Regulations.

This standard shall be reviewed by the National Bureau of Standards within five years after its effective date. This review shall take into account technological trends and other factors to determine if the standard should be affirmed, revised, or withdrawn.

Waivers: Heads of agencies desiring a waiver from the requirements stated in this standard, so as to acquire applicable equipment or services not conforming to this standard, shall submit a request for waiver to the Secretary of Commerce for review and approval. Approval will be granted if, in the judgement of the Secretary, based on all available information including that provided in the waiver request, a major adverse economic or operational impact would occur through conformance with this standard.

A request for waiver shall include a justification for the waiver, including a description and discussion of the adverse economic or operational impact that would result from conforming to this standard as compared to the alternative for which the waiver is requested.

The request for waiver shall be submitted to the Secretary of Commerce, Washington, DC 20230, and labelled as a Request for Waiver to a Federal Information Processing Standard. Waiver requests will normally be processed within 45 days of receipt by the Secretary. No action shall be taken to issue solicitation documents or to order equipment or services for which this standard is applicable and which do not conform to this standard prior to receipt of a waiver approval response from the Secretary.

Where to Obtain Copies: Either paper or microfiche copies of this Federal Information Processing Standard, including the technical specifications, may be purchased from the National Technical Information Service by ordering Federal Information Processing Standards ——— (NBS–FIBS–PUB–———), Advanced Data Communications Controls Procedures. Ordering information, including prices and delivery alternatives, may be obtained by contracting the National Technical Information Service, U.S. Department of Commerce, Springfield, VA 22161, telephone: 703–557–4650.

[FR Doc. 79-20679 Filed 7-3-79; 8:45 am]
BILLING CODE 3510-13-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Amending Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement With Portugal Concerning Certain Man-Made Fiber Textile Products From Macau

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Amending the bilateral textile agreement with Portugal to establish a new specific ceiling for men's and boys' cotton knit shirts in Category 338 exported from Macau during the twelve-month period which began on January 1, 1979.

SUMMARY: On April 27, 1979, the Governments of the United States and Portugal exchanged diplomatic notes further amending the Bilateral Cotton, Wool and Man-Made Fiber Agreement of March 3, 1975, as amended, between the Governments of the United States and Portugal, to establish a new specific ceiling of 103,299 dozen for Category 338 during the agreement year which began on January 1, 1979 and extends through December 31, 1979. This category had previously been subject to a minimum consultation level under the terms of paragraph 8 of the bilateral agreement.

EFFECTIVE DATE: June 27, 1979.

FOR FURTHER INFORMATION CONTACT: William J. Boyd, International Trade Specialist, Office of Textiles, U.S. Department of Commerce, Washington, D. C. 20230 (202/377–5421).

SUPPLEMENTARY INFORMATION: On January 2, 1979, there was published in the Federal Register (44 FR 91) a letter dated December 27, 1978 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs which established levels of restraint for certain specified categories of cotton, wool and man-made fiber textile products during the twelve-month period which began on January 1, 1979. In the letter published below, in accordance with the terms of the amended bilateral agreement, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to prohibit entry for consumption, or withdrawal from warehouse for consumption, of textile products in Category 338 in excess of the amended level of restraint of 103,299 dozen during the agreement year which began on January 1, 1979. The level has not been adjusted to reflect any entries thus far this year. Entries during the period which began on January 1, 1979 and extends through the effective date of this action will be charged.

Edward Gottfried,
Acting Chairman, Committee for the Implementation of Textile Agreements.
June 27, 1979.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury,
Washington, D.C. 20229.

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive of December 27, 1978 from the Chairman of the Committee for the Implementation of Textile Agreements which directed you to prohibit entry of certain specified categories of cotton, wool and man-made fiber textile products, produced or manufactured in Macau and exported during the twelve-month period which began on January 1, 1979.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 14, 1978; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of March 3, 1975, as amended, between the Governments of the United States and Portugal, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to amend, effective on June 27, 1979 the level of restraint established in the directive of December 27, 1978 for cotton textile products in Category 338 to 103,299 dozen.

The action taken with respect to the Government of Portugal and with respect to imports of cotton textile products from Macau have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,

Edward Gottfried,
Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 79-20700 Filed 7-3-79; 8:45 am]
BILLING CODE 3510-25-M

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Intent To Prepare a Draft Environmental Impact Statement (DEIS) for a Recreational Small-Boat Harbor Located on Irondequoit Bay, Monroe County, N.Y.

AGENCY: U.S. Army Corps of Engineers, Buffalo District, DOD.

ACTION: Notice of Intent to Prepare a Draft Environmental Impact Statement (DEIS).

PROPOSED ACTION: The proposed action would involve opening up Irondequoit Bay for free and easy small-boat navigation between Lake Ontario and Irondequoit Bay. Adequate entrance and bay channels would be provided and stone piers would be constructed at the mouth of the channel.

Alternatives Considered:

a. The following alternatives for navigation are being considered.

(1) Alternative A consists of a channel approximately 100 feet wide and six feet deep placed approximately 1,000 feet east of the northwestern corner of the bay. The inner channel will be dredged across the bay to a depth of six feet for approximately 3,050 feet. This alternative calls for highway severence or construction of a low level bridge.

(2) Alternative B consists of a channel of the same depth and width as described for Alternative A be placed approximately 2,250 feet east of the northwestern corner of the bay. The inner channel will be dredged across the bay to a depth of six feet for approximately 4,150 feet. This alternative calls for highway severence or construction of a low level bridge.

(3) Alternative C consists of a channel of the same depth and width as described for Alternative A be placed approximately 4,750 feet east of the northwestern corner of the bay. The inner channel will be dredged across the bay to a depth of six feet for approximately 6,100 feet. This alternative calls for highway severence or construction of a low level bridge.

(4) Alternative D consists of a channel of the same depth and width as described for Alternative A be placed at the northeastern corner of the bay. The inner channel will be dredged across the bay to a depth of six feet for approximately 7,800 feet. This alternative calls for highway severence or the construction of a high level (about 60 feet clearance) bridge.

(5) No Action, which would mean no Federal involvement in improvements for navigation at Irondequoit Bay.

b. The following methods of dredged material disposal are being considered.

(1) Open Water Disposal

In either the deep waters of Irondequoit Bay or Lake Ontario.

(2) Upland Disposal

In a diked, confined area or as an additive to marginal farmland soils.

(3) Habitat Development

In the form of a wetland that would be constructed with the dredged material in a shallow water area of the bay.

PUBLIC INVOLVEMENT: Considerable public involvement has been conducted on the Irondequoit Bay Study to date through the efforts of *The Irondequoit Bay Opening Policy Committee* composed of members of local Government and State and Federal agencies. A late stage Public Meeting will be held when the DEIS is released for public review.

ISSUES: Significant issues to be analyzed in the DEIS will include a determination of the extent, in degree and kind, to which the Selected Plan and any reasonable alternatives might positively or negatively impact upon the human and natural environments, to include fish and wildlife habitat areas, plants, water quality, aesthetic quality of the area, cultural resources, and the equitable distribution and stability of income.

SCOPING MEETING: As all interested local, State, and Federal agencies have been involved for the past several years in the study through the actions of the Irondequoit Bay Opening Policy Committee, no scoping meeting will be held.

AVAILABILITY: This Draft Environmental Impact Statement will be made available to the public on or about October 31, 1979.

ADDRESS: Questions about the proposed action and DEIS can be answered by Philip E. Berkeley, U.S. Army Engineer District, Buffalo, 1776 Niagara Street, Buffalo, NY 14207, 716-876-5454.

Thomas R. Braun,

LTC, Corps of Engineers, Deputy District Engineer.

[FR Doc. 79-20685 Filed 7-3-79; 8:45 am]

BILLING CODE 3710-64-M

Office of the Secretary

Defense Intelligence Agency Advisory Committee; Closed Meeting

Pursuant to the provisions of Subsection (d) of Section 10 of Pub. L. 92-463, as amended by Section 5 of Pub. L. 94-409, notice is hereby given that closed meetings of the DIA Advisory Committee will be held at the Pentagon, Washington, DC on:

Wednesday & Thursday, 5 & 6 September 1979

The entire meetings commencing at 0900 hours are devoted to the discussion of classified information as defined in Section 552b(c)(1), Title 5 of the U.S. Code and therefore will be closed to the public. The Committee will receive briefings on and discuss several current critical intelligence issues and advise the Director, DIA on related scientific and technical intelligence matters.

H. E. Lofdahl,

Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.

[FR Doc. 79-20698 Filed 7-3-79; 8:45 am]

BILLING CODE 3810-70-M

DEPARTMENT OF ENERGY

National Petroleum Council, Task Groups of the NPC Committee on U.S. Petroleum Inventories, and Storage and Transportation Capacities; Meeting

Notice is hereby given that two task groups of the Committee on U.S. Petroleum Inventories, and Storage and Transportation Capacities will meet in July 1979. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on U.S. Petroleum Inventories, and Storage and Transportation Capacities will analyze the potential constraints in these areas which may inhibit future production and will report its findings to the National Petroleum Council. Its analysis and findings will be based on information and data to be gathered by the various task groups. The two task groups scheduling meetings are the Coordinating Subcommittee and the Petroleum Pipeline Task Group. The time, location and agenda of each task group meeting follows:

The eighth meeting of the Coordinating Subcommittee will be on Monday, July 9, 1979, starting at 1:30 p.m., in the 15th floor Conference Room, Cities Service Company, First National Tower Building, 410 South Boston Street, Tulsa, Oklahoma. The tentative agenda for the meeting follows:

1. Introductory remarks by R. Scott VanDyke, Chairman.
2. Remarks by Mario Cardullo, Government Cochairman.
3. Review of draft and progress reports by the Task Group Chairmen.
4. Discussion of timetable of study completion.
5. Discussion of any other matters pertinent to the overall assignment of the coordinating subcommittee.

The seventh meeting of the Petroleum Pipeline Task Group will be on Tuesday, July 10, 1979, starting at 9 a.m., in the 14th floor Conference Room, Sun Building, 907 Detroit Avenue, Tulsa, Oklahoma. The tentative agenda for the meeting follows:

1. Introductory remarks by G. D. Kirk, Chairman.
2. Remarks by Robert G. Bidwell, Jr., Government Cochairman.
3. Review of draft petroleum pipeline data.
4. Review of draft glossary and description of petroleum pipeline operations.
5. Discussion of timetable for completion of the task group report.

6. Discussion of any other matters pertinent to the overall assignment of the task group.

The meetings are open to the public. The chairman of the task group is empowered to conduct the meetings in a fashion that will, in his judgement, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the task group will be permitted to do so, either before or after the meetings. Members of the public who wish to make oral statement should inform Mario Cardullo, Office of Resource Applications, 202-633-8828, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meetings will be available for public review at the Freedom of Information Public Reading Room, Room GA-152, Department of Energy, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

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

George S. McIsaac,

Assistant Secretary for Resource Applications.

June 27, 1979

[FR Doc. 79-20723 Filed 7-3-79; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

C. K. Smith & Co., Inc.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken and opportunity for comment on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announce action to execute a Consent Order and provides an opportunity for public comment on the Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

DATES: Effective Date: May 30, 1979.

COMMENTS BY: August 8, 1979.

ADDRESS: Send comments to: Arthur H. Shaw, Office of Enforcement, Economic Regulatory Administration, Department of Energy, 150 Causeway Street, Boston, Massachusetts 02114.

FOR FURTHER INFORMATION CONTACT: Arthur H. Shaw, Office of Enforcement, Economic Regulatory Administration, Department of Energy, 150 Causeway Street, Boston, Massachusetts 02114, phone 617-223/5265.

SUPPLEMENTARY INFORMATION: On May 30, 1979, the Office of Enforcement of the ERA executed a Consent Order with C. K. Smith & Company, Inc. (Smith) of Worcester, Massachusetts. Under 10 CFR Section 205.199J(b), a Consent Order which involves a sum of less than $500,000 in the aggregate, excluding penalties and interest, becomes effective upon its execution.

I. The Consent Order

C. K. Smith & Company, Inc., with its home office located in Worcester, Massachusetts in a Firm engaged in the reselling and retailing of petroleum products and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR, Parts 210, 211, and 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the ERA as a result of its audit of Smith, the Office of Enforcement and Smith entered into a Consent Order which includes a compromise remedy agreed to by both parties to resolve all issues without resort to lengthy enforcement actions which would be expensive and time consuming for both parties. The significant terms of the Consent Order are as follows:

1. The Consent Order settles all issues involving the prices charged by Smith in sales of No. 2 heating oil from November 2, 1973 through February 28, 1975.

2. The ERA claims that Smith sold No. 2 heating oil at prices in excess of those allowed by 10 CFR Section 212.93, as preceded by 6 CFR Section 150.359.

3. Without admitting that it violated the price regulations, Smith agrees to refund $360,700.

4. The provisions of 10 CFR Section 205.199J are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, Smith agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified above, the sum of $360,700 in accordance with a Schedule of Payments set forth in the Consent Order. Refunded overcharges will be in the form of both direct payments to readily identifiable customers and certified checks made payable to the United States Department of Energy which will be delivered to the Assistant Administrator for Enforcement, ERA. These funds payable to the DOE will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts due to customers that aren't readily identifiable in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. If it is a practical impossibility to identify specific, adversely affected persons, disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 19 CFR 205.199I(a).

III. Submission of Written Comments

A. *Potential Claimants:* Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not now being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. *Other Comments:* The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order.

You should send your comments or written notification of a claim to Arthur H. Shaw, Office of Enforcement, Economic Regulatory Administration, Department of Energy, 150 Causeway Street, Boston, Massachusetts 02114. You may obtain a free copy of this Consent Order by writing to the same address.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation, "Comments on C. K. Smith & Company, Inc. No. 2 heating oil, Consent Order." We will consider all comments we receive by 4:30 P.M. local time, on August 8, 1979. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in *Philadelphia* on the *21st* day of *June, 1979.*

Herbert M. Heitzer,

District Manager of Enforcement.

[DR Doc. 79-20637 Filed 7-3-79; 8:45 am]

BILLING CODE 6450-01-M

C. K. Smith & Co., Inc.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken and opportunity for comment on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

DATES: Effective Date: May 30, 1979.

COMMENTS BY: August 8, 1979.

ADDRESS: Send comments to: Arthur H. Shaw, Office of Enforcement, Economic Regulatory Administration, Department of Energy, 150 Causeway Street, Boston, Massachusetts 02114.

FOR FURTHER INFORMATION CONTACT: Arthur H. Shaw, Office of Enforcement, Economic Regulatory Administration, Department of Energy, 150 Causeway Street, Boston, Massachusetts 02114, phone 617-223/5265.

SUPPLEMENTARY INFORMATION: On May 30, 1979, the Office of Enforcement of the ERA executed a Consent Order with C. K. Smith & Company, Inc. (Smith) of Worcester, Massachusetts. Under 10 CFR Section 205.199J(b), a Consent Order which involves a sum of less than $500,000 in the aggregate, excluding penalties and interest, becomes effective upon its execution.

I. Consent Order

C. K. Smith & Company, Inc., with its home office located in Worcester, Massachusetts is a firm engaged in the reselling and retailing of petroleum products and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR, Parts 210, 211, and 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the ERA as a result of its audit of Smith, the Office of Enforcement and Smith entered into a Consent Order which includes a compromise remedy agreed to by both parties to resolve all issues without resort to lengthy enforcement actions which would be expensive and time consuming for both parties. The significant terms of the Consent Order are as follows:

1. The Consent Order settles all issues involving the prices charged by Smith in sales of No. 6 residual fuel oil from December 20, 1973 through April 30, 1974.

2. The ERA claims that Smith sold No. 6 residual fuel oil at prices in excess of those allowed by 10 CFR Section 212.93, as preceded by 6 CFR Section 150.359.

3. Without admitting that it violated the price regulations, Smith agrees to refund $139,300.

4. The provisions of 10 CFR Section 205.199J are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, Smith agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified above, the sum of $139,300 in accordance with a Schedule of Payments set forth in the Consent Order. Refunded overcharges will be in the form of certified checks made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. These funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers of offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

III. Submission of Written Comments

A. *Potential Claimants:* Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not now being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. *Other Comments:* The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order.

You should send your comments or written notification of a claim to Arthur H. Shaw, Office of Enforcement, Economic Regulatory Administration, Department of Energy, 150 Causeway Street, Boston, Massachusetts 02114. You may obtain a free copy of this Consent Order by writing to the same address.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation, "Comments on C. K. Smith & Company, Inc. Consent Order". We will consider all comments we receive by 4:30 p.m., local time, on August 8, 1979. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Philadelphia on the 21st day of June, 1979.

Herbert M. Heitzer,

District Manager of Enforcement.

[FR Doc. 79-20638 Filed 7-3-79; 8:45 am]

BILLING CODE 6450-01-M

Central Oil Co., Inc.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken and opportunity for comment on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order and on potential claims against the refunds deposited in an escrow account

established pursuant to the Consent Order.

DATES: Effective Date: May 21, 1979.

COMMENTS BY: August 8, 1979.

ADDRESS: Send comments to: Arthur H. Shaw, Office of Enforcement, Economic Regulatory Administration, Department of Energy, 150 Causeway Street, Boston, Massachusetts 02114.

FOR FURTHER INFORMATION CONTACT: Arthur H. Shaw, Office of Enforcement, Economic Regulatory Administration, Department of Energy, 150 Causeway Street, Boston, Massachusetts 02114, phone 617–223/5265.

SUPPLEMENTARY INFORMATION. On May 21, 1979, the Office of Enforcement of the ERA executed a Consent Order with Central Oil Company, Inc. (Central) of Raynham, Massachusetts. Under 10 CFR Section 205.199J(b), a Consent Order which involves a sum of less than $500,000 in the aggregate, excluding penalties and interest, becomes effective upon its execution.

I. The Consent Order

Central Oil Company, Inc., with its home office located in Raynham, Massachusetts is a Firm engaged in the reselling and retailing of petroleum products and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR, Parts 210, 211, and 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the ERA as a result of its audit of Central, the Office of Enforcement and Central entered into a Consent Order which includes a compromise remedy agreed to by both parties to resolve all issues without resort to lengthy enforcement actions which would be expensive and time consuming for both parties. The significant terms of the Consent Order are as follows:

1. The Consent Order settles all issues involving the prices charged by Central in sales of No. 2 heating oil and gasoline from November 1, 1973 through October 3, 1974.

2. The ERA claims that Central sold No. 2 heating oil and gasoline at prices in excess of those allowed by CFR Section 212.93, as preceded by 6 CFR Section 150.359.

3. Without admitting that it violated the price regulations, Central agrees to refund $54,799.12.

4. The provisions of 10 CFR Section 205.199J are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, Central agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified above, the sum of $54,799.12 in accordance with a Schedule of Payments set forth in the Consent Order. Refunded overcharges will be in the form of certified checks made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. These funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199i(a).

III. SUBMISSION OF WRITTEN COMMENTS

A. *Potential Claimants:* Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not now being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. *Other Comments:* The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order.

You should send your comments or written notification of a claim to Arthur H. Shaw, Office of Enforcement, Economic Regulatory Administration, Department of Energy, 150 Causeway Street, Boston, Massachusetts 02004. You may obtain a free copy of this Consent Order by writing to the same address.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation, "Comments on Central Oil Company, Inc., Consent Order". We will consider all comments we receive by 4:30 P.M., local time, on August 8, 1979. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Philadelphia on the 21st day of June, 1979.

Herbert M. Heitzer,

District Manager of Enforcement.

[FR Doc. 79-20630 Filed 7-3-79; 8:45 am]

BILLING CODE 6450-01-M

George R. Brown; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to George R. Brown, 800 Jacinto Building, Houston, Texas 77002. This Proposed Remedial Order charges George R. Brown with pricing violations in the amount of $303,531.77, connected with the sale of crude oil at prices in excess of those permitted by 10 CFR Part 212, Subpart D during the time period from September 1973 to November 1976, in the States of Oklahoma, Texas and Louisiana.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from Wayne I. Tucker, District Manager, Southwest District Enforcement, Department of Energy, Economic Regulatory Administration, P.O. Box 35228, Dallas, Texas 75235, or by calling (214) 749–7626. On or before July 20, 1979, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 M Street NW., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Dallas, Texas, on the 25th day of June, 1979.

Wayne I. Tucker,

District Manager, Southwest District Enforcement.

[FR Doc. 79-20367 Filed 7-3-79; 8:45 am]

BILLING CODE 6450-01-M

Golden Eagle Oil Co.; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Golden Eagle Oil Company, 90 South Bedford Road, Mount Kisco, New York 10549. This Proposed Remedial Order charges Golden Eagle with violations of the Mandatory Petroleum Allocation Regulations in the amount of $395,770. The violations are connected with Golden Eagle's participation in the Entitlements program during the period November 1974 through January 1975.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from: Director, Program Operations Division, Office of Enforcement, 2000 M Street, N.W., Washington, D.C. 20461, telephone (202) 254-8877. Within 15 days of publication of this Notice, any aggrieved person must file a Notice of Objection, in duplicate, with the Office of Hearings and Appeals in accordance with 10 CFR 205.193.

Issued in Washington, D.C. on the 28th day of June, 1979.

Barton Isenberg,

Assistant Administrator for Enforcement, Economic Regulatory Administration.

[FR Doc. 79-20725 Filed 7-3-79; 8:45 am]

BILLING CODE 6450-01-M

Tipperary Oil & Gas Corp.; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Tipperary Oil and Gas Corporation (Tipperary), 500 West Illinois, Midland, Texas 79701. This Proposed Remedial Order charges Tipperary with the sale of crude oil at prices in excess of those permitted by 10 CFR 212, Subpart D in an amount of $436,039.30 during calendar years 1973, 1974, 1975 and 1976.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from Wayne I. Tucker, District Manager, Southwest District Enforcement, Department of Energy, Economic Regulatory Administration, P.O. Box 35228, Dallas, Texas 75235, or by calling (214) 749-7626. Within fifteen (15) days of publication of this notice, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 M Street, N.W., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Dallas, Texas, on the 5th day of June, 1979.

Wayne I. Tucker,

District Manager, Southwest District Enforcement.

[FR Doc. 79-20724 Filed 7-3-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP79-346]

Cities Service Gas Co., Application

June 25, 1979.

Take notice that on June 7, 1979, Cities Service Gas Company (Applicant), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP79-346 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction of certain pipeline taps, measuring, regulating and appurtenant facilities to enable Applicant to render natural gas service to authorized local gas distribution companies for resale to 11 rural customers pursuant to right-of-way easements and agreements and gas storage leases heretofore entered into between Applicant and said customers, or to serve these customers directly if no local authorized natural gas distribution company is willing or able to make such service, all as more fully set forth in the application on file with the Commission and open to public inspection.

Pursuant to the terms of the right-of-way easements and agreements and gas storage leases, all of the proposed customers have requested gas service, and all of the proposed customers, it is indicated, have relied upon the provisions for said natural gas service as contained in their respective right-of-way easements and agreements and gas storage leases, as said provisions constituted a major portion of the consideration given to said individuals by Applicant in exchange for the voluntary grant of said easements.

Consequently, Applicant proposes to:

Item 1: Tap Applicant's Riverton 2-inch transmission pipeline in Cherokee County, Kansas and construct measuring, regulating and appurtenant facilities for delivery of natural gas to Thomas A. Barnett.

Item 2: Tap Applicant's Grabham-Welda 30-inch transmission pipeline in Allen County, Kansas, and construct measuring, regulating and appurtenant facilities for delivery of natural gas to Lester Beebe.

Item 3: Tap Applicant's Edmond-Drumright 12-inch transmission pipeline in Payne County, Oklahoma, and construct measuring, regulating and appurtenant facilities for delivery of natural gas to P. J. Brennan.

Item 4: Tap Applicant's Maysville 20-inch transmission pipeline in McClain County, Oklahoma, and construct measuring, regulating and appurtenant facilities for delivery of natural gas to John Christian.

Item 5: Tap Applicant's Southern Trunk 20-inch transmission pipeline in Labette County, Kansas, and construct measuring, regulating and appurtenant facilities for delivery of natural gas to Dean R. Fentress.

Item 6: Tap Applicant's Noel 3-inch transmission pipeline in McDonald County, Missouri, and construct measuring, regulating and appurtenant facilities for delivery of natural gas to Jerrold M. Gordon.

Item 7: Tap Applicant's Mulvane 6-inch loop transmission pipeline in Sedgwick County, Kansas, and construct measuring, regulating and appurtenant facilities for delivery of natural gas to Gerald G. Gum.

Item 8: Tap Applicant's Holton 6-inch loop transmission pipeline in Atchison County, Kansas, and construct measuring, regulating and appurtenant facilities for delivery of natural gas to Clay Hundley.

Item 9: Tap Applicant's Kansas City No. 3 10-inch transmission pipeline in Johnson County, Kansas, and construct measuring, regulating and appurtenant facilities for delivery of natural gas to Leonard B. McKinzie.

Item 10: Tap Applicant's McLouth Storage pipeline in Jefferson County, Kansas, and construct measuring, regulating and appurtenant facilities for delivery of natural gas to Robert A. Means.

Item 11: Tap Applicant's Forbes Air Force Base 8-inch transmission pipeline in Shawnee County, Kansas, and construct measuring, regulating and appurtenant facilities for delivery of natural gas to Richard Werts.

Applicant anticipates that it would make the sale to the customers in Items 9 and 10 on a direct sale basis and that it would make the sale to The Gas Service Company for resale to the other 9 customers.

The estimated total cost of the facilities proposed to be constructed is $6,950, which cost Applicant would finance from treasury cash.

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

[FR Doc. 79-20668 Filed 7-3-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket Nos. ER 76-39, ER 76-340, and ER 76-363]

Kansas Power & Light Co.; Compliance Filing

June 26, 1979.

Take notice that on June 1, 1979, Kansas Power & Light Company tendered for filing in compliance with the Commission's Order dated April 17, 1979, Revised Rate Schedule for wholesale service to Municipals (WSM-75 Revised) and a contract amendment for service to the City of Clay Center.

The revised rate schedule is in conformance with the approved settlement proposal and such rates will be effective for the period October 1, 1975 through April 1, 1978.

The Company states that it will refund all amounts collected in excess of the settlement rates with interest computed at 9% annum.

According to the Company, copies of the revised rate schedule has been mailed to all municipal customers and to the State Corporation Commission of the State of Kansas.

Any person desiring to be heard or to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol St., 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 protests should be filed on or before July 17, 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.

[FR Doc. 79-20669 Filed 7-3-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP76-528]

Natural Gas Pipeline Co. of America; Petition To Amend

June 25, 1979.

Take notice that on May 8, 1979, Natural Gas Pipeline Company of America (Petitioner), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP76-528 a petition to amend the order of February 1, 1977,[1] in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize the transportation of additional volumes of natural gas on a firm basis for Panhandle Eastern Pipe Line Company (Panhandle), all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

Pursuant to the order of February 1, 1977, in the instant docket Petitioner was authorized to transport and redeliver up to 3,300 Mcf of natural gas per day on a firm basis, and an additional 2,000 Mcf of natural gas per day on a best efforts basis for Panhandle. Petitioner was also authorized in said order to construct and operate facilities to effectuate redelivery at the Beckham redelivery point. Petitioner states that the instant transportation service is currently being made pursuant to its effective FERC Gas Rate Schedule X-80.

Petitioner states that Panhandle has informed it that further development has taken place in the Southwest New Liberty Field by the drilling of an additional deep well, the Sanders No. 1, in Beckham County, Oklahoma and that Panhandle further advised it that pursuant to its arrangements with Mississippi River Transmission Company (MRT), it would require an increase in the firm transportation quantity from 3,300 Mcf per day to 8,000 per day.

Pursuant to an amendment dated March 2, 1979 to the transportation agreement dated September 1, 1976, between Petitioner and Panhandle, Petitioner would accept at the existing Kirtley receipt point in Beckham County for transportation and redelivery such volumes of gas tendered for the account of Panhandle up to 8,000 Mcf per day on a firm basis. There would be no change in the 2,000 Mcf of natural gas volumes which Petitioner transports for Panhandle on a best efforts basis.

Petitioner asserts that it would continue to make redelivery at the Beckham County redelivery point on a firm basis during the period November through February except when it is injecting into its Sayre field storage. During the period March through October, and at any time injections into Sayre are taking place, redelivery would be made on a firm basis at the Clark County redelivery point, it is said. Petitioner states that the Dewey County redelivery point would continue to be used for redelivery on a best efforts basis.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before July 16, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-20670 Filed 7-3-79; 8:45 am]

BILLING CODE 6450-01-M

[1] This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

[Docket No. CP79-332]

Natural Gas Pipeline Co. of America; Application

June 25, 1979.

Take notice that on June 4, 1979, Natural Gas Pipeline Company of America (Natural), 122 South Michigan Avenue, Chicago, Illinois 60603, Michigan Wisconsin Pipe Line Company (Mich Wisc), One Woodward Avenue, Detroit, Michigan 48226, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), Tenneco Building, Houston, Texas 77002, and Texas Eastern Transmission Corporation (TETCO), P.O. Box 2521, Houston, Texas 77001, (Applicants), filed in Docket No. CP79-332 an application pursuant to Section 3 of the Natural Gas Act for authorization to import natural gas from Canada, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants request an implementing order by the Commission to authorize them to import 300,000 Mcf of natural gas per day and daily volumes in excess thereof on a best efforts basis from Canada, commencing November 1, 1980 and continuing for a period of up to twenty years subject to reduction beginning in 1985. Such volumes would be purchased by Applicants pursuant to individual gas sales agreements dated May 17, 1979 entered into between each Applicant and ProGas Ltd. (ProGas).

ProGas would sell to each Applicant not less than twenty-five percent of the gas purchase volume authorized to be imported from ProGas in accordance with this application. Such gas purchase volume of 300,000 Mcf would be available from ProGas until November 1, 1985, at which time twenty percent of such volume would be made available by ProGas for purchase by TransCanada Pipelines Limited (TransCanada). It is stated that in each subsequent year of the contract the amount of gas available for purchase by TransCanada would be increased by twenty percent. To the extent TransCanada does not agree to purchase any or all of the gas available to it as hereinbefore described, such volumes would continue to be available to Applicants. Applicants state that the agreements provide for the delivery of gas for the account of Applicants at a point on the international boundary near Emerson, Manitoba. Applicants are willing to receive their gas at a point on the international border near Monchy, Saskatchewan for transportation through the Northern Border System.

Applicants request that the authorization sought herein reflect the provisions included in the agreements which permit any Applicant to import and purchase all or a part of the gas purchase volume of 300,000 Mcf which is not imported and purchased by one or all of the other Applicants on any day, as well as the daily volumes in excess thereof which may be available to Applicants thereunder.

It is stated that Applicants are negotiating arrangements for the transportation of the subject gas in the United States. It is presently planned that the gas would be delivered by TransCanada to Great Lakes Gas Transmission Company (Great Lakes) at an existing delivery point near Emerson, Manitoba and delivered by Great Lakes to Mich Wisc at an existing delivery point near Farwell, Michigan. Mich Wisc would then deliver the gas to Natural, TETCO and Tennessee at interconnecting delivery points.

Great Lakes has advised Applicants that it would have the capacity to transport the subject gas without additional facilities as the result of an amendment to its transportation contract with TransCanada which is filed as Rate Schedule T-4 to Great Lakes' FERC Gas Tariff, Volume 2 (T-4 Contract). Applicants indicate that under such amendment, TransCanada would agree to use its northern system to transport volumes of gas which would otherwise be transported by Great Lakes under the T-4 Conract, thereby making available capacity which is adequate to transport the gas available to Applicants under the agreements. It is further indicated that Mich Wisc is able to transport and exchange the subject gas on a firm basis by construction of additional facilities, or on an interruptible basis for a limited number of years by addition of only minor measurement facilities.

The natural gas proposed herein to be imported would be purchased from ProGas at the rate prescribed by the Canadian Government, from time to time, as premitted by the ERA and the Commission. The current border price is equal to $2.30 (U.S.) per million Btu's equivalent established by the National Energy Board to be effective May 1, 1979.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 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). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-20671 Filed 7-3-79; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. RP72-142 and RP76-135 (PGA No. 78-4) (AP Nos. 78-1 and 78-1a)]

Cities Service Gas Co.; Proposed Changes in FERC Gas Tariff

June 28, 1979.

Take notice that Cities Service Gas Company (Cities Service) on June 22, 1979, tendered for filing Fourth Revised Sheet No. 6 to its FERC Gas Tariff, Original Volume No. 1 to be effective July 23, 1979. Cities Service states that this filing reflects the elimination of a 0.19¢ per Mcf temporary credit from the Advance Payments Rate Adjustment applicable to its Rate Schedules F, C, I, LVS-2, P, E and IRG-1, which credit has been effective for a twelve-month period ending July 22, 1979. Such credit was required to remove certain post November 5, 1976 advance payments from Cities Service's rates retroactive to January 22, 1977, including interest.

Cities Service states that copies of its filing were served on all jurisdictional customers, interested state commissions and all parties to the proceedings in Docket Nos. RP72-142 and RP76-135.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Section 1.8 or 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before July 13, 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 proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file

with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-20639 Filed 7-3-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. BP79-76]

Cities Service Gas Co.; Proposed Changes in FERC Gas Tariff

June 28, 1979.

Take notice that Cities Service Gas Company (Cities Service) on June 22, 1979, tendered for filing Fifth Revised Sheet No. 6 and First Revised Sheet Nos. 7, 8, 9, 10, 11, 12 and 43 to Original Volume No. 1 and First Revised Sheet No. 91 to Original Volume No. 2 of its FERC Gas Tariff to be effective on July 23, 1979.

Cities Service states that the filing proposes an increase above its presently effective rates which would increase revenues from jurisdictional sales by $33,217,740, based on the test period (the twelve months ended February 28, 1979, adjusted for known changes through November 30, 1979).

Cities Service states that the increased rates are required to reflect an overall rate of return of 12.65 percent; increases in plant, most particularly the addition to its system of the substantial facilities of the Rawlins-Hesston pipeline system certificated in Docket No. CP76-500, and related cost of service items; increases in the cost of materials, supplies, wages and services, including the gathering and transportation of gas by others; increases in ad valorem, payroll, and franchise taxes; and the proper allocation of costs on its system between the jurisdictional and nonjurisdictional sales. Cities Service further states that this filing reflects Summer and Winter rates in each Rate Division uniformly applicable to deliveries under the F,C, I and LVS Rate Schedules in that Division.

Cities Service states that this filing was served on each of its customers and affected state commissions pursuant to Section 154.16(b) of the Commission's Regulations.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, 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 July 13, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-20640 Filed 7-3-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-441]

Columbus and Southern Ohio Electric Co.; Changes in Rates and Charges

June 28, 1979.

The filing Company submits the following:

Take notice that Columbus and Southern Ohio Electric Company on June 20, 1979, tendered for filing, Modification No. 1 to the Operating Agreement dated March 1, 1977 between Columbus and Southern Ohio Electric Company and The Dayton Power and Light Company designated Columbus and Southern Ohio Electric Company Rate Schedule FERC No. 10.

Section 1 of Modification No. 1 provides for an increase in the demand charge for Short Term Power from $0.60 to $0.70 per kilowatt per week and from $0.10 to $0.12 per kilowatt per day for periods less than one week. Section 2 provides for an increase in the demand charge for Limited Term Power from $3.25 to $3.75 per kilowatt per month.

Applicant states that there were no Short Term Power or Limited Term Power transactions between the companies during the 12 month period ending December 1978. Furthermore, since the use of Short Term Power and Limited Term Power Service cannot be accurately estimated, it is not possible to estimate the increase in revenues resulting from the Modification. Applicant's supporting documents which were filed with this modification indicate that the proposed increased rates reflect an increase in costs associated with supplying energy.

Copies of the filing were served upon the Dayton Power and Light Company and the Public Utilities Commission of Ohio.

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 N. Capitol Street, Washington, D.C. 20426, in accordance with Section 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.10). All such petitions or protests should be filed on or before July 20, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-20641 Filed 7-3-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-451]

Columbus and Southern Ohio Electric Co.; Changes in Rates and Charges

June 28, 1979.

The filing Company submits the following:

Take notice that Columbus and Southern Ohio Electric Company on June 22, 1979, tendered for filing, Modification No. 1 to the Operating Agreement dated March 1, 1977 between Columbus and Southern Ohio Electric Company and The Cincinnati Gas and Electric Company designated Columbus and Southern Ohio Electric Company Rate Schedule FERC No. 26.

Section 1 of Modification No. 1 provides for an increase in the demand charge for Short Term Power from $0.60 to $0.70 per kilowatt per week and from $0.10 to $.12 per kilowatt per day for periods less than one week.

Applicant states that there were no Short Term Power transactions between the companies during the 12 month period ending December 1978. Furthermore, since the use of Short Term Power Service cannot be accurately estimated, it is not possible to estimate the increase in revenues resulting from the Modification. Applicant's supporting documents which were filed with this modification indicate that the proposed increased rates reflect an increase in costs associated with supplying energy.

Copies of the filing were served upon the Cincinnati Gas and Electric Company and the Public Utilities Commission of Ohio.

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 N. Capital Street, Washington, D.C. 20426, in accordance with Section 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.10). All such petitions or protests should be filed on or before July 20, 1979. Protests

will be considered by the Commission in determining the appropriate action to be taken. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-20642 Filed 7-3-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER 79-442]

Community Public Service Co.; Initial Rate Filing

June 28, 1979.

The filing Company submits the following:

Take notice that Community Public Service Company (CPS) on June 20, 1979, tendered for filing a proposed rate schedule in the form of an Electric Power Wheeling Agreement with Southwestern Public Service Company (SWPS).

CPS states that it renders no electric utility service to SWPS except for the transmission service provided for in the Agreement and that, therefore, the Agreement is an initial rate schedule within the meaning of 18 CFR § 35.12.

It is provided in the Agreement, according to CPS, that CPS will construct certain transmission facilities to extend to existing facilities and that these transmission facilities, as extended, will become incorporated into SWPS' power grid. It is further provided that CPS will dedicate 50% of the nominal transmission capacity of such facilities to SWPS. The rate payable by SWPS under the Agreement is in the form of an obligation on the part of SWPS to reimburse CPS for 50% of the carrying costs, operation and maintenance expenses, and depreciation of the dedicated facilities.

CPS requests a waiver of the notice requirements and an effective date of the tendered Agreement as of the date of the commencement of service thereunder, namely, June 26, 1978. CPS explains its failure to file the Agreement earlier on the ground of administrative inadvertence on its part. CPS asserts that nobody can be prejudiced by the late filing because the Agreement was the result of negotiation with SWPS and provides for the recovery only of the incremental costs incurred by CPS to render such service.

Copies of the filing were served on SWPS and the Public Utility Commission of Texas and are available for public inspection during regular business hours at CPS' principal office in Fort Worth, Texas, and the office of its attorneys in Washington, D.C.

Any person desiring to be heard or to protest said rate schedule tender should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 20, 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. 79-20643 Filed 7-3-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER 79-443]

Consumers Power Co.; Tariff Change

June 28, 1979.

The filing Company submits the following:

Take notice that Consumers Power Company on June 20, 1979 tendered for filing a revision to the annual charge rate for charges due Consumers Power Company from Wolverine Electric Cooperative, Inc., under the terms of the Blendon Interconnection Facilities Agreement (designated Supplement No. 16 to Consumers Power Company Rate Schedule FERC No. 34).

Consumers Power Company states that Article 1.054 of the Blendon Interconnection Facilities Agreement provides for an annual redetermination of the annual charge rate to be charged by Consumers Power Company under the Blendon Interconnection Facilities Agreement and that, according to Article 1.054, the redetermination is to be made as of January 1 of each year, effective on the following May 1.

Consumers Power Company states that, effective May 1, 1979, the redetermination reduces the annual charge rate from 17.94% to 16.98%. The reduction reflects the incorporation of Guideline and ADR depreciation lives into the calculation and also the reduction in insurance liability.

Any person desiring to be heard or to protest said revision should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed by or before July 20, 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 said revision are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-20644 Filed 7-3-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-427]

Florida Power & Light Co.; Filing

June 18, 1979.

The filing Company submits the following:

Take notice, that Florida Power & Light Company (FPL) on June 7, 1979 tendered for filing an updated capacity charge for services under Service Schedule B of the Contract for Interchange Service Between Florida Power Corporation and Florida Power & Light Company. FPL states that the revised capacity charge has been calculated in accordance with the provisions of Service Schedule B and represents an updating of the currently effective capacity charge to reflect more current costs. FPL requests an effective date for this revised capacity charge of May 1, 1979. According to FPL, a copy of this filing was served upon Florida Power Corporation.

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 July 6, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file

with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-20645 Filed 7-3-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-445]

Duke Power Co.; Supplement to Electric Power Contract

June 28, 1979.

The filing Company submits the following:

Take notice that Duke Power Company (Duke Power) tendered for filing on June 21, 1979 a supplement to the Company's Electric Power Contract with Haywood Electric Membership Corporation. Duke Power states that this contract is on file with the Commission and has been designated Duke Power Company Rate Schedule FERC No. 136.

Duke Power further states that the Company's contract supplement, made at the request of the customer and with agreement obtained from the customer, provides for the following increases in designated demand:

Delivery Point No. 1 from 3,000 KW to 3,900 KW,

Delivery Point No. 2 from 1,900 KW to 2,500 KW, and

Delivery Point No. 3 from 225 KW to 325 KW

Duke Power indicates that this supplement also includes an estimate of sales and revenue for twelve months immediately preceding and for the twelve months immediately succeeding the effective date. Duke Power proposes an effective date of August 20, 1979.

According to Duke Power copies of this filing were mailed to Haywood Electric Membership Corporation and the North Carolina Utilities Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Section 1.8 or 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before July 20, 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 proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-20646 Filed 7-3-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-446]

Duke Power Co.; Supplement to Electric Power Contract

June 28, 1979

The filing Company submits the following:

Take notice that Duke Power Company (Duke Power) tendered for filing on June 19, 1979 a supplement to the Company's Electric Power Contract with Pee Dee Electric Membership Corporation. Duke Power states that this contract is on file with the Commission and has been designated Duke Power Company Rate Schedule FERC No. 137.

Duke Power further states that the Company's contract supplement, made at the request of the customer and with agreement obtained from the customer, provides for the following new delivery point: Delivery Point No. 4 with designated KW of 1,800.

Duke Power indicates that this supplement also includes an estimate of sales and revenue for twelve months immediately preceding and for the twelve months immediately succeeding the effective date. Duke Power proposes an effective date of August 20, 1979.

According to Duke Power copies of this filing were mailed to Pee Dee Electric Membership Corporation and the North Carolina Utilities Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 20, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-20647 Filed 7-3-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-447]

Duke Power Co.; Supplement to Electric Power Contract

June 28, 1979.

The filing Company submits the following:

Take notice that Duke Power Company (Duke Power) tendered for filing on June 21, 1979 a supplement to the Company's Electric Power Contract with the City of Rock Hill. Duke Power states that this contract is on file with the Commission and has been designated Duke Power Company Rate Schedule FERC No. 228.

Duke Power further states that the Company's contract supplement, made at the request of the customer and with agreement obtained from the customer, provides for the following increases in contract demand: Delivery Point No. 2 from 1500 KW to 0 KW and Delivery Point No. 4 from 0 KW to 15,000 KW.

Duke Power indicates that this supplement also includes an estimate of sales and revenue for twelve months immediately preceding and for the twelve months immediately succeeding the effective date. Duke Power proposes an effective date of August 20, 1979.

According to Duke Power copies of this filing were mailed to the City of Rock Hill and the South Carolina Public Service Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 N. Capitol Street, Washington, D.C. 20426, in accordance with Section 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 20, 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. 79-20643 Filed 7-3-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-448]

Duke Power Co.; Supplement to Electric Power Contract

June 28, 1979.

The filing Company submits the following:

Take notice that Duke Power Company (Duke Power) tendered for filing on June 21, 1979 a supplement to the Company's Electric Power Contract with the Town of Lincolnton. Duke Power states that this contract is on file with the Commission and has been designated Duke Power Company Rate Schedule FERC No. 229.

Duke Power further states that the Company's contract supplement, made at the request of the customer and with agreement obtained from the customer, provides for the following increases in contract demand: Delivery Point No. 1 from 8,500 KW to 12,000 KW.

Duke Power indicates that this supplement also includes an estimate of sales and revenue for twelve months immediately preceding and for the twelve months immediately succeeding the effective date. Duke Power proposes an effective date of August 20, 1979.

According to Duke Power copies of this filing were mailed to the Town of Lincolnton and the North Carolina Utilities Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, 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 July 20, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-20649 Filed 7-3-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-449]

Duke Power Co.; Supplement to Electric Power Contract

June 28, 1979.

The filing Company submits the following:

Take notice that Duke Power Company (Duke Power) tendered for filing on June 21, 1979 a supplement to the Company's Electric Power Contract with Lockhart Power Company. Duke Power states that this contract is on file with the Commission and has been designated Duke Power Company Rate Schedule FERC No. 252.

Duke Power further states that the Company's contract supplement, made at the request of the customer and with agreement obtained from the customer, provides for the following increases in contract demand: Temporary Delivery from 0 to 1,000 KW; Temporary Delivery from 1,000 KW to "Terminate"; and Delivery Point No. 3, from 37,000 KW to 40,000 KW.

Duke Power indicates that this supplement also includes an estimate of sales and revenue for twelve months immediately proceeding and for the twelve months immediately succeeding the effective date. Duke Power proposes an effective date of June 19, 1979 for the Temporary Delivery and August 20, 1979 for the termination of the Temporary Delivery and the increase in contract demand for Delivery No. 3.

According to Duke Power copies of this filing were mailed to Lockhart Power Company and the South Carolina Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 20, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-20650 Filed 7-3-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-452]

Florida Power & Light Co.; Filing

June 28, 1979.

The filing Company submits the following:

Take notice that Florida Power & Light Company (FPL), on June 22, 1979, tendered for filing for following documents:

1. Amendment Number One to Contract for Interchange Service Between Florida Power & Light Company and Utilities Commission of the City of New Smyrna Beach, Florida dated June 13, 1979;
2. Service, Schedule C, Economy Interchange Service, dated June 13, 1979; and
3. Service Schedule D, Firm Interchange Service, dated June 13, 1979.

FPL states that Schedules C and D replace Schedules C and D to the December 23, 1975 Contract for Interchange Service Between Florida Power & Light Company and Utilities Commission of the City of New Smyrna Beach, Florida, which were appended to the settlement agreement between FPL and New Smyrna in *Florida Power & Light Company,* Docket No. E-8008, that was approved by the then FPC by Order of July 6, 1976.

FPL, supported by New Smyrna, requests waiver of the Commission's Regulations to the extent necessary to permit these documents to become effective as soon as possible. Accordingly to FPL, copies of the filing were served on the Utilities Director of New Smyrna Beach.

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 July 20, 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 with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-20651 Filed 7-3-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-453]

Florida Power & Light Co.; Filing

June 28, 1979.

The filing Company submits the following:

Take notice that Florida Power & Light Company (FPL), on June 22, 1979, tendered for filing the June 18, 1979 "Agreement To Provide Specified Transmission Service Between Florida Power & Light Company and Jacksonville Electric Authority." FPL states that under the Agreement, FPL will transmit power and energy for Jacksonville Electric Authority (JEA) as is required by JEA in the implementation of its interchange agreements with the Orlando Utilities Commission, Lake Worth Utilities Authority, City of Lakeland and Fort Pierce Utilities Authority.

FPL requests an effective date for this filing of June 21, 1979. According to FPL copies of this filing were served on the Managing Director of JEA.

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 July 20, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-20652 Filed 7-3-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP79-336]

Kentucky West Virginia Gas Co.; Application

June 27, 1979.

Take notice that on June 4, 1979,[1] Kentucky West Virginia Gas Company (Applicant), Second National Bank Building, Ashland, Kentucky 41101, filed in Docket No. CP79-336, an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to install and operate minor facilities and to sell and deliver natural gas to its corporate parent, Equitable Gas Company (Equitable), for resale to 300 domestic and/or small commercial customers for high priority domestic uses in the Commonwealth of Kentucky, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that in recent months, sufficient additional gas supplies have become available to Equitable for resale to its retail customers in Pennsylvania and West Virginia so as to create a present surplus which has been forecasted to exist for at least ten years. Accordingly, it is stated, the Pennsylvania and West Virginia Public Service Commissions have authorized Equitable to provide gas service to additional retail gas customers in those states.

Equitable also proposes to provide service to the 300 Kentucky customers and states that in order to accomplish this purpose, it is necessary to amend the maximum contract quantity contained in the agreement between Applicant and Equitable dated June 14, 1976 to provide enough gas to serve 300 additional customers to Equitable for resale in eastern Kentucky and to obtain authorization to establish 300 new service points for deliveries to Equitable for resale to said new customers in eastern Kentucky.

Applicant specifically requests authorization to install and operate minor facilities and to make deliveries of natural gas under its current FERC Gas Tariff First Revised Volume No. 1 to its corporate parent, Equitable, for resale to 300 new domestic and/or small commercial customers at 300 locations to be established along Applicant's pipelines located on the inlet side only of compressor stations. Applicant further requests that the Commission accept for filing and approve amendments to its service agreement with Equitable dated June 14, 1976, which increases daily and annual maximum delivery quantities in the service agreement by an amount sufficient to provide gas service to 300 domestic and/or small commercial customers. Applicant also requests the Commission to accept for filing First Revised Sheet No. 13, Superseding Original Sheet No. 13 of Applicant's FERC Gas Tariff, First Revised Volume No. 1, which revised tariff sheet would reflect the changes of daily and annual maximum contract quantities accomplished by the aforesaid amendment to the said service agreement.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 17, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-20653 Filed 7-3-79; 8:45 am]

BILLING CODE 6450-01-M

[1] The application was initially tendered for filing on June 4, 1979; however, the fee required by Section 159.1 of the regulations under the Natural Gas Act (18 CFR 159.1) was not paid until June 11, 1979; thus, filing was not completed until the latter date.

[Docket No. ER79-450]

Niagara Mohawk Power Corp.; Tariff Filing

June 28, 1979.

The filing Company submits the following:

Take notice that Niagara Mohawk Power Corporation (Niagara) on June 22, 1979, tendered for filing as a rate schedule, an agreement between Niagara and New York State Electric and Gas Corporation (NYSEG) dated March 19, 1979.

Niagara states that under the terms of the agreement, Niagara agrees to make available and sell to NYSEG capability of the Oswego Electric Generation Plant owned by Niagara.

Niagara requests waiver of the Commission's notice requirements in order to allow said agreement to become effective as of October 31, 1982.

According to Niagara copies of this filing were served upon NYSEG and the Public Service Commission State of New York.

Any person desiring to be heard or to protest said application should file a petition to interview or protest with the Federal Energy Regulatory Commission, 825 North Capital 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 July 20, 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. 79-20655 Filed 7-3-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP76-360]

Northern Natural Gas Co.; Application

June 27, 1979.

Take notice that on June 13, 1979, Northern Natural Gas Company (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP79-360 an application pursuant to Section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the acquisition, by purchase, of an undivided fractional interest in the ownership in certain existing offshore facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests authorization to acquire, by purchase, from Columbia Gulf Transmission Company (Columbia Gulf), an undivided fractional interest in the ownership of the 8-pile compression platform, Compressor Unit Nos. 1, 2, and 3, and support facilities on the flatform, all in Vermilion Block 245, offshore Louisiana.

Columbia Gulf and Northern as joint applicants at Docket No. CP75-359 were authorized to construct and operate, among others, an 18.1-mile pipeline extending from West Cameron Block 601 to West Cameron Block 616 (616 Pipeline) in order to connect additional gas reserves. Columbia Gulf agreed to provide a capacity entitlement of 130,000 Mcf of gas per day for Applicant's West Cameron gas volumes through the 616 Pipeline, the existing 30.4 miles of 30-inch pipeline from WC 601 to EC 273 and the 16.2 miles of 30-inch pipeline between East Cameron Block 273 and Ver 245. The agreement also provided for the same capacity entitlement through the Ver 245 compression, all jointly owned by Columbia Gulf and Tennessee Gas Pipeline Company, a Division of Tenneco Inc.

As consideration for the capacity entitlement in the existing fascilities between Ver 245 and WC 616, Applicant would pay its proportionate share of the construction cost of such facilities as set forth in the agreement between Applicant and Columbia Gulf dated June 9, 1976. Applicant's proportionate share of the construction cost is approximately $24,522,000. The agreeement also provides that Applicant, as a result of its participation in the construction cost of such facilities, would own 100 percent of the 616 Pipeline and acquire an undivided fractional interest in the ownership of certain Ver 245 facilities.

Applicant's cost for its interest in the Ver 245 facilities is estimated to be $10,189,000.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 17, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-20650 Filed 7-3-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP79-115]

Northwest Pipeline Corp. and Mountain Fuel Supply Co.; Amendment to Application

June 27, 1979.

Take notice that on June 15, 1979, Northwest Pipeline Corporation (Northwest), 315 East Second South Street, Salt Lake City, Utah 84111, and Mountain Fuel Supply Company (Mountain Fuel), 180 East First South Street, Salt Lake City, Utah 84111, filed in Docket No. CP79-115 an amendment to the application heretofore filed by Northwest in said docket pursuant to Section 7(c) of the Natural Gas Act for authorization to transport and exchange natural gas in interstate commerce from the Moxa Arch area of Wyoming, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

In the amendment Northwest renews its request for authority to transport up to 100,000 Mcf of natural gas per day for the account of Cities Service Gas Company (Cities) from the Moxa Arch

area of Uintah and Lincoln Counties, Wyoming; and, further, Northwest and Mountain Fuel request authority to exchange natural gas in the Moxa Arch area.

The amendment states that Northwest on December 12, 1978, filed an application in the subject proceeding requesting authority to construct and operate certain natural gas gathering facilities and to transport up to 100,000 Mcf of natural gas per day for Cities. It is further stated that Mountain Fuel and Southwest Gas Corporation (Southwest) filed petitions to intervene and requested that Northwest's application be set for formal hearing and that Southwest subsequently withdrew its request for hearing. To resolve the objections of Mountain Fuel, Northwest and Mountain Fuel entered into a letter agreement of May 23, 1979, whereby they agree to maximize the utilization of existing facilities through the exchange of natural gas in the Moxa Arch area.

The amendment states that pursuant to the Letter Agreement of May 23, 1979, Mountain Fuel and Northwest would mutually gather and exchange natural gas within the Moxa Arch area and would balance such exchange at a mutually agreeable point of interconnection between the facilities of Mountain Fuel and Northwest in or near sec. 28, T. 19 N., R. 112 W., Lincoln County, Wyoming, or at other mutually agreeable points of interconnection between the parties' facilities. Northwest and/or Mountain Fuel would connect those producing natural gas wells in which either party may have the greatest interest to the main trunks of the closest party, i.e., Northwest would connect to Mountain Fuel, if Mountain Fuel gathering facilities are closer than Northwest's and conversely Mountain Fuel would connect to Northwest when appropriate under the terms of the May 23, 1979, Letter Agreement.

The amendment states that Northwest would charge Cities 16.81 cents per Mcf for all gas delivered into Northwest's main transmission system for the account of Cities and further states that Mountain Fuel and/or Northwest would pay a gathering charge for all balancing gas required to be delivered at the exchange point(s). It is stated further that the initial gathering rates to be charged by Mountain Fuel and/or Northwest would be $.1550 and $.1681 per Mcf, respectively.

The amendment further states that any facilities required to be constructed by the parties would be constructed pursuant to the gathering exemption provided by Section 1(b) of the Natural Gas Act or the budget-type authorizations issued to Northwest and Mountain Fuel pursuant to Section 157.7(b) of the Commission's Regulations (18 CFR 157.7(b)). It is further stated that to the extent the gathering exemption or the applicable budget-type authorization would not permit the construction of specific facilities then Northwest and/or Mountain Fuel would as appropriate request specific authorization for the construction and operation for such facilities.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before July 17, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding.

Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. Persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-20657 Filed 7-3-79; 8:45 am]
BILLING CODE 6450-01-M

[Docket No. CP79-277]

Northwest Pipeline Corp.; Amendment

June 27, 1979.

Take notice that on June 11, 1979, Northwest Pipeline Corporation (Northwest), P.O. Box 1526, Salt Lake City, Utah 84110, filed in Docket No. CP79-277 an amendment to its application for a certificate of public convenience and necessity filed in said docket pursuant to Section 7 of the Natural Gas Act so as to make various changes in its proposed WS-1 Rate Schedule, authorizing a new form of service to be designated Winter Service, and for permission and approval to abandon service, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Northwest indicates that on April 18, 1978 it filed in Docket No. CP79-277 an application requesting authorization to provide a new form of service to be designated Winter Service. This Winter Service would consist of the sale and delivery of up to 75,000 Mcf per day and up to 7,500,000 Mcf of gas during the period November 1 through the next succeeding April 30. It is stated that in conjunction with the proposed service, Northwest requested permission and approval to terminate and abandon such service effective as of April 30, 1982 or such earlier date as Northwest's imports of Canadian gas pursuant to Export License GL-4 terminate. By this amendment Northwest desires to clarify its request concerning abandonment. It is Northwest's intent that abandonment of firm service under the WS-1 Rate Schedule be the earlier of April 30, 1982 or the date that the Export License GL-4 is terminated or is extended at a peak day volume which is less than that authorized in existing license GL-4. During the period from December 31, 1981 through April 30, 1982 Northwest would render best efforts service if Export License GL-4 is terminated or altered as described above.

As a result of discussions with several of its customers, both those purchasing Winter Service and those electing not to participate in Winter Service, Northwest has agreed to the following modifications to its proposed WS-1 Rate Schedule.

(1) On proposed Original Sheet No. 35L, the third full paragraph of Section 7 "Term of Service Agreement" is deleted in its entirety. The deleted paragraph read as follows: "In the event the term of the GL-4 license is extended beyond December 30, 1981. Seller shall notify Buyer thereof, and if Buyer so requests, Seller and Buyer shall thereupon meet promptly to ascertain the practicability of extension of the term of the Exhausted Service Agreement beyond April 30, 1982."

(2) On proposed Original Sheet No. 35M, delete Section 8 which read as follows:

"*8. Demand charge adjustment.* If, during any day, Seller fails to deliver to Buyer the Quantity of natural gas requested by Buyer up to the Contract Demand, the demand charge otherwise payable during the month in which such day occurs shall be reduced by an amount computed by multiplying the quantity seller failed to deliver to Buyer on such day by an amount per therm obtained by dividing the monthly unit demand charge by 30.4, round to the nearest one-hundredth of a cent per therm."

The following should be substituted in lieu thereof:

8. Demand charge and minimum commodity charge adjustments. If, during any day, Seller fails to deliver to Buyer the quantity of natural gas

requested by Buyer up to the Contract Demand, then the demand charge, otherwise payable during the month in which such day occurs, and the minimum commodity charge for the seasonal in which such day occurs, shall be reduced in the following manner:

(a) Monthly Demand Charge: An amount computed by multiplying the quantity Seller failed to deliver to Buyer on such day by an amount per therm obtained by dividing the monthly demand charge by 30.4, rounded to the nearest one-hundredth of a cent per therm.

(b) Minimum Commodity Charge: In addition to the demand charge adjustment specified in (a), the minimum commodity charge shall be reduced by adjusting the minimum seasonal volume by the quantity Seller failed to deliver on such day.

The change in Section 7 is to conform the WS-1 Rate Schedule to the request for pregranted abandonment as previously described in Section III hereto.

The change in Section 8 was made to accommodate the purchaser's request for a credit for Seller's failure to deliver.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before July 17, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-20358 Filed 7-3-79; 8:45 am]
BILLING CODE 6450-01-M

[Docket No. CP74-35]

Pacific Offshore Pipeline Co. (formerly Exxon Pipeline Co. of California); Amendment to Application

June 27, 1979

Take Notice that on June 6, 1979, Pacific Offshore Pipeline Company (formerly Exxon Pipeline Company of California) (Applicant), 720 West Eighth Street, Los Angeles, California 90017, filed in Docket No. CP74-35 an amendment to its application, pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity, authorizing the transportation and the sale of natural gas to Pacific Lighting Service Company (Pacific Lighting) for resale. Applicant also requests authorization for the construction and operation of natural gas treatment facilities and pipelines. Facilities are to be located in Federal and state waters and onshore in Santa Barbara County, California. The proposal is more fully set forth in the amendment on file with the Commission and open to public inspection.

The amendment states that the present corporate name of Applicant is Pacific Offshore Pipeline Company, which name was changed from Exxon Pipeline Company of California. On August 9, 1978, all of the outstanding capital stock of Applicant was acquired by Pacific Lighting Corporation from Exxon Pipeline Company. On August 9, 1978, Exxon Corporation (Exxon) and Applicant signed a Gas Sales and Purchase Agreement and a Gas Purchase Option Agreement respecting the purchase and sale of certain natural gas from the Hondo Field, offshore Federal Domain, California. Thereafter, Applicant and Pacific Lighting signed an agreement for the resale of the natural gas to be purchased from Exxon. Applicant states that Exxon intends to file in the alternative, a petition for disclaratory order that no certificate of public convenience and necessity is required for the sale pursuant to § 601(a)(1)(A) of the Natural Gas Policy Act of 1978; or an application under protest, pursuant to section 7(c) of the Natural Gas Act.

The amendment states that, in addition to the authority already obtained, Applicant seeks a permanent certificate of public convenience and necessity authorizing Applicant to transport natural gas from the offshore Federal Domain, California, Hondo Field production facilities of Exxon, to sell such natural gas for resale to Pacific Lighting within the State of California, and to construct, test, operate and own natural gas treatment facilities and natural gas pipelines, in accordance with the original application and the Phase I certificate heretofore issued and more fully described in the amendment. Such transportation and sales would commence as soon as all necessary permits and authorizations are obtained, the necessary facilities are operational, and the natural gas is available from Exxon.

The amendment states that the Commission has by orders dated November 17, 1975, July 20, 1976, and November 4, 1976, approved in part Applicant's prposals (Phase I Certification) and deferred consideration of the rest until a future time (Phase II). Authorized as part of Phase I is construction and testing of the proposed facilities. Left for Phase II were matters respecting transportation, operation, treatment and the sale or other disposition of the Hondo Field natural gas. However, since the original application contemplated transportation of natural gas for the account of and for redelivery to Exxon, Applicant now seeks authority to sell such natural gas for resale to Pacific Lighting. By this amendment, Applicant is also submitting therewith the required Phase II exhibits as well as certain updated Phase I exhibits.

The amendment states that implementation of Applicant's proposals, and the delivery of natural gas to Pacific Lighting and the marketing affiliate, Southern California Gas Company, is currently estimated to require capital expenditures (exclusive of financing costs) of approximately $57 million, for natural gas deliveries up to 30,000 Mcf per day. Initial delivery of 5,110 Mcf per day is expected in 1982 by Exxon. Since the capacity of the pipeline between the offshore Hondo field production facilities of Exxon and Applicant's onshore natural gas treatment facilities remains unchanged at 90,000 Mcf per day, flexibility exists for expansion of the onshore treatment facilities. Additional capital expenditures are currently estimated at approximately $16 million for expansion to 60,000 Mcf per day, if and when additional natural gas volumes become available according to the terms of the Gas Purchase Option Agreement. Current estimates indicate that full volume deliveries of such additional natural gas will reach 30,000 Mcf per day in 1999 and show the need for plant capability of at least 60,000 Mcf per day in future years, once gas under the Option Agreement becomes available.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 27, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All

protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. Persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-20659 Filed 7-3-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP79-357]

Panhandle Eastern Pipe Line Co.; Application

June 27, 1979.

Take notice that on June 12, 1979, Panhandle Eastern Pipe Line Company, (Panhandle), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP79-357 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of pipeline, compressor, and related facilities to be situated in Carson County, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Panhandle seeks authorization to construct and operate a new compressor station and to make additions to its pipeline system needed to connect new supplies of natural gas. The proposed facilities are as follows:

(1) The establishment of the Warren Compressor Station to be located in Carson County, Texas. This station would be equipped with 1,200 compressor horsepower for utilization during the first year of operation and an additional 600 compressor horsepower unit would be added to the station during the second year of operation.

(2) Four and eight-tenths miles of eight-inch pipeline and related facilities to be constructed in Carson County, Texas.

It is stated that Panhandle has entered into gas purchase and sales agreements dated February 26 and February 28, 1979 with Blair Oil Company and B&W Oil Company, *et al.* The agreements provide for the sale by B&W Oil Company, *et al.*, and Blair Oil Company, *et al.*, and the purchase by Panhandle of natural gas to be produced in Carson County, Texas. Panhandle states that following the construction and placement in service of the proposed facilities, it would be able to commence receipt of deliveries of associated gas to be produced in Carson County, Texas.

Three wells have presently been drilled upon the acreage dedicated to Panhandle pursuant to the agreements, it is stated. Panhandle's best estimate is that these wells have initial recoverable reserves of associated gas of 1,200,000 Mcf. Panhandle indicates that within the foreseeable future, 27 additional wells would be drilled, which would result in initial recoverable reserves of 10,800,000 Mcf of associated gas being available for utilization on Panhandle's pipeline system.

Panhandle estimates the cost of the proposed facilities to be $2,185,000 which would be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 17, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-20660 Filed 7-3-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-454]

Public Service Co. of Indiana, Inc.; Tariff Change

June 28, 1979.

The filing Company submits the following:

Take notice that Public Service Company of Indiana, Inc., on June 25 1979, tendered for filing twelve (12) Assignment Of Power Contract from twelve (12) individual Rural Electric Membership Corporations to Wabash Valley Power Association, Inc. and twelve (12) Consent To Assignment executed on behalf of Public Service Company of Indiana, Inc.

Said twelve (12) Assignment Of Power Contracts provide for the assignment and transfer to Wabash Valley Power Association, Inc. of all the rights, title and interest which each of the twelve (12) individual Rural Electric Membership Corporations have in the Power Contracts (Service Agreements) with Public Service Company of Indiana, Inc.

Copies of the filing were served upon Wabash Valley Power Association, Inc. and the Public Service Commission 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 Regulatory Commission, 825 North Capitol St., 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 should be filed on or before July 20, 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.

[FR Doc. 79-20661 Filed 7-3-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP79-352]

Tennessee Gas Pipeline Co., a Division of Tenneco, Inc.; Application

June 27, 1979.

Take notice that on June 11, 1979, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP79-352 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Tennessee to transport natural gas for The Southern Connecticut Gas Company (Southern Connecticut), all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Tennessee states that it would transport up to 2,000 Mcf of natural gas per day for Southern Connecticut on a best efforts basis for a term of 15 years.

The gas proposed to be transported, the application indicates, would be purchased by Southern Connecticut from SCG Gas Quest, Inc. (SCG Gas), its subsidiary, from gas reserves owned and produced by SCG Gas in the Eden-Evans-Brant Field, Erie County, New York, near Tennessee's main transmission line.

Tennessee further indicates that it would receive the volumes at a tap to be established on Tennessee's pipeline at or near Tennessee's Main Line Valve 229 in Erie County, New York.

Tennessee would transport and deliver such volumes to Southern Connecticut at Tennessee's existing Bridgeport Sales Meter Station delivery point to Southern Connecticut in Fairfield County, Connecticut, or at other mutually agreed to points of interconnection between Tennessee and Southern Connecticut.

It is indicated that Southern Connecticut would furnish to Tennessee 2.42 percent of the transportation volume for Tennessee's system fuel and use requirements.

Tennessee further indicates that on days when SCG Gas has volumes available in excess of those requested for transporatation by Southern Connecticut, Tennessee would be intitled to purchase such excess volumes.

Tennessee proposes to charge Southern Connecticut a transportation rate of 16.79 cents per Mcf and proposes an added volume charge of 25.59 cents for each Mcf by which Southern Connecticut displaces purchases of gas from Tennessee under Tennessee's CD-6 Rate Schedule with gas purchased from SCG Gas and transported by Tennessee.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 17, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Tenessee to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-20662 Filed 7-3-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER78-499]

Union Electric Co.; Certification

June 28, 1979.

Take notice that Presiding Judge Howe on June 13, 1979, certified to the Commission a Settlement Agreement entered into between Union Electric Company and Associated Electric Cooperative, Inc. The Judge indicates that no parties object to this certification. The Judge also indicates that no hearing was held; the record is of a prehearing conference.

Any person desiring to be heard or to protest said settlement agreement should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before July 20, 1979. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-20663 Filed 7-3-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER78-307]

Utah Power & Light Co.; Rate Filing

June 28, 1979.

The filing Company submits the following:

Please take notice that Utah Power & Light Company (Utah Power) on June 1, 1979, tendered for filing a Service Agreement under which Utah Power will sell and deliver thermal energy to Washington Water Power Company (Washington) in accordance with Utah Power's Service Schedule, Utah—1A, ICP Contract (Designated in the Commission's files as Utah Power's Rate Schedule F.E.R.C. No. 112). Utah Power requests that the filing be made retroactively effective as of February 24, 1977. The only sales under the Agreement were made during the two-month period July and August, 1977.

The Service Agreement was filed in response to a condition contained in Commission Notice dated August 5, 1977, in which Service Schedule—1A was accepted for filing (F.E.R.C. Docket No. ER77-165) as Supplement No. 1 to Rate Schedule F.E.R.C. No. 112. Any service agreement involving another purchaser or different billing conditions will require an additional filing with F.E.R.C., including appropriate cost support. Copies of the filing were served on all members of the ICP-R Pool, and on the State Regulatory Commission of Utah, Idaho and Wyoming.

Any person desiring to be heard or to protest said filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on or before July 12, 1979. Comments 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.

[FR Doc. 79-20664 Filed 7-3-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket Nos. RP71-107 and RP72-127 (PGA79-2)]

Northern Natural Gas Co.; Order Accepting for Filing and Suspending Proposed Tariff Sheets, Subject to Conditions, Consolidating Dockets, and Establishing Procedures

June 25, 1979.

On April 26, 1979, Northern Natural Gas Company (Northern) filed revised tariff sheets [1] to become effective June 27, 1979. The proposed increase reflects: (1) a 10.52 cent per Mcf increase in current gas costs of $77.3 million resulting from increased Natural Gas Policy Act of 1978 (NGPA) prices to producers for the period July 1979 through December 1979; and (2) a 7.00 cent per Mcf increase in the surcharge to recover an estimated $20.9 million in deferred purchase gas costs resulting from increased NGPA prices to producers for the period January 1979 through June 1979.

Public notice of the instant filing was issued May 3, 1979 providing for protests or petitions to intervene to be filed on or before May 21, 1979.

Timely petitions to intervene were filed by the Nortern Municipal Defense Group jointly with the Minnesota Municipal Utility Association on May 17, 1979, and by Terra Chemicals International, Inc., and the Minnesota Gas Company on May 21, 1979. Farmland Industries, Inc., filed a protest and petition to intervene to Northern's filing on May 21, 1979. Referring to its objections filed in the underlying PGA filing, Farmland requests rejection of Northern's filing, or in the alternative suspension for the full statutory period. for good cause shown, all petitions to intervene are granted.

Based upon a review of Northern's filing this Commission finds that the proposed rates have not been shown to be just and reasonable, and may be unjust and unreasonable, unduly discriminatory or otherwise unlawful. Accordingly, the Commission shall accept Northern's tariff sheets for filing, subject to conditions, grant waiver of the 30 day notice requirement, suspend their effectiveness such that they shall be permitted to become effective June 27, 1979, subject to refund, and consolidate the matter with a pending proceeding involving Northern's underlying PGA filing, as hereinafter conditioned. Since the issues concerning the lawfulness of the instant filing are so closely related to those issues (as expanded) [2] in Docket No. RP71-107 (Phase II) (PGA79-1) we find that these dockets should be consolidated for purposes of hearing and decision.

Current Purchase Gas Cost Adjustment

Northern proposes a 10.52 cern per Mcf increase in its current purchased gas costs. Northern estimates that this increase will result from increased producer prices under NGPA sections 102, 103, 107 and 108 during the period July through December 1979. Section 154.38(d)(4)(iv)(a) permits Northern to file one annual purchased gas cost adjustment to reflect estimated purchased gas costs for the coming calendar year to be effective on December 27th of each year. On October 27, 1978, Northern filed its PGA increase estimating 1979 costs.[3]

Under ordinary circumstances, Northern would not be allowed to make another PGA filing. However, subparagraph 18.3(b) of Northern's PGA Clause (F.E.R.C. Gas Tariff, Third Revised Volume No. 1) permits a second PGA filing to reflect increased purchased gas costs when producers are authorized to collect higher rates which in the aggregate amount to $3.0 million for the balance of any current year. It is pursuant to this provision that Northern makes the instant filing.

Northern's proposed current purchased gas costs reflect prices in excess of NGPA ceiling prices which producers can collect as of June 27, 1979 (the proposed effective date). Therefore, acceptance of Northern's proposed tariff sheets will be subject to the condition that Northern adjust its filing to reflect producer costs no higher than the following adjusted prices.

NGPA section	Ceiling price [4]	Adjusted price [5]
102	$2.198	$2.186
103	2.047	2.036
107	2.198	2.186
108	2.352	2.339

[4] Section 271.101(a) Table I of the Commission's Rules and Regulations.

[5] Ceiling prices are based on 14.73 psia; and Northern's filing is based on 14.65 psia, thus the ceiling price has been adjusted by a factor of 0.9948.

In conjunction with this condition, Northern shall also describe the basis for the increase in price from each source of supply and whether it is in response to an area rate clause, a clause related to Congressional action, a contract amendment or some other basis. Such explanation shall accompany Northern's revised tariff sheets.

Deferred Purchase Gas Cost Adjustment

Northern proposes a 7.00 cent per Mcf surcharge to recover estimated purchased gas costs of $20 million for the months of March through June. Northern states this unrecovered amount exists because Northern will begin paying essentially all of its producers the increased prices attributable to the NGPA beginning with March 1979 production but will not be able to collect higher rates until June 27, 1979. Northern seeks to collect this amount over the months of July through December 1979.

Order No. 18 [6] permits pipelines to reflect *estimated* deferred gas costs increased due to the NGPA. This is a one-time filing enabling pipelines to estimate deferred gas costs up to the proposed effective date of the filing. Northern exercised this one-time opportunity on December 11, 1978, estimating costs up to December 29, 1979. Northern's PGA clause does not permit Northern to estimate deferred gas costs. Only *actual* costs should be reflected in the deferred purchase gas account. Accordingly, acceptance of Northern's tariff sheet is subject to the condition that Northern file revised sheets reflecting the elimination of the estimated deferred purchase gas costs from its surcharge.

The Commission Orders: (A) Pursuant to the authority of the Natural Gas Act particularly sections 4, 5, 8 and 15 thereof, and to the Commission's regulations, a public hearing shall be held concerning the lawfulness of the revised tariff sheets proposed by Northern.

(B) For the purposes of hearing and decision this docket is consolidated with Docket Nos. RP71-107 (Phase II) (PGA79-1) (R&D79-1).

(C) Pending hearing and decision, and subject to the conditions set forth in Ordering Paragraph (D) below, Northern's proposed tariff sheets (Nineteenth Revised Sheet No. 4a to Third Revised Volume No. 1 and

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[1] Nineteenth Revised Sheet No. 4a to Third Revised Volume No. 1; and Nineteenth Revised Sheet No. 1c to Original Volume No. 2.

[2] The scope of the hearing was expanded by Order issued March 14, 1979.

[3] On December 11, 1978, Northern filed tariff sheets to replace that filing. An Order was issued January 10, 1979 in Docket No. RP71-107 (Phase II) (PGA79-1) (R&D79-1), by the Commission, *inter alia*, suspending the filing. This order was subsequently clarified by an Order issued March 14, 1979.

[6] Order No. 18, issued December 1, 1978 in Docket No. RM79-7, (Section 154.38(d)(4)(x)).

Nineteenth Revised Sheet No. 1c to Original Revised Volume No. 2) are accepted for filing and suspended until June 27, 1979, when they may become effective subject to refund, in the manner prescribed by the Natural Gas Act.

(D) Northern shall file within 15 days of issuance of this order, revised tariff sheets to become effective June 27, 1979, subject to refund, reflecting the following:

(1) elimination of costs for gas purchased from producer and pipeline suppliers in excess of that which those suppliers are not authorized to charge as of June 27, 1979.

(2) elimination of the estimated deferred purchase gas costs from the surcharge;

(E) Accompanying the filing described in Ordering Paragraph (D), Northern shall indicate the basis for the increase in price from each source, e.g., area rate clause, Congressional action, contract amendment, etc.

(F) To the extent necessary to comply with Ordering Paragraph (D), Northern is granted waiver of the 30 day notice requirement set forth in Section 4 of the Natural Gas Act and Section 154.22 of the Commission's Regulations.

(G) Staff shall serve its statement of position on or before August 15, 1979.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-20672 Filed 7-3-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP79-101]

Tennessee Gas Pipeline Co., a Division of Tenneco, Inc.; Petition To Amend

June 25, 1979.

Take notice that on June 14, 1979, Tennessee Gas Pipeline Company, a division of Tenneco Inc. (Tennessee), filed in Docket No. CP79-101 a petition to amend the Commission's order issued February 26, 1979, in said docket pursuant to Section 7(c) of the Natural Gas Act and Section 157.7(b) of the Regulations thereunder (18 CFR 157.7(b)) by authorizing and increase in the total and single project cost limitations for gas-purchase facilities prescribed by said order, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

The order of February 26, 1979, authorized Tennessee to construct during the 12-month period commencing February 26, 1979, and operate gas-purchase facilities and prescribed therefor a total cost limitation of $12,000,000 and single onshore project and single offshore project limitations of $1,500,000 and $2,500,000, respectively. Tennessee requests that the total cost limitation be increased to $34,900,000, which, it says represents approximately 3 percent of its net utility plant, and that in the single onshore project and single offshore project limitations be increased to $2,500,000 and $3,500,000, respectively.

Tennessee states that utilization of 3 percent and the requested increases for single projects is supported by the Commission's Notice of Proposed Rulemaking issued in Docket No. RM79-37. The notice in Docket No. RM79-37 proposes an increase in total limitations to 3 percent of a company's gas plant account or $20,00,000, whichever is the lesser. Tennessee states that, as it proposed in its comments filed in Docket No. RM79-37, it believes the 3 percent figure applied to net plant account, without a ceiling, is the more appropriate dollar limitation. Tennessee maintains that the requested increases would permit all projects to be constructed and would also provide additional dollars for projects that are likely to occur during the remaining term of the authorization granted in the instant docket.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before July 16, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-20673 Filed 7-3-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP77-566]

Transcontinental Gas Pipe Line Corp. and Michigan Wisconsin Pipe Line Co.; Petition To Amend

June 25, 1979.

Take notice that on June 4, 1979, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77001 and Michigan Wisconsin Pipe Line Company (Mich Wisc), One Woodward Avenue, Detroit, Michigan 48226 (Petitioners), filed in Docket No. CP77-566 a joint petition to amend the order of March 22, 1979, issued in said docket pursuant to Section 7(c) of the Natural Gas Act so as to obtain an extension of the term of that portion of the exchange between Petitioners involving the West Mermentau gas attributable to Transco's direct and indirect industrial customers, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

Petitioners indicate that in the March 22, 1979 order, Petitioners were granted authorization to exchange natural gas in accordance with a gas exchange agreement, dated July 11, 1977, between them. It is stated that one of the fields from which Transco would deliver gas to Mich Wisc pursuant to the exchange arrangement is the West Mermentau Area, Acadia Parish, Louisiana. Transco is purchasing gas produced from the West Mermentau Area, and is also obligated to arrange for the transportation from the West Mermentau Area of gas owned by several of its distribution customers, its only direct industrial customer and two industrial customers of Transco's distribution customers, or their affiliates.

It is stated that the authority granted to Petitioners in the March 22, 1979 order to exchange the gas attributable to the industrial customers in West Mermentau was limited to a two-year term commencing on the date of initial deliveries, without prejudice to Petitioners' right to file to extend such two-year term. Petitioners also state that the March 22 order provided that the term limitation was established pending the outcome of *Natural Gas Pipeline Company of America, et al.*, Docket Nos. CP77-71, *et al.*, in which policy issues concerning long-term transportation of industry-owned gas are under consideration.

Petitioners state that the exchange of gas authorized in the aforementioned docket commenced on August 25, 1977 pursuant to a temporary certificate, and

that the purpose of this petition is to obtain the extension of the term of that portion of the exchange involving the West Mermentau gas attributable to the industrial customers for another two-year term commencing August 25, 1979, subject to the right to refile for a longer term depending on the outcome of the proceeding in *Natural Gas Pipeline Company of America, et al.*, Docket Nos. CP77-71, *et al.*

Any person desiring to be heard or to make any protest with reference to said petition should on or before July 16, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-20674 Filed 7-3-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP79-353]

Trans-Colorado Pipeline Co.; Application for Exemption

June 25, 1979.

Take notice that on June 5, 1979,[1] Trans-Colorado Pipeline Company (Applicant), 2334 East Third Avenue, Denver, Colorado 80206, filed in Docket No. CP79-353 an application pursuant to Section 1(c) of the Natural Gas Act for exemption from the provisions of the Natural Gas Act and the rules and regulations thereunder of certain intrastate pipeline facilities, and transportation and sale services, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that it maintains and operates an intrastate natural gas pipeline system in the State of Colorado, which pipeline system consists of 9.7 miles of gas gathering line, a gas sweetening plant for the removal of hydrogen sulfide and carbon dioxide from natural gas and a 86.0-mile gas transmission pipeline. Applicant states that it currently purchases sour gas from three gas wells located generally west of the Slick Rock Sweetening Plant in the S.E. Lisbon Field, and that this gas is transmitted through Applicant's gathering line to Applicant's Slick Rock Sweetening Plant where the hydrogen sulfide and carbon dioxide are removed. The sweetened gas together with gas from the Andy's Mesa Field and the Honaker Trail Field is then transported through Applicant's pipeline to the Delta Meter Station where it is delivered to Applicant's sole customer, Rocky Mountain Natural Gas Company, Inc. (Rocky Mountain) for resale within Colorado, it is said.

Applicant indicates that it has located a currently unmarketable source of natural gas in the State of Utah and that pursuant to a gas purchase agreement dated May 14, 1979, with Cordillera Corporation (Cordillera), Applicant contracted to purchase the sour natural gas from Cordillera's State No. 1 Well. Applicant anticipates purchasing sour natural gas in the future from the Big Indian No. 1 Well which is currently shut-in, since the gas must be sweetened to be made pipeline quality. Applicant states that TCP Gathering Co., a wholly-owned subsidiary of Applicant would construct and operate the approximately 15-mile gathering line to be constructed from the State No. 1 Well to interconnect with the existing gathering line for the S. E. Lisbon Field.

Applicant avers that all the gas which it purchases and transports, including that to be gathered in Utah is sold at wholesale to Rocky Mountain who distributes and sells the same at retail to its customers in various communities in western Colorado. All of such gas is said to be consumed within the boundaries of Colorado. Consequently, for the foregoing reasons, Applicant requests that it be exempt from the provisions of the Natural Gas Act.

Any person desiring to be heard or to make any protest with reference to said Application should on or before July 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). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-20675 Filed 7-3-79; 8:45 am]

BILLING CODE 6450-01-M

[1] The application was initially tendered for filing on June 5, 1979; however, the fee required by Section 159.1 of the regulations under the Natural Gas Act was not paid until June 14, 1979; thus, filing was not complete until the latter date.

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

June 25, 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.

California Department of Conservation

Division of Oil and Gas

1. Control Number (F.E.R.C./State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 79-07319
2. 04-095-20341-
3. 103
4. Amerada Hess Corporation
5. J Mayhood #9
6. Rio Vista Deep
7. Solano CA
8. 757.0 million cubic feet
9. May 29, 1979
10. Pacific Gas & Electric Company

1. 79-07320
2. 04-095-20342-
3. 103
4. Amerada Hess Corporation
5. Rio Vista Gas Unit #181
6. Rio Vista
7. Solano CA
8. 967.0 million cubic feet
9. May 29, 1979
10. Pacific Gas & Electric Co

1. 79-07321
2. 04-067-20119-
3. 103
4. Amerada Hess Corporation
5. Rio Vista Gas Unit #182
6. Rio Vista
7. Solano CA
8. 159.0 million cubic feet
9. May 29, 1979
10. Pacific Gas & Electric Co

1. 79-07322
2. 04-095-20356-
3. 103
4. Amerada Hess Corporation
5. Wineman Zone Unit #13
6. Maine Prairie
7. Solano CA
8. 184.0 million cubic feet

9. May 29, 1979
10. Pacific Gas & Electric Co

1. 79-07323
2. 04-021-20128-
3. 103
4. Energy Production and Sales Co
5. Lowe 1
6. Malton-Black Butte
7. Glenn CA
8. 85.0 million cubic feet
9. May 29, 1979
10. Pacific Gas & Electric Co

1. 79-07324
2. 04-021-20116-
3. 103
4. Energy Production & Sales Co.
5. TE Unit 11
6. Malton-Black Butte
7. Glenn CA
8. 85.0 million cubic feet
9. May 29, 1979
10. Pacific Gas and Electric Co

1. 79-07325
2. 04-021-20113-
3. 103
4. Energy Production & Sales Co.
5. Torres 3
6. Bounde Creek
7. Glenn, CA
8. 80.0 million cubic feet
9. May 29, 1979
10. Pacific Gas and Electric Co.

Florida Department of Natural Resources

Bureau of Geology, Oil and Gas Section

1. Control Number (F.E.R.C./State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 79-07326
2. 09-113-20179-
3. 107
4. Exxon Corporation
5. Bessie Joyner et al. No. 18.3
6. JAY/LEC
7. Santa Rosa FL
8. 1304.0 million cubic feet
9. May 31, 1979
10. Florida Gas Trans Co., St. Regis Paper Co., Gulf Power Co., Monsanto Co.

Kansas Corporation Commission

1. Control Number (F.E.R.C./State)
2. API Well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 79-07523
2. 15-047-20079-
3. 108
4. Beren Corporation
5. Elledge #1
6. Trousdale NE
7. Edwards, KS.
8. 3.3 million cubic feet
9. June 4, 1979
10. Panhandle Eastern Pipeline Co

1. 79-07524
2. 15-119-20096-
3. 108
4. Okmar Oil Company
5. Friesen No. 1
6. McKinney
7. Meade, KS
8. 13.5 million cubic feet
9. June 4, 1979
10. Panhandle Eastern Pipeline Co

1. 79-07525
2. 15-047-20273-
3. 102
4. Imperial Oil Company
5. Wiltgen No. 1-31
6. Wildcat
7. Edwards, KS
8. 20.0 million cubic feet
9. June 4, 1979
10. Kansas-Nebraska Natural Gas Co Inc

1. 79-07526
2. 15-175-20337-
3. 102
4. Imperial Oil Company
5. Dreitz No. 1-11
6. Wildcat
7. Seward, KS
8. 40.0 million cubic feet
9. June 4, 1979
10. Panhandle Eastern Pipe Line Co

1. 79-07527
2. 15-047-20375-
3. 102
4. Imperial Oil Company
5. Wiligen No. 2-31
6. Wildcat
7. Edwards, KS
8. 115.0 million cubic feet
9. June 4, 1979
10. Kansas-Nebraska Natural Gas Co Inc

1. 79-07580
2. 15-119-20259-
3. 102
4. Imperial Oil Company
5. Crooked-L Ranch No. 1-21
6. Wildcat
7. Meade, KS
8. 100.0 million cubic feet
9. June 5, 1979
10. Michigan Wisconsin Pipe Line Co

1. 79-07581
2. 15-035-21811-
3. 102
4. Petroleum Enterprises
5. Chapin #1
6. Posey
7. Cowley, KS
8. 18.3 million cubic feet
9. June 5, 1979
10. Colonial Corporation

1. 79-07582
2. 15-035-21890-
3. 102
4. Petroleum Enterprises
5. Fisher #1
6. Posey
7. Cowley, KS
8. 18.3 million cubic feet
9. June 5, 1979
10. Colonial Corp

1. 79-07583
2. 15-049-20485-
3. 102
4. Petroleum Enterprises
5. Todd #2
6. Unknown-New
7. Elk, KS
8. 146.0 million cubic feet
9. June 5, 1979
10. Colonial Corp

1. 79-07584
2. 15-035-21868-
3. 102
4. Petroleum Enterprises
5. Heffrun #1
6. Posey
7. Cowley, KS
8. 1.8 million cubic feet
9. June 5, 1979
10. Colonial Corporation

1. 79-07585
2. 15-019-21086-
3. 102
4. Ramoil
5. Rogers B #2
6. Oliver ext
7. Chautauqua, KS
8. .0 million cubic feet
9. June 5, 1979
10. Gas Associated Systems Inc

Louisiana Office of Conservation

1. Control Number (F.E.R.C./State)
2. API Well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 79-07528
2. 17-099-20614-
3. 102 103
4. Texaco Inc
5. SL 293 Lake Fausse Point #112
6. Fausse Point
7. St. Martin, LA
8. 786.0 million cubic feet
9. June 4, 1979
10. Florida Gas Transmission Co

1. 79-07529
2. 17-045-20501-
3. 102 103
4. Texaco Inc
5. SL 334 Vermilion Bay #B-67
6. Vermilion Bay
7. Iberia, LA
8. 657.0 million cubic feet
9. June 4, 1979
10. Columbia Gas Transmission Corp

1. 79-07530
2. 17-045-20528-
3. 102 103
4. Texaco Inc
5. SL 334 Vermilion Bay #B-65
6. Vermilion Bay
7. Iberia, LA
8. 549.0 million cubic feet
9. June 4, 1979
10. Columbia Gas Transmission Corp

1. 79-07542
2. 17-061-20179-

3. 102 103
4. Union Texas Petroleum
5. Norman Dowling No 1
6. Terryville Sec 29 T19N R4W
7. Lincoln, LA
8. 480.0 million cubic feet
9. June 7, 1979
10. Sugar Bowl Gas Corporation

Michigan Department of Natural Resources

1. Control Number (F.E.R.C./State)
2. API Well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 79-07425
2. 21-125-00000-
3. 102
4. Reef Petroleum Corporation
5. John H. Fallon 1-14
6. Addison 14
7. Oakland, MI
8. 750.0 million cubic feet
9. May 10, 1979
10. Michigan Consolidated Gas Company

1. 79-07522
2. 21-113-00000-
3. 102
4. Dari Oil & Gas Corporation
5. Runing #10-30 (32188)
6.
7. Missaukee, MI
8. 20.0 million cubic feet
9. June 6, 1979
10. Consumers Power Company

1. 79-07596
2. 21-035-32398-
3. 103
4. Sun Oil Company (Delaware)
5. D L Thayer Well No. 8
6. Winterfield
7. Clare, MI
8. 53.0 million cubic feet
9. June 7, 1979
10. Consumers Power Company

Mississippi Oil and Gas Board

1. Control Number (F.E.R.C./State)
2. API Well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated Annual volume
9. Date received at FERC
10. Purchaser(s)

1. 79-07426
2. 23-065-20087-
3. 102 107
4. Harkins & Company
5. Fortenberry Unit 10-11 Well
6. Greens Creek
7. Jefferson Davis, MS
8. 1825.0 million cubic feet
9. May 29, 1979
10. Transcontinental Gas Pipeline Corp

1. 79-07427
2. 23-001-21491-
3. 103
4. Adco Producing Company Inc
5. Ratcliff-Lees Unit No 1
6. Cranfield
7. Adams, MS
8. 405.5 million cubic feet
9. May 29, 1979
10. Southern Natural Gas Company

1. 79-07428
2. 23-001-21662-
3. 103
4. Sun Oil Company (Delaware)
5. Frank Junkin A No 38
6. Quitman Bayou West
7. Adams, MS
8. .0 million cubic feet
9. May 29, 1979
10. Southern Natural Gas Company

1. 79-07429
2. 23-001-21634-
3. 103
4. Sun Oil Company (Delaware)
5. Frank Junkin A No 37
6. Quitman Bayou W
7. Adams, MS
8. 12.0 million cubic feet
9. May 29, 1979
10. Southern Natural Gas Company

1. 79-07430
2. 23-065-20082-
3. 107
4. Sun Oil Company (Delaware)
5. J W Carraway Well No 1
6. Bassfield
7. Jefferson Davis, MS
8. 17.30 million cubic feet
9. May 29, 1979
10. Mississippi Power & Light Company, Transcontinental Pipeline Co

1. 79-07431
2. 23-065-20009-
3. 108
4. Gulf Oil Corporation
5. Gwinville G U 103-C Well No 1
6. Gwinville
7. Jefferson Davis, MS
8. 13.0 million cubic feet
9. May 29, 1979
10. United Gas Pipeline Company

1. 79-07432
2. 23-065-20081-
3. 102 107
4. Harkins & Company
5. Tolar Unit 15-6 No 1 Well
6. Greens Creek Field
7. Jefferson Davis, MS
8. 2920.0 million cubic feet
9. May 29, 1979
10. Trancontinental Gas Pipeline Corp

1. 79-07433
2. 23-147-20101-
3. 103
4. Getty Oil Company
5. Pittman D No 1
6. Dexter
7. Walthall, MS
8. 1440.0 million cubic feet
9. May 29, 1979
10. Southern Natural Gas Company

1. 79-07434
2. 23-065-20091-
3. 102 103
4. System Fuels Inc
5. Peter Price Estate Well No 1
6. Whitesand
7. Jefferson Davis, MS
8. 600.0 million cubic feet
9. May 29, 1979
10. First Energy Corporation

1. 79-07435
2. 23-095-20263-
3. 102 103
4. Triad Oil & Gas Co Inc
5. Gurley 31-16 Well No 1
6. Maple Branch Field
7. Monroe, MS
8. 73.0 million cubic feet
9. May 29, 1979
10. Tennessee Gas Pipeline Co

1. 79-07436
2. 23-031-20055-
3. 103
4. Mosbacher Production Co
5. B B Knight No 1 20055
6. Collins
7. Covington, MS
8. 90.0 million cubic feet
9. May 29, 1979
10. Transcontinental Gas Pipe Line Corp

1. 79-07437
2. 23-065-00046-
3. 108
4. Gulf Oil Corporation
5. Maggie L. Thompson Well No 2
6. Gwinnville
7. Jefferson Davis, MS
8. 5.0 million cubic feet
9. May 29, 1979
10. United Gas Pipeline Company

1. 79-07438
2. 23-065-00000-
3. 103
4. Gulf Oil Corporation
5. Gwinville GU 103—A Well No 1
6. Gwinville
7. Jefferson Davis, MS
8. 1.0 million cubic feet
9. May 29, 1979
10. United Gas Pipeline Company

1. 79-07439
2. 23-065-00000-
3. 103
4. Gulf Oil Corporation
5. Gwinnville GU 101—A Well No 1
6. Gwinville
7. Jefferson Davis, MS
8. .0 million cubic feet
9. May 29, 1979
10. United Gas Pipeline Company

1. 79-07440
2. 23-065-00054-
3. 103
4. Gulf Oil Corporation
5. Virgil Davis et al Well No G-1
6. Baxterville Field
7. Lamar, MS
8. 3.0 million cubic feet
9. May 29, 1979
10. United Gas Pipeline Company

Montana Board of Oil and Gas Conservation

1. Control Number (F.E.R.C./State)
2. API Well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No.

8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 79-07517
2. 25-071-21522-
3. 102
4. Midlands Gas Corporation
5. 3370 Kallner No 1
6. Bowdoin
7. Phillips, MT
8. 36.0 million cubic feet
9. June 1, 1979
10. Kansas-Nebraska Natural Gas Co Inc

1. 79-07518
2. 25-101-21682-
3. 102
4. Fulton Producing Company
5. A Fey 24X-1
6. West Phantom Gas Field
7. Toole Colunty, MT
8. 300.0 million cubic feet
9. June 1, 1979
10. Phantom Gas Gathering System, Montana Power Co

1. 79-07519
2. 25-071-21610-
3. 102
4. Midlands Gas Corporation
5. 0560 Hellie No 1
6. Bowdoin
7. Phillips, MT
8. 22.0 million cubic feet
9. June 1, 1979
10. Kansas-Nebraska Natural Gas Co Inc

1. 79-07520
2. 25-095-21020-
3. 108
4. Concept Resources Inc
5. Miller 3-9
6. Rapelje
7. Stillwater, MT
8. 4.5 million cubic feet
9. June 1, 1979
10. Montana-Dakota Utilities

1. 79-07521A
2. 25-095-21034-
3. 108 denied
4. Concept Resources Inc
5. Gorr 11-3
6. Rapelje
7. Stillwater, MT
8. 41.0 million cubic feet
9. June 1, 1979
10. Montana-Dakota Utilities

1. 79-07521B
2. 25-095-21038-
3. 108 denied
4. Concept Resources Inc
5. Gorr 11A-3
6. Rapelje
7. Stillwater, MT
8. 41.0 million cubic feet
9. June 1, 1979
10. Montana-Dakota Utilities

Nebraska Oil and Gas Conservation Commission

1. Control Number (F.E.R.C./State)
2. API Well Number
3. Section of NGPA
4. Operator
5. Well Name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 79-07531A
2. 26-069-21042-
3. 102
4. J C Anderson
5. #5-1 Rohlfing NW-SW-19-T-16-N R-42-W
6. Lewellen (Proposed)
7. Garden, NB
8. 187.0 million cubic feet
9. June 1, 1979
10.

1. 79-07531B
2. 26-069-21038-
3. 102
4. J C Anderson
5. #1 Jackson NE-NE-34-T-17N-R43W
6. Oskush East (Proposed)
7. Garden, NB
8. 356.0 million cubic feet
9. June 1, 1979
10.

1. 79-07532A
2. 26-069-21040-
3. 102
4. J C Anderson
5. 9-1 Hutson SE-NE-24 T17N R-44W
6. Oskosh North (Proposed)
7. Garden, NB
8. 310.0 million cubic feet
9. June 1, 1979
10.

1. 79-07532B
2. 26-033-21823-
3. 102
4. Beren Corporation
5. Sprenger Farms No. 1
6. Undesignated
7. Cheyenne, NB
8. 132.0 million cubic feet
9. June 1, 1979
10. Kansas-Nebraska Natural Gas Company

New Mexico Department of Energy and Minerals

Oil Conservation Division

1. Control Number (F.E.R.C./State)
2. API Well Number
3. Section of NGPA
4. Operator
5. Well Name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 79-07539
2. 30-025-08849-
3. 108
4. Texas Pacific Oil Company Inc
5. State A A/C 2 #1
6. South Eunice/7 Rivers Queen
7. Lea, NM
8. 6.5 million cubic feet
9. June 7, 1979
10. Phillips Petroleum Company

1. 79-07540
2. 30-025-09230-
3. 108
4. Texas Pacific Oil Company Inc
5. State A A/C 1 #64
6. Langlie Mattix/7R-Queen
7. Lea, NM
8. 5.7 million cubic feet
9. June 7, 1979
10. Phillips Petroleum Company

1. 79-07541
2. 30-025-21059-
3. 108
4. Texas Pacific Oil Company Inc
5. State A A/C 1 #110
6. Langlie-Mattix/7R-Queen
7. Lea, NM
8. 7.0 million cubic feet
9. June 7, 1979
10. Phillips Petrolem Company

1. 79-07586
2. 30-025-26239-
3. 103
4. John Yuronka
5. Harrison #2
6. Langlie Mattox
7. Lea, NM
8. 72.0 million cubic feet
9. May 31, 1979
10. El Paso Natural Gas Company

1. 79-07587
2. 30-015-22769-
3. 103
4. Southland Royalty Company
5. State 24 #1
6. Undesignated (Morrow)
7. Eddy, NM
8. 180.0 million cubic feet
9. May 31, 1979
10. Llano Inc

1. 79-07588
2. 30-015-22747-
3. 103
4. Southland Royalty Company
5. State 14 Comm #1
6. Parkway Morrow
7. Eddy, NM
8. 150.0 million cubic feet
9. May 31, 1979
10. Llano Inc

1. 79-07589
2. 30-025-25698-
3. 103 Denied
4. Amoco Production Company
5. State/C/Tract 11 No. 6
6. Eumont Queen
7. Lea, NM
8. 124.0 million cubic feet
9. May 31, 1979
10. Northern Natural Gas Company

1. 79-07590
2. 30-015-22405-
3. 103
4. Amoco Production Company
5. Johnson No. 1
6. Und W Atoka Morrow
7. Eddy, NM
8. 146.0 million cubic feet
9. May 31, 1979
10. Natural Gas Pipeline Co of America

1. 79-07591
2. 30-025-22924-
3. 103
4. Blackwood & Nichols Co Ltd
5. Northeast Blanco Unit Well No. 40-A
6. Blanco Mesaverde SE 36-31N-8w
7. San Juan, NM
8. 200.0 million cubic feet
9. May 31, 1979

10. El Paso Natural Gas Company
1. 79-07592
2. 30-045-22923-
3. 103
4. Blackwood & Nichols Co Ltd
5. Northeast Blanco Unit Well No 39-A
6. Blanco Mesaverde NW 36-31N-8W
7. San Juan, NM
8. 250.0 million cubic feet
9. May 31, 1979
10. El Paso Natural Gas Company
1. 79-07593
2. 30-039-21409-
3. 103
4. Blackwood & Nichols Co Ltd
5. Notheast Blanco Unit Well No 22-A
6. Blanco Mesaverde Se 36-31N-7W
7. Rio Arriba, NM
8. 100.0 million cubic feet
9. May 31, 1979
10. El Paso Natural Gas Company
1. 79-07594
2. 30-039-21748-
3. 103
4. Blackwood & Nichols Co Ltd
5. Northeast Blanco Unit No 10-A
6. Blanco Mesaverde NW 16-30N-7W
7. Rio Arriba, NM
8. 300.0 million cubic feet
9. May 31, 1979
10. El Paso Natural Gas Company
1. 79-07595
2. 30-045-23201-
3. 103
4. Blackwood & Nichols Co Ltd
5. Northeast Blanco Unit No. 67
6. Blanco Mesaverde M 9-31N-7W
7. San Juan, NM
8. 350.0 million cubic feet
9. May 31, 1979
10. El Paso Natural Gas Company
1. 79-07642
2. 30-025-10201-
3. 108
4. Mobil Oil Corporation
5. S E Long #1
6. Paddock
7. Lea, NM
8. 6.3 million cubic feet
9. June 7, 1979
10. Getty Oil Company
1. 79-07643
2. 30-025-11427-
3. 108
4. Mobil Oil Corporation
5. Humphry Queen Unit #24
6. Langlie Mattox 7-Rivers Queen
7. Lea, NM
8. .3 million cubic feet
9. June 7, 1979
10. El Paso Natural Gas Company
1. 79-07644
2. 30-025-23968-
3. 108
4. Mobil Oil Corporation
5. Humphrey Queen Unit #29
6. Langlie Mattox 7-Rivers
7. Lea, NM
8. .1 million cubic feet
9. June 7, 1979
10. El Paso Natural Gas Company
1. 79-07645
2. 30-025-11522-
3. 108
4. Mobil Oil Corporation
5. Langlie Mattix Queen Unit #4
6. Langlie Mattox 7-Rivers Queen
7. Lea, NM
8. 1.0 million cubic feet
9. June 71, 1979
10. El Paso Natural Gas Company
1. 79-07646
2. 30-025-22201-
3. 108
4. Mobil Oil Corporation
5. Humphrey Queen Unit #14
6. Langlie Mattox 7-Rivers Queen
7. Lea, NM
8. .2 million cubic feet
9. June 7, 1979
10. El Paso Natural Gas Company
1. 79-07647
2. 30-025-23463-
3. 108
4. Mobil Oil Corporation
5. Humphry Queen Unit #13
6. Langlie Mattox 7-Rivers Queen
7. Lea, NM
8. .1 million cubic feet
9. June 7, 1979
10. El Paso Natural Gas Company
1. 79-07648
2. 30-025-01630
3. 108
4. Mobil Oil Corporation
5. E K Queen Unit #11-3
6. E K Yates 7-Rivers Queen
7. Lea NM
8. .1 million cubic feet
9. June 7, 1979
10. Phillips Petroleum Company
1. 79-07649
2. 30-025-11694
3. 108
4. Mobil Oil Corporation
5. Langlie Mattix Queen Unit #30
6. Lanlie Mattix 7-Rivers Queen
7. Lea NM
8. .1 million cubic feet
9. June 7, 1979
10. El Paso Natural Gas Company
1. 79-07650
2. 30-025-01629
3. 108
4. Mobil Oil Corporation
5. E K Queen Unit #11-2
6. E K Yates 7-Rivers Queen
7. Lea NM
8. .1 million cubic feet
9. June 7, 1979
10. Phillips Petroleum Company
1. 79-07651
2. 30-025-23769
3. 108
4. Mobil Oil Corporation
5. Langlie Mattix Queen Unit #39
6. Langlie Mattix 7-Rivers Queen
7. Lea NM
8. .9 million cubic feet
9. June 7, 1979
10. El Paso Natural Gas Company
1. 79-07652
2. 30-025-01612
3. 108
4. Mobil Oil Corporation
5. E K Queen Unit #10-1
6. E K Yates 7-Rivers Queen
7. Lea NM
8. .1 million cubic feet
9. June 7, 1979
10. Phillips Petroleum Company
1. 79-07653
2. 30-025-11683
3. 108
4. Mobil Oil Corporation
5. Langlie Mattix Queen Unit #40
6. Langlie Mattix 7-Rivers Queen
7. Lea NM
8. .1 million cubic feet
9. June 7, 1979
10. El Paso Natural Gas Company
1. 79-07654
2. 30-025-05145
3. 108
4. Mobil Oil Corporation
5. T D Pope #10
6. Denton Devonian
7. Lea NM
8. 1.1 million cubic feet
9. June 7, 1979
10. J L Davis and Tipperary Resources
1. 79-07655
2. 30-025-03022
3. 108
4. Mobil Oil Corporation
5. State M #7
6. Vacuum 7-Rivers Yates
7. Lea NM
8. .2 million cubic feet
9. June 7, 1979
10. Phillips Petroleum Company
1. 79-07656
2. 30-025-03023
3. 108
4. Mobil Oil Corporation
5. State M #8
6. Vacuum 7-Rivers Yates
7. Lea NM
8. .2 million cubic feet
9. June 7, 1979
10. Phillips Petroleum Company
1. 79-07657
2. 30-025-20003
3. 108
4. Mobil Oil Corporation
5. State M #15
6. Vacuum Glorietta
7. Lea MN
8. 1.9 million cubic feet
9. June 7, 1979
10. Phillips Petroleum Company
1. 79-07658
2. 30-025-02115
3. 108
4. Mobil Oil Corporation
5. Bridges State #4
6. Vacuum Grayburg San Andres
7. Lea NM
8. .2 million cubic feet
9. June 7, 1979
10. Phillips Petroleum Company
1. 79-07659
2. 30-025-02132
3. 108
4. Mobil Oil Corporation
5. Bridges State #49
6. Vacuum Grayburg San Andres
7. Lea NM
8. .7 million cubic feet
9. June 7, 1979
10. Phillips Petroleum Company

1. 79-07660
2. 30-025-01987
3. 108
4. Mobil Oil Corporation
5. Bridges State #90
6. Vacuum Grayburg San Andres
7. Lea NM
8. .3 million cubic feet
9. June 7, 1979
10. Phillips Petroleum Company

1. 79-07661
2. 30-025-02336
3. 108
4. Mobil Oil Corporation
5. E K Queen Unit #9-1
6. E K Yates 7-Rivers Queen
7. Lea NM
8. .1 million cubic feet
9. June 7, 1979
10. Phillips Petroleum Company

1. 79-07662
2. 30-025-01638
3. 108
4. Mobil Oil Corporation
5. E K Queen Unit #7-2
6. E K Yates 7-Rivers Queen
7. Lea NM
8. .1 million cubic feet
9. June 7, 1979
10. Phillips Petroleum Company

1. 79-07663
2. 30-025-24633
3. 108
4. Mobil Oil Corporation
5. Bridges State #181
6. Vacuum Grayburg San Andres
7. Lea NM
8. 1.4 million cubic feet
9. June 7, 1979
10. Phillips Petroleum Company

1. 79-07664
2. 30-025-01976
3. 108
4. Mobil Oil Corporation
5. State X #1
6. Vacuum Grayburg San Andres
7. Lea NM
8. 3.2 million cubic feet
9. June 7, 1979
10. Phillips Petroleum Company

1. 79-07665
2. 30-025-01977
3. 108
4. Mobil Oil Corporation
5. State X #2
6. Vacuum Grayburg San Andres
7. Lea NM
8. 4.3 million cubic feet
9. June 7, 1979
10. Phillips Petroleum Company

1. 79-07666
2. 30-025-09295
3. 108
4. Texas Pacific Oil Company Inc.
5. State A A/C 1 #181
6. Langlie Mattix/7R-Queen
7. Lea NM
8. 3.8 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company

1. 79-07667
2. 30-025-10721
3. 108
4. Texas Pacific Oil Company Inc.
5. State A A/C 1 #91
6. Langlie Mattix/7R-Queen
7. Lea NM
8. 3.0 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company

1. 79-07668
2. 30-025-09398
3. 108
4. Texas Pacific Oil Company Inc
5. State A A/C 1 #98
6. Langlie Mattix/7R-Queen
7. Lea NM
8. 7.5 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company

1. 79-07669
2. 30-025-09344
3. 108
4. Texas Pacific Oil Company Inc
5. State A A/C #57
6. Langlie Mattix/7R-Queen
7. Lea NM
8. 10.6 million cubic feet
9. June 8, 1979
10. Phillips Petroleum Company

1. 79-07670
2. 30-025-05469
3. 108
4. Texas Pacific Oil Company Inc
5. State V A/C 2 #3
6. Hobbs Grayburg
7. Lea NM
8. 2.1 million cubic feet
9. June 8, 1979
10. Phillips Petroleum Company

Ohio Department of Natural Resources

Division of Oil and Gas

1. Control Number (F.E.R.C./State)
2. API Well Number
3. Section of NGPA
4. Operator
5. Well Name
6. Field or OCS Area name
7. County, State or Block No.
8. Estimated Annual volume
9. Date received at FERC
10. Purchaser(s)

1. 79-07597
2. 34-119-24060-0014-
3. 108
4. The Oxford Oil Co.
5. Harlan W. Scott et al No. 1
6.
7. Muskingum, OH
8. 19.0 million cubic feet
9. June 7, 1979
10. National Gas & Oil Corp

1. 79-07598
2. 34-075-21999-0014-
3. 108
4. Oxford Oil Co
5. Charles Faler No. 1
6.
7. Holmes, OH
8. 8.0 million cubic feet
9. June 7, 1979
10. Columbia Gas Trans Corp

1. 79-07599
2. 34-133-20666-0014-
3. 108
4. Jerry Moore Inc
5. Graham-Geiss Unit No. 1
6. Atwater
7. Portage, OH
8. 9.8 million cubic feet
9. June 7, 1979
10. East Ohio Gas Company

1. 79-07600
2. 34-151-2178-0014-
3. 108
4. Jerry Moore Inc
5. NATCO Corporation No. 13
6. East Canton
7. Stark, OH
8. 12.0 million cubic feet
9. June 7, 1979
10. East Ohio Gas Company

1. 79-07601
2. 34-151-21786-0014-
3. 108
4. Jerry Moore Inc
5. NATCO Corporation No. 12
6. East Canton
7. Stark, OH
8. 12.0 million cubic feet
9. June 7, 1979
10. East Ohio Gas Company

1. 79-07602
2. 34-151-21785-0014-
3. 108
4. Jerry Moore Inc
5. NATCO Corporation No. 1
6. East Canton
7. Stark, OH
8. 12.0 million cubic feet
9. June 7, 1979
10. East Ohio Gas Company

1. 79-07603
2. 34-151-21778-0014-
3. 108
4. Jerry Moore Inc
5. NATCO Corporation No. 10
6. East Canton
7. Stark, OH
8. 12.0 million cubic feet
9. June 7, 1979
10. East Ohio Gas Company

1. 79-07604
2. 34-151-21777-0014-
3. 108
4. Jerry Moore Inc
5. NATCO Corporation No. 9
6. East Canton
7. Stark, OH
8. 12.0 million cubic feet
9. June 7, 1979
10. East Ohio Gas Company

1. 79-07605
2. 34-151-21776-0014-
3. 108
4. Jerry Moore Inc
5. NATCO Corporation No. 8
6. East Canton
7. Stark, OH
8. 12.0 million cubic feet
9. June 7, 1979
10. East Ohio Gas Company

1. 79-07606
2. 34-151-21775-0014-
3. 108
4. Jerry Moore Inc
5. NATCO Corporation No. 7
6. East Canton
7. Stark, OH
8. 12.0 million cubic feet

9. June 7, 1979
10. East Ohio Gas Company
1. 79-0607
2. 34-151-21487-0014-
3. 108
4. Jerry Moore Inc
5. NATCO Corporation No. 6
6. East Canton
7. Stark, OH
8. 12.0 million cubic feet
9. June 7, 1979
10. East Ohio Gas Company
1. 79-07608
2. 34-151-21283-0014-
3. 108
4. Jerry Moore Inc
5. NATCO Corporation No. 5
6. East Canton
7. Stark, OH
8. 12.0 million cubic feet
9. June 7, 1979
10. East Ohio Gas Company
1. 79-07609
2. 34-151-21284-0014-
3. 108
4. Jerry Moore Inc
5. NATCO Corporation No. 4-A
6. East Canton
7. Stark, OH
8. 12.0 million cubic feet
9. June 7, 1979
10. East Ohio Gas Company
1. 79-07610
2. 34-151-21201-0014-
3. 108
4. Jerry Moore Inc
5. NATCO Corporation No. 3
6. East Canton
7. Stark, OH
8. 12.0 million cubic feet
9. June 7, 1979
10. East Ohio Gas Company
1. 79-07611
2. 34-151-21170-0014
3. 108
4. Jerry Moore Inc
5. NATCO Corporation No. 2
6. East Canton
7. Stark, OH
8. 12.0 million cubic feet
9. June 7, 1979
10. East Ohio Gas Company
1. 79-07612
2. 34-151-21157-0014-
3. 108
4. Jerry Moore Inc
5. NATCO Corporation No. 1
6. East Canton
7. Stark, OH
8. 12.0 Million Cubic Feet
9. June 7, 1979
10. East Ohio Gas Company
1. 79-07613
2. 34-127-22799-0014-
3. 108
4. The Oxford Oil Co
5. Mack Community No. 1
6.
7. Perry, OH
8. 1.0 million cubic feet
9. June 7, 1979
10. Columbia Gas Trans Corp
1 79-07614
2. 34-119-21999-0014-
3. 108
4. The Oxford Oil Co
5. Jenkins Community No. 1
6.
7. Muskingum, OH
8. 5.0 million cubic feet
9. June 7, 1979
10. Columbia Gas Trans Corp
1. 79-07615
2. 34-075-21545-0014-
3. 108
4. The Oxford Oil Co
5. EZYA KEIM No. 1
6.
7. Holmes, OH
8. 2.5 million cubic feet
9. June 7, 1979
10. Columbia Gas Trans Corp
1. 79-07616
2. 34-075-21595-0014
3. 108
4. The Oxford Oil Co
5. Andy Keim No. 1
6.
7. Holmes, OH
8. 5.0 million cubic feet
9. June 7, 1979
10. Columbia Gas Trans Corp
1. 79-07617
2. 34-073-22061-0014-
3. 108
4. Poston Operating Co Inc
5. Byers Donaldson No. 1
6.
7. Hocking, OH
8. 7.8 million cubic feet
9. June 7, 1979
10. Columbia Gas of Ohio
1. 79-07618
2. 34-073-21428-0014-
3. 108
4. Poston Operating Co Inc
5. Tussing Hawk No. 2
6.
7. Hocking, OH
8. 6.8 million cubic feet
9. June 7, 1979
10. Columbia Gas Transmissions Corp
1. 79-07619
2. 34-073-21696-0014-
3. 108
4. Poston Operating Co Inc
5. Donaldson No. 1
6.
7. Hocking, OH
8. 7.8 million cubic feet
9. June 7, 1979
10. Columbia Gas of Ohio
1. 79-07620
2. 34-009-21723-0014-
3. 108
4. Poston Operating Co Inc
5. Oakley No. 1
6.
7. Athens, OH
8. 7.8 million cubic feet
9. June 7, 1979
10. Columbia Gas of Ohio
1. 79-07621
2. 34-009-21810-0014-
3. 108
4. Poston Operating Co Inc
5. Millfield No. 4
6.
7. Athens, OH
8. 1.3 million cubic feet
9 June 7, 1979
10. Columbia Gas Transmissions
1. 79-07622
2. 34-169-20388-0014-
3. 108
4. The Oxford Oil Co
5. J D. Gruber No. B-1
6.
7. Wayne, OH
8. 9.0 million cubic feet
9. June 7, 1979
10. Columbia Gas Trans Corp
1. 79-07623
2. 34-169-20435-0014-
3. 108
4. The Oxford Oil Co
5. Esther Graber No. 1
6.
7. Wayne, OH
8. 2.0 million cubic feet
9. June 7, 1979
10. Columbia Gas Trans Corp
1. 79-07624
2. 34-031-2203-0014-
3. 108
4. The Oxford Oil Co
5. C. E. Gray No. 1
6.
7. Coshocton, OH
8. 1.0 million cubic feet
9. June 7, 1979
10. Columbia Gas Trans Corp
1. 79-07625
2. 34-169-20407-0014-
3. 108
4. The Oxford Oil Co
5. J. D. Graber No. C-1
6.
7. Wayne, OH
8. 1.5 million cubic feet
9. June 7, 1979
10. Columbia Gas Trans Corp
1. 79-07626
2. 34-119-21943-0014
3. 108
4. The Oxford Oil Co
5. Hill Community #1
6.
7. Muskingum, OH
8. 9.0 million cubic feet
9. June 7, 1979
10. Columbia Gas Trans. Corp.
1. 79-07627
2. 34-075-21331-0014
3. 108
4. The Oxford Oil Co
5. Alvin Gilt #1
6.
7. Holmes, OH
8. 2.0 million cubic feet
9. June 7, 1979
10. Columbia Gas Trans. Corp.
1. 79-07628
2. 34-075-21621-0014
3. 108
4. The Oxford Oil Co
5. A. Hershberger #
7. Holmes, OH
8. 6.0 million cubic feet
9. June 7, 1979
10. Columbia Gas Trans. Corp.

1. 79-07629
2. 34-157-21635-0014
3. 108
4. Appalachian Exploration Inc
5. Wardell #1
6.
7. Tuscarawas, OH
8. 3.0 million cubic feet
9. June 7, 1979
10. East Ohio Gas Co
1. 79-07630
2. 34-157-21588-0014
3. 108
4. Appalachian Exploration Inc
5. B Wallace #1
6.
7. Tuscarawas, OH
8. 7.0 million cubic feet
9. June 7, 1979
10. East Ohio Gas Co.
1. 79-07631
2. 34-157-21583-0014
3. 108
4. Appalachian Exploration Inc
5. U.S. Concrete #3
6.
7. Tuscarawas OH
8. 3.0 million cubic feet
9. June 7, 1979
10. East Ohio Gas Co
1. 79-07632
2. 34-157-21587-0014
3. 108
4. Appalachian Exploration Inc
5. U.S. Concrete #2
6.
7. Tuscarawas OH
8. 3.0 million cubic feet
9. June 7, 1979
10. East Ohio Gas Co
1. 79-07633
2. 34-157-21589-0014
3. 108
4. Appalachian Exploration Inc
5. U.S. Concrete No. 1
6.
7. Tuscarawas Fuel
8. 3.0 million cubic feet
9. June 7, 1979
10. East Ohio Gas Co.
1. 79-07634
2. 34-157-21720-0014
3. 108
4. Appalachian Exploration Inc
5. Schwartz #1
7. Tuscarawas, OH
8. 5.0 million cubic feet
9. June 7, 1979
10. East Ohio Gas Co.
1. 79-07635
2. 34-157-21402-0014
3. 108
4. Appalachian Exploration Inc
5. De Vore #1
6.
7. Tuscarawas OH
8. 5.0 million cubic feet
9. June 7, 1979
10. East Ohio Gas Co.
1. 79-07636
2. 34-157-21644-0014
3. 108
4. Appalachian Exploration Inc
5. Arnold #1
6.
7. Tuscarawas, OH
8. 9.0 million cubic feet
9. June 7, 1979
10. East Ohio Gas Co.
1. 79-07637
2. 34-157-22731-0014
3. 108
4. K S T Oil & Gas Co Inc
5. Bearer #1
6.
7. Tuscarawas, OH
8. 12.0 million cubic feet
9. June 7, 1979
10. East Ohio Gas Co.
1. 79-07638
2. 34-053-20209-0014
3. 108
4. Thomas W George
5. Frank Herald Jr #1
6.
7. Gallia, OH
8. 11.0 million cubic feet
9. June 7, 1979
10. Columbia Gas Trans. Corp.
1. 79-07639
2. 34-105-21757-0014
3. 108
4. Thomas W George
5. Frank Herald Jr #1
6.
7. Meigs, OH
8. 5.0 million cubic feet
9. June 7, 1979
10. Columbia Gas Trans. Corp.
1. 79-07640
2. 34-053-20229-0014
3. 108
4. Thomas W George
5. Frank Herald Jr #2
6.
7. Gallia, OH
8. 11.0 million cubic feet
9. June 7, 1979
10. Columbia Gas Trans. Corp.
1. Control Number (F.E.R.C./State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)
1. 79-07327
2. 47-033-21166-
3. 103
4. Chrisman Drilling Company
5. G W Elliott 1
6. Eagle
7. Harrison WV
8. 24.0 million cubic feet
9. May 29, 1979
10. Equitable Gas Company
1. 79-07328
2. 47-079-20862-
3. 103
4. Appalachian Exploration & Devel Inc
5. McLean Heirs A-7
6. Union
7. Putnam WV
8. 18.3 million cubic feet
9. May 29, 1979
10. Cabot Corporation
1. 79-07329
2. 47-033-21055-
3. 103
4. Doran & Associates Inc
5. Strothers K-H-4
6. Coal
7. Harrison WV
8. 20.0 million cubic feet
9. May 29, 1979
10. Consolidated Gas Supply Corp
1. 79-07330
2. 47-007-01230-
3. 103
4. Stonestreet Lands Company
5. Atrain Kendall #1
6. Elmira
7. Braxton WV
8. 3.2 million cubic feet
9. May 29, 1979
10. Columbia Gas Transmission
1. 79-07331
2. 47-033-01197-
3. 103
4. Consolidated Gas Supply Corp
5. J W McKinley 12384
6. W Va Other A-85772
7. Harrison WV
8. 53.0 million cubic feet
9. May 29, 1979
10. General System Purchasers
1. 79-07332
2. 47-033-01041-
3. 103
4. Consolidated Gas Supply Corporation
5. R W McCarty 12225
6. W Va Other A-85772
7. Harrison WV
8. 29.0 million cubic feet
9. May 29, 1979
10. General System Purchasers
1. 79-07333
2. 47-033-01029-
3. 103
4. Consolidated Gas Supply Corporation
5. R R Colerider 12232
6. W Va Other A-85772
7. Harrison WV
8. 46.0 million cubic feet
9. May 29, 1979
10. General System Purchasers
1. 79-07334
2. 47-019-00298-
3. 103
4. Consolidated Gas Supply Corporation
5. Gauley Min Coal 12240
6. W Va Other A-85772
7. Fayette WV
8. 37.0 million cubic feet
9. May 29, 1979
10. General System Purchasers
1. 79-07335
2. 47-033-01057-
3. 103
4. Consolidated Gas Supply Corporation
5. J W McKinley 12263
6. W Va Other A-85772
7. Harrison WV
8. 37.0 million cubic feet
9. May 29, 1979
10. General System Purchasers
1. 79-07336
2. 47-033-01040-
3. 103
4. Consolidated Gas Supply Corporation
5. L H Coffman 12281

6. W Va Other A-85772
7. Harrison WV
8. 46.0 million cubic feet
9. May 29, 1979
10. General System Purchasers

1. 79-07337
2. 47-033-01042-
3. 103
4. Consolidated Gas Supply Corporation
5. B W Harbert 12283
6. W Va Other A-85772
7. Harrison WV
8. 48.0 million cubic feet
9. May 29, 1979
10. General System Purchasers

1. 79-07338
2. 47-085-20137-
3. 103
4. Petroleum Development Corp
5. E McCartney #2
6. Pruntytown
7. Taylor WV
8. 26.0 million cubic feet
9. May 29, 1979
10. Consolidated Gas Supply Corp

1. 79-07339
2. 47-033-21017-
3. 103
4. Petroleum Development Corp
5. John Snider et al #2
6. Bridgeport
7. Harrison WV
8. 31.9 million cubic feet
9. May 29, 1979
10. Consolidated Gas Supply Corp

1. 79-07340
2. 47-001-20907-
3. 103
4. Petroleum Development Corp
5. D C McBee #1
6. Clemtown
7. Barbour WV
8. 21.6 million cubic feet
9. May 29, 1979
10. Consolidated Gas Supply Corp

1. 79-07341
2. 47-033-21107-
3. 103
4. Petroleum Development Corp
5. Nathan Goff Estate #24
6. Lambert Run
7. Harrison WV
8. 43.3 million cubic feet
9. May 29, 1979
10. Consolidated Gas Supply Corp

1. 79-07342
2. 47-001-20905-
3. 103
4. Petroleum Development Corp
5. A Stout #1
6. Elk Creek
7. Barbour WV
8. 32.0 million cubic feet
9. May 29, 1979
10. Consolidated Gas Supply Corp

1. 79-07343
2. 47-085-20143-
3. 103
4. Petroleum Development Corp
5. Nuzum—Leach #1
6. Pruntytown
7. Taylor WV
8. 10.2 million cubic feet
9. May 29, 1979
10. Consolidated Gas Supply Corp

1. 79-07344
2. 47-085-20142-
3. 103
4. Petroleum Development Corp
5. Lena Elder #1
6. Meadland
7. Taylor WV
8. 37.5 million cubic feet
9. May 29, 1979
10. Equitable Gas Company

1. 79-07345
2. 47-033-21211-
3. 103
4. Doran & Associates Inc
5. Strothers #4 K-H-10
6. Ten Mile
7. Harrison WV
8. 20.0 million cubic feet
9. May 29, 1979
10. Consolidated Gas Supply Corp

1. 79-07346
2. 47-039-22825-0014-
3. 103
4. Quaker State Oil Refining Corp
5. Kelly #1 62815-4
6. Elk District
7. Kanawha WV
8. 8.6 million cubic feet
9. May 29, 1979
10. Columbia Gas Transmission Corp

1. 79-07347
2. 47-021-23400-
3. 103
4. Ro-Jo Industries Inc
5. Nellie Barbarow #5
6. Little Cove
7. Gilmer WV
8. 35.0 million cubic feet
9. May 29, 1979
10. Consolidated Gas Supply Corp

1. 79-07348
2. 47-021-03028-
3. 103
4. Gene Stalnaker Inc
5. Lloyd Barnes #2
6. Burnsville
7. Gilmer WV
8. 28.8 million cubic feet
9. May 29, 1979
10. Equitable Gas Company

1. 79-07349
2. 47-021-03027-
3. 103
4. Gene Stalnaker Inc
5. C Wilson #2
6. Burnsville Field
7. Gilmer WV
8. 21.9 million cubic feet
9. May 29, 1979
10. Equitable Gas Company

1. 79-07350
2. 47-033-21715-
3. 103
4. Chrisman Drilling Company
5. G W Elliott 3
6. Eagle
7. Harrison, WV
8. 24.0 million cubic feet
9. May 29, 1979
10. Equitable Gas Company

1. 79-07351
2. 47-097-01790-
3. 103
4. NRM Petroleum Corporation
5. Hardman #1
6. Union
7. Upshur WV
8. 19.0 million cubic feet
9. May 29, 1979
10. Consolidated Gas Supply Corp

1. 79-07352
2. 47-021-02933-
3. 103
4. NRM Petroleum Corporation
5. Campbell #3
6. Glenville
7. Gilmer WV
8. 8.0 million cubic feet
9. May 29, 1979
10. Consolidated Gas Supply Corp

1. 79-07353
2. 47-041-02153-
3. 103
4. NRM Petroleum Corp
5. C Smith #1
6. Freemans Creek
7. Lewis WV
8. 18.0 million cubic feet
9. May 29, 1979
10. Consolidated Gas Supply Corp

1. 79-07354
2. 47-021-03041-
3. 103
4. NRM Petroleum Corporation
5. Kirkpatrick #1
6. Glenville
7. Gilmer WV
8. 6.0 million cubic feet
9. May 29, 1979
10. Equitable Gas Company

1. 79-07355
2. 47-047-00730-
3. 103
4. Consolidated Gas Supply Corp
5. Pocahontas Land 12405
6. Pineville Field Area A-59442
7. McDowell WV
8. 28.0 million cubic feet
9. May 29, 1979
10. General System Purchasers

1. 79-07356
2. 47-047-00735-
3. 103
4. Consolidated Gas Supply Corp
5. Loup Creek Coll 12415
6. Pineville Field Area A-59442
7. Wyoming, WV
8. 30.0 million cubic feet
9. May 29, 1979
10. General System Purchasers

1. 79-07357
2. 47-109-00773-
3. 103
4. Consolidated Gas Supply Corporation
5. Charleston Nat Bank 12411
6. Pineville Field Area A-59442
7. Wyoming, WV
8. 50.0 million cubic feet
9. May 29, 1979
10. General System Purchasers

1. 79-07358
2. 47-021-02932-
3. 103
4. NRM Petroleum Corporation
5. Campbell #2
6. Glenville

7. Gilmer, WV
8. 8.0 million cubic feet
9. May 29, 1979
10. Consolidated Gas Supply Corp

1. 79-07359
2. 47-017-02293-
3. 103
4. P-J Resources
5. P-J Resources Mulligan-A 47017 2293
6. Central Station
7. Doddridge, WV
8. 50.0 million cubic feet
9. May 29, 1979
10. Consolidated Gas Supply Corp

1. 79-07360
2. 47-033-21117-
3. 103
4. Chrisman Drilling Company
5. Boggess-Lucas
6. Eagle
7. Harrison, WV
8. 25.0 million cubic feet
9. May 29, 1979
10. Equitable Gas Company

1. 79-07361
2. 47-047-00729-
3. 103
4. Consolidated Gas Supply Corp
5. Pocahontos Land 12365
6. Pineville Field Area A-59442
7. McDowell, WV
8. 29.0 million cubic feet
9. May 29, 1979
10. General System Purchasers

1. 79-07362
2. 47-033-21183-
3. 103
4. Petroleum Development Corp
5. Noah D Parks #3
6. Bridgeport
7. Harrison, WV
8. 21.6 million cubic feet
9. May 29, 1979
10. Consolidated Gas Supply Corp

1. 79-07363
2. 47-021-02992-
3. 103
4. Gene Stalnaker Inc
5. J H Shuman #4
6. Burnsville Field
7. Gilmer, WV
8. 25.0 million cubic feet
9. May 29, 1979
10. Consolidated Gas Supply Corp

1. 79-07364
2. 47-021-03220-
3. 103
4. Gene Stalnaker Inc
5. D Stalnaker #2
6. Glenville Field
7. Gilmer, WV
8. 24.0 million cubic feet
9. May 29, 1979
10. Carnegie Natural Gas Co

1. 79-07365
2. 47-021-02987-
3. 103
4. Gene Stalnaker Inc
5. Shuman #2
6. Burnsville
7. Gilmer, WV
8. 35.0 million cubic feet
9. May 29, 1979
10. Consolidated Gas Supply Corp

1. 79-07366
2. 47-021-02963-
3. 103
4. NRM Petroleum Corporation
5. Campbell #6
6. Glenville
7. Gilmer, WV
8. 14.2 million cubic feet
9. May 29, 1979
10. Consolidated Gas Supply Corp

1. 79-07367
2. 47-017-02189-
3. 103
4. Justin L Henderson, Agent
5. Squirrel Well No 1 47-017-2189
6. Leeman Maxwell
7. Doddridge, WV
8. 50.0 million cubic feet
9. May 29, 1979
10. Carnegie Natural Gas Co

1. 79-07368
2. 47-001-00922-
3. 103
4. NRM Petroleum Corporation
5. Ruy #1
6. Elk
7. Barbour, WV
8. 159.8 million cubic feet
9. May 29, 1979
10. Consolidated Gas Supply Corp

1. 79-07369
2. 47-033-01701-
3. 103
4. NRM Petroleum Corporation
5. Marple #1
6. Ten Mile
7. Harrison, WV
8. 50.4 million cubic feet
9. May 29, 1979
10. Consolidated Gas Supply Corp

1. 79-07370
2. 47-041-02146-
3. 103
4. NRM Petroleum Corporation
5. Thomason #1
6. Collins Settlement
7. Lewis, WV
8. 14.0 million cubic feet
9. May 29, 1979
10. Consolidated Gas Supply Corp

1. 79-07371
2. 47-021-22967-
3. 103
4. Ro-Jo Industries Inc
5. Adams 2-A
6. Troy District
7. Gilmer, WV
8. 20.0 million cubic feet
9. May 29, 1979
10. Consolidated Gas Supply Corporation

1. 79-07372
2. 47-021-03008-
3. 103
4. Gene Stalnaker Inc
5. D Stalnaker Heirs #1
6. Glenville
7. Gilmer, WV
8. 22.3 million cubic feet
9. May 29, 1979
10. Carnegie Natural Gas Company

1. 79-07373
2. 47-047-00718-
3. 103
4. Appalachian Exploration & Devel Inc
5. Pocahontas Land C-10
6. North Fork
7. McDowell, WV
8. 34.7 million cubic feet
9. May 29, 1979
10. Cabot Corporation

1. 79-07374
2. 47-015-01216-
3. 103
4. Blue Creek Gas Co
5. Campbell Woods #2
6. Henry
7. Clay, WV
8. 25.0 million cubic feet
9. May 29, 1979
10. Columbia Gas Transmission

1. 79-07375
2. 47-079-20910-
3. 103
4. Appalachian Exploration & Devel Inc
5. G W Smith #1
6. Union
7. Putnam, WV
8. 3.3 million cubic feet
9. May 29, 1979
10. Cabot Corporation

1. 79-07376
2. 47-033-21714-
3. 103
4. Appalachian Energy Inc
5. Landorah Harbert A-E-19
6. Eagle
7. Harrison, WV
8. 30.0 million cubic feet
9. May 29, 1979
10. Consolidated Gas Supply Corp

1. 79-07377
2. 47-021-23384-
3. 103
4. Rockwell Petroleum Company
5. Waugh #2
6. Glenville District
7. Gilmer, WV
8. 10.0 million cubic feet
9. May 29, 1979
10. Consolidated Gas Supply Corporation

1. 79-07378
2. 47-079-20911-
3. 103
4. Appalachian Exploration & Devel Inc
5. G W Smith #2
6. Union
7. Putnam, WV
8. 27.8 million cubic feet
9. May 29, 1979
10. Cabot Corporation

1. 79-07379
2. 47-033-21720-
3. 103
4. Appalachian Energy Inc
5. C T Harbert #1 A-E-23
6. Eagle
7. Harrison, WV
8. 30.0 million cubic feet
9. May 29, 1979
10. Consolidated Gas Supply Corp

1. 79-07380
2. 47-033-21919-
3. 103
4. Appalachian Energy Inc
5. Thomas E Harbert A-E-18
6. Eagle
7. Harrison, WV
8. 30.0 million cubic feet

9. May 29, 1979
10. Consolidated Gas Supply Corp

1. 79-07381
2. 47-033-21690-
3. 103
4. Appalachian Energy Inc
5. A S Harbert #1 A-E-17
6. Eagle
7. Harrison, WV
8. 30.0 million cubic feet
9. May 29, 1979
10. Consolidated Gas Supply Corp

1. 79-07382
2. 47-033-21242-
3. 103
4. Appalachian Energy Inc
5. J W Sheets #1 A-E-16
6. Clark
7. Harrison WV
8. 20.0 million cubic feet
9. May 29, 1979
10. Consolidated Gas Supply Corp

1. 79-07383
2. 47-033-21710-
3. 103
4. Appalachian Energy Inc
5. B B Heldreth A-E-24
6. Eagle
7. Harrison, WV
8. 30.0 million cubic feet
9. May 29, 1979
10. Consolidated Gas Supply Corp

1. 79-07384
2. 47-079-00863-
3. 103
4. Appalachian Exploration & Devel Inc
5. McLean Heirs A-6
6. Union
7. Putnam, WV
8. 14.1 million cubic feet
9. May 29, 1979
10. Cabot Corporation

1. 79-07385
2. 47-007-01235-
3. 103
4. Stone Street Lands Company
5. Atrain Kendall #2
6. Elmira
7. Braxton, WV
8. 12.8 million cubic feet
9. May 29, 1979
10. Columbus Gas Transmission Corp

1. 79-07386
2. 47-033-21929-
3. 103
4. Doran & Associates Inc.
5. John Dolan #2 K-E-9
6. Clark
7. Harrison, WV
8. 20.0 million cubic feet
9. May 29, 1979
10. Consolidated Gas Supply Corp.

1. 79-07387
2. 47-001-20930-
3. 103
4. Petroleum Development Corp.
5. A Stout #3
6. Elk Creek
7. Barbour, WV
8. 11.9 million cubic feet
9. May 29, 1979
10. Consolidated Gas Supply Corp.

1. 79-07388
2. 47-001-20927
3. 103
4. Petroleum Development Corp.
5. Abner Stout #2
6. Elk Creek
7. Barbour, WV
8. 53.0 million cubic feet
9. May 29, 1979
10. Consolidated Gas Supply Corp.

1. 79-07389
2. 47-033-21016-
3. 103
4. Petroleum Development Corp.
5. O Carl Morris #2
6. Bridgeport
7. Harrison, WV
8. 27.4 million cubic feet
9. May 29, 1979
10. Consolidated Gas Supply Corp.

1. 79-07390
2. 47-001-20899-
3. 103
4. Petroleum Development Corp.
5. Blanch C Crim #1
6. Elk Creek
7. Barbour, WV
8. 45.0 million cubic feet
9. May 29, 1979
10. Consolidated Gas Supply Corp.

1. 79-07391
2. 47-033-21192-
3. 103
4. Petroleum Development Corp.
5. Frances Morris #1
6. Glade Run
7. Harrison, WV
8. 85.0 million cubic feet
9. May 29, 1979
10. Consolidated Gas Supply Corp.

1. 79-07392
2. 47-001-20884-
3. 103
4. Petroleum Development Corp.
5. Criss & Wolfe #2
6. Elk Creek
7. Barbour, WV
8. 66.6 million cubic feet
9. May 29, 1979
10. Consolidated Gas Supply Corp.

1. 79-07393
2. 47-001-20880-
3. 103
4. Petroleum Development Corp.
5. Criss & Wolfe #1
6. Elk Creek
7. Barbour, WV
8. 47.0 million cubic feet
9. May 29, 1979
10. Consolidated Gas Supply Corp.

1. 79-07394
2. 47-001-20848-
3. 103
4. Petroleum Development Corp.
5. Naomi McVicker #1
6. Clemtown
7. Barbour, WV
8. 18.3 million cubic feet
9. May 29, 1979
10. Consolidated Gas Supply Corp.

1. 79-07395
2. 47-001-20953-
3. 103
4. Petroleum Development Corp.
5. Flanigan-Paugh #1
6. Elk Creek
7. Barbour, WV
8. 24.0 million cubic feet
9. May 29, 1979
10. Consolidated Gas Supply Corp.

1. 79-07396
2. 47-041-22167-
3. 103
4. Petroleum Development Corp.
5. D Forinash #1
6. Weston — Jane Lew
7. Lewis, WV
8. 36.0 million cubic feet
9. May 29, 1979
10. Consolidated Gas Supply Corp.

1. 79-07397
2. 47-001-20952-
3. 103
4. Petroleum Development Corp.
5. E Smith #2
6. Elk Creek
7. Barbour, WV
8. 13.0 million cubic feet
9. May 29, 1979
10. Consolidated Gas Supply Corp.

1. 79-07398
2. 47-033-21214-
3. 103
4. Petroleum Development Corp.
5. Alden Rogers #1
6. Bridgeport
7. Harrison, WV
8. 27.4 million cubic feet
9. May 29, 1979
10. Consolidated Gas Supply Corp.

1. 79-07399
2. 47-033-21065-
3. 103
4. Petroleum Development Corp.
5. Phoebe Tyson #1
6. Bridgeport
7. Harrison, WV
8. 10.5 million cubic feet
9. May 29, 1979
10. Consolidated Gas Supply Corp.

1. 79-07400
2. 47-033-21222-
3. 103
4. Petroleum Development Corp.
5. Mary L Costilow #1
6. Bridgeport
7. Harrison, WV
8. 67.0 million cubic feet
9. May 29, 1979
10. Consolidated Gas Supply Corp.

1. 79-07401
2. 47-019-00303-
3. 103
4. Consolidated Gas Supply Corp.
5. Jeffrey MFG Co. 12208
6. W Va Other A-85772
7. Fayette, WV
8. 39.0 million cubic feet
9. May 29, 1979
10. General System Purchasers

1. 79-07402
2. 47-047-00774-
3. 103
4. Consolidated Gas Supply Corp.
5. Pocahontas Land 12508
6. Pineville Field Area
7. McDowell, WV
8. 103.0 million cubic feet
9. May 29, 1979

10. General System Purchasers
1. 79-07403
2. 47-047-00705-
3. 103
4. Consolidated Gas Supply Corp.
5. Consolidation Coal 12326
6. Pineville Field Area A-59442
7. McDowell, WV
8. 40.0 million cubic feet
9. May 29, 1979
10. General System Purchasers
1. 79-07404
2. 47-047-00700-
3. 103
4. Consolidated Gas Supply Corp.
5. Consolidation Coal 12096
6. Pineville Field Area A-59442
7. McDowell, WV
8. 43.0 million cubic feet
9. May 29, 1979
10. General System Purchasers
1. 79-07405
2. 47-047-00710-
3. 103
4. Consolidated Gas Supply Corp.
5. Consolidation Co. 12327
6. Pineville Field Area A-59442
7. McDowell, WV
8. 39.0 million cubic feet
9. May 29, 1979
10. General System Purchasers
1. 79-07406
2. 47-033-01062-
3. 103
4. Consolidated Gas Supply Corporation
5. J T Williams 12297
6. W Va other A-85772
7. Harrison, WV
8. 30.0 million cubic feet
9. May 29, 1979
10. General System Purchasers
1. 79-07407
2. 47-019-00301-
3. 103
4. Consolidated Gas Supply Corporation
5. Kanawha Hocking C & C 12112
6. W Va other A-85772
7. Fayette, WV
8. 34.0 million cubic feet
9. May 29, 1979
10. General System Purchasers
1. 79-07408
2. 47-033-01028-
3. 103
4. Consolidated Gas Supply Corporation
5. L J Allen 12080
6. W Va other A-85772
7. Harrison, WV
8. 25.0 million cubic feet
9. May 29, 1979
10. General System Purchasers
1. 79-07409
2. 47-041-02109-
3.103
4. Consolidated Gas Supply Corporation
5. A W Woodford 12302
6. W Va other A-85772
7. Lewis, WV
8. 51.0 million cubic feet
9. May 29, 1979
10. General System Purchasers
1. 79-07410
2. 47-017-01867-
3. 103
4. Consolidated Gas Supply Corporation
5. M T Williams 12307
6. W Va other A-85772
7. Doddridge, WV
8. 30.0 million cubic feet
9. May 29, 1979
10. General System Purchasers
1. 79-07411
2. 47-097-01785-
3. 103
4. Consolidated Gas Supply Corporation
5. M Harper 12315
6. W Va other A-85772
7. Upshur, WV
8. 27.0 million cubic feet
9. May 29, 1979
10. General System Purchasers
1. 79-07412
2. 47-001-20962-
3. 103
4. Petroleum Development Corp
5. Robert Corder #1
6. Bridgeport
7. Barbour, WV
8. 66.5 million cubic feet
9. May 29, 1979
10. Consolidated Gas Supply Corp
1. 79-07413
2. 47-033-21219-
3. 103
4. Petroleum Development Corp
5. Harley Reeder #1
6. Bridgeport
7. Harrison, WV
8. 30.5 million cubic feet
9. May 29, 1979
10. Consolidated Gas Supply Corp
1. 79-07414
2. 47-041-22170-
3. 103
4. Petroleum Development Corp
5. N L Jenkins #1
6. Weston-Jane Lew
7. Lewis, WV
8. 58.5 million cubic feet
9. May 29, 1979
10. Consolidated Gas Supply Corp
1. 79-07415
2. 47-085-20141-
3. 103
4. Petroleum Development Corp
5. Halcey Goodwin #1
6. Meadland
7. Taylor, WV
8. 40.5 million cubic feet
9. May 29, 1979
10. Equitable Gas Company
1. 79-07416
2. 47-001-20829-
3. 103
4. Petroleum Development Corp.
5. John R. Poe #2
6. Clemtown
7. Barbour, WV
8. 54.0 million cubic feet
9. May 29, 1979
10. Consolidated Gas Supply Corp.
1.79-07417
2. 47-085-23227-
3. 108
4. Harcon Oil & Gas Co.
5. Starlight Development Co. (Adams #1)
6. Union
7. Ritche, WV
8. 9.8 million cubic feet
9. May 29, 1979
10. Equitable Gas
1. 79-07418
2. 47-085-23256-
3. 108
4. Harcon Oil & Gas Company
5. Starlight Dev. Co. (Adams #2)
6. Union
7. Ritche, WV
8. 9.8 million cubic feet
9. May 29, 1979
10. Equitable Gas
1. 79-07419
2. 47-085-23270-
3. 108
4. Harcon Oil & Gas Co.
5. Starlight Dev. Co. No. 4 (Adams #4)
6. Union
7. Ritche, WV
8. 2.2 million cubic feet
9. May 29, 1979
10. Equitable Gas
1. 79-07420
2. 47-097-21032-
3. 108
4. Harcon Oil & Gas Co.
5. Harmony Dev. Co. Cutright #1
6. Buckhannon
7. Upshur, WV
8. 7.6 million cubic feet
9. May 29, 1979
10. Equitable Gas Co.
1. 79-07422
2. 47-097-21139-
3. 108
4. Harcon Oil & Gas Co.
5. Rosette Dev. Co.
6. Buckhannon
7. Upshur, WV
8. 6.5 million cubic feet
9. May 29, 1979
10. Equitable Gas
1. 79-07423
2. 47-085-23384-
3. 103
4. Harcon Oil & Gas Co.
5. Shooting Star Dev. Co. Series 3
6. Grant
7. Ritche, WV
8. 1.1 million cubic feet
9. May 29, 1979
10. Consolidated Gas Supply Corp.
1. 79-07424
2. 47-097-21080-
3. 108
4. Harcon Oil & Gas Co.
5. Sun Dance Dev. Co. Wright #1
6. Buckhannon
7. Upshur, WV
8. 6.2 million cubic feet
9. May 29, 1979
10. Equitable Gas Co.
1. 79-07455
2. 47-007-21239-
3. 103
4. Rockwell Petroleum Company
5. R. Huffman #1
6. Salt Lick District
7. Braxton, WV
8. 18.0 million cubic feet

9. June 1, 1979
10. Equitable Gas Company

1. 79-07456
2. 47-107-20774-
3. 103
4. Appalachian Exploration & Devel Inc.
5. W. I. Cale #2
6. Walker
7. Wood, WV
8. 9.1 million cubic feet
9. June 1, 1979
10. Cabot Corporation

1. 79-07457
2. 47-099-01612-
3. 103
4. Jamar Land Co., Inc.
5. Hayes #1
6. Lincoln District
7. Wayne, WV
8. 24.0 million cubic feet
9. June 1, 1979
10. Columbia Gas Transmission Corp.

1. 79-07458
2. 47-021-03235-
3. 103
4. Gene Stalnaker Inc.
5. John Killingsworth B-25-#5
6. Glenville Field
7. Gilmer, WV
8. 21.9 million cubic feet
9. June 1, 1979
10. Equitable Gas Company

1. 79-07459
2. 47-021-03226-
3. 103
4. Gene Stalnaker Inc.
5. John Killingsworth #2
6. Glenville Field
7. Gilmer, WV
8. 24.0 million cubic feet
9. June 1, 1979
10. Equitable Gas Co.

1. 79-07460
2. 47-039-22763-0014-
3. 103
4. Quaker State Oil Refining Corp.
5. L. Price #2
6. Elk District
7. Kanawha, WV
8. 8.0 million cubic feet
9. June 1, 1979
10. Columbia Gas Transmission Corp.

1. 79-07461
2. 47-001-28900-
3. 103
4. J & J Enterprises, Inc.
5. B-126 F-63775 Bar-890
6. Pleasant
7. Barbour, WV
8. 23.0 million cubic feet
9. June 1, 1979
10. Consolidated Gas Supply Corp.

1. 79-07462
2. 47-001-28280-
3. 103
4. J & J Enterprises, Inc.
5. B-42A F-62880 Bar-828
6. Philippi
7. Barbour, WV
8. 14.0 million cubic feet
9. June 1, 1979
10. Consolidated Gas Supply Corp.

1. 79-07463
2. 47-001-28450-
3. 103
4. J & J Enterprises, Inc.
5. B-76 F-63019 Bar-845
6. Philippi
7. Barbour, WV
8. .0 million cubic feet
9. June 1, 1979
10. Consolidated Gas Supply Corp.

1. 79-07464
2. 47-021-03216-
3. 103
4. Gene Stalnaker, Inc.
5. O. C. Davis #1
6. Glenville Field
7. Gilmer, WV
8. 21.9 million cubic feet
9. June 1, 1979
10. Equitable Gas Co.

1. 79-07465
2. 47-033-01133-
3. 103
4. Consolidated Gas Supply Corporation
5. B. F. Coffman 12437
6. W. Va. other A-85772
7. Harrison, WV
8. 29.0 million cubic feet
9. June 1, 1979
10. General System Purchasers

1. 79-07466
2. 47-005-01070-
3. 103
4. Consolidated Gas Supply Corporation
5. Sidney White 12421
6. W. Va. other A-85772
7. Boone, WV
8. 30.0 million cubic feet
9. June 1, 1979
10. General System Purchasers

1. 79-07467
2. 47-033-01138-
3. 103
4. Consolidated Gas Supply Corporation
5. E. L. Coffman 12436
6. W. Va. other A-85772
7. Harrison, WV
8. 48.0 million cubic feet
9. June 1, 1979
10. General System Purchasers

1. 79-07468
2. 47-033-01134-
3. 103
4. Consolidated Gas Supply Corporation
5. B. F. Coffman 12438
6. W. Va. other A-85772
7. Harrison, WV
8. 47.0 million cubic feet
9. June 1, 1979
10. General System Purchasers

1. 79-07469
2. 47-033-01135-
3. 103
4. Consolidated Gas Supply Corporation
5. J. W. Hess 12439
6. W. Va. other A-85772
7. Harrison, WV
8. 33.0 million cubic feet
9. June 1, 1979
10. General System Purchasers

1. 79-07470
2. 47-055-00062-
3. 103
4. Consolidated Gas Supply Corporation
5. Pocahontas Land 12366
6. Pineville Field Area A-59442
7.
8. 22.0 million cubic feet
9. June 1, 1979
10. General System Purchasers

1. 79-07471
2. 47-033-01088-
3. 103
4. Consolidated Gas Supply Corporation
5. D. C. Bates 12379
6. W. Va. other A-85772
7. Harrison, WV
8. 34.0 million cubic feet
9. June 1, 1979
10. General System Purchasers

1. 79-07472
2. 47-047-00734-
3. 103
4. Consolidated Gas Supply Corporation
5. Consolidation Coal 12393
6. Pineville Field Area A-59442
7. McDowell, WV
8. 57.0 million cubic feet
9. June 1, 1979
10. General System Purchasers

1. 79-07473
2. 47-033-01116-
3. 103
4. Consolidated Gas Supply Corporation
5. D. C. Bates 12397
6. W. Va. other A-85772
7. Harrison, WV
8. 50.0 million cubic feet
9. June 1, 1979
10. General System Purchasers

1. 79-07474
2. 47-047-00744
3. 103
4. Consolidated Gas Supply Corporation
5. Consolidation Coal 12161
6. Pineville Field Area A-59442
7. McDowell, WV
8. 36.0 million cubic feet
9. June 1, 1979
10. General System Purchasers

1. 79-07475
2. 47-021-03205-
3. 103
4. NRM Petroleum Corp.
5. Killingsworth #1
6. Glenville
7. Gilmer, WV
8. 8.0 million cubic feet
9. June 1, 1979
10. Equitable Gas Company

1. 79-07476
2. 47-041-02138-
3. 103
4. NPM Petroleum Corp.
5. Flesher #1
6. Hackers Creed
7. Lewis, WV
8. 31.0 million cubic feet
9. June 1, 1979
10. Equitable Gas Company

1. 79-07477
2. 47-033-21697-
3. 103
4. Chrisman Drilling Company
5. G. W. Elliott 2
6. Eagle
7. Harrison, WV

8. .0 million cubic feet
9. June 1, 1979
10. Equitable Gas Company

1. 79-07476
2. 47-105-00725-
3. 103
4. Ray Resources Div of Flying Diamond
5. D Henthorne #754
6. Burning Springs
7. Wist, WV
8. 2.0 million cubic feet
9. June 1, 1979
10. Consolidated Gas Supply

1. 79-07479
2. 47-109-00772-
3. 103
4. Consolidated Gas Supply Corporation
5. Loop Creek Coll 12329
6. Pineville Field Area A-59442
7. Wyoming, WV
8. 30.0 million cubic feet
9. June 1, 1979
10. General System Purchasers

1. 79-07480
2. 47-105-00735-
3. 103
4. Ray Resources Div of Flying Diamond
5. McVey-Full #784
6. Reedy
7. Wist, WV
8. 1.0 million cubic feet
9. June 1, 1979
10. Columbia Gas Transmission

1. 79-07481
2. 47-033-01076-
3. 103
4. Consolidated Gas Supply Corporation
5. B W Brown 12387
6. W VA Other A-85772
7. Harrison, WV
8. 42.0 million cubic feet
9. June 1, 1979
10. General System Purchasers

1. 79-07482
2. 47-015-01297-
3. 103
4. Stonestreet Lands Company
5. R V Richardson #1
6. Elmira
7. Clay, WV
8. 28.8 million cubic feet
9. June 1, 1979
10. Columbia Gas Transmission Corp

1. 79-07483
2. 47-007-01234-
3. 103
4. Stonestreet Lands Company
5. H T Dye #1
6. Elmira
7. Braxton, WV
8. 24.3 million cubic feet
9. June 1, 1979
10. Columbia Gas Transmission Corp

1. 79-07484
2. 47-105-00739-
3. 103
4. Ray Resources Div of Flying Diamond
5. F S Enoch #789
6. Reedy
7. Wist, WV
8. 1.0 million cubic feet
9. June 1, 1979
10. Columbia Gas Transmission

1. 79-07485
2. 47-105-00734-
3. 103
4. Ray Resources Div of Flying Diamond
5. Clarence Rowand #785
6. Reedy
7. Wist, WV
8. 2.0 million cubic feet
9. June 1, 1979
10. Columbia Gas Transmission

1. 79-07486
2. 47-109-00786-
3. 103
4. Consolidated Gas Sypply Corporation
5. Lash-Litz-Beasley 12362
6. Pineville Field Area A-59442
7. Wyoming, WV
8. 139.0 million cubic feet
9. June 1, 1979
10. General System Purchasers

1. 79-07487
2. 47-033-01068-
3. 103
4. Consolidated Gas Supply Corporation
5. P S Horner 12334
6. W VA other A-85772
7. Harrison, WV
8. 68.0 million cubic feet
9. June 1, 1979
10. General System Purchasers

1. 79-07488
2. 47-033-21977-
3. 103
4. Appalachian Energy Inc
5. A Brooke #1 A-E-47
6. Eagle
7. Harrison, WV
8. 30.0 million cubic feet
9. June 1, 1979
10. Consolidated Gas Supply Corp

1. 79-07489
2. 47-079-00921-
3. 103
4. Appalachian Exploration & Devel Inc
5. McClean Heirs A-9
6. Union
7. Putnam, WV
8. 17.5 million cubic feet
9. June 1, 1979
10. Cabot Corporation

1. 79-07490
2. 47-033-21249-
3. 103
4. Appalachian Energy Inc
5. T Carter #1 A-E-10
6. Clark
7. Harrison, WV
8. 30.0 million cubic feet
9. June 1, 1979
10. Consolidated Gas Supply Corp

1. 79-07491
2. 47-015-01217-
3. 103
4. Blue Creek Gas Company
5. 7715-Western Pocahontas
6. Henry
7. Clay, WV
8. 25.0 million cubic feet
9. June 1, 1979
10. Columbia Gas Transmission Corp

1. 79-07492
2. 47-015-01415-
3. 103
4. Blue Creek Gas Co
5. Brown-MacCorkle #1
6. Henry
7. Clay, WV
8. 25.0 million cubic feet
9. June 1, 1979
10. Columbia Gas Transmission

1. 79-07493
2. 47-015-01277-
3. 103
4. Blue Creek Gas Co
5. Brown McCorkle #7
6. Henry
7. Clay, WV
8. 25.0 million cubic feet
9. June 1, 1979
10. Columbia Gas Transmission

1. 79-07494
2. 47-021-03033-
3. 103
4. Gene Stalnaker Inc
5. J R Messenger #1
6. Burnsville Field
7. Gilmer, WV
8. 36.0 million cubic feet
9. June 1, 1979
10. Consolidated Gas Supply Corp

1. 79-07495
2. 47-021-03022-
3. 103
4. Gene Stalnaker Inc
5. Russell Bush #1
6. Holbrook Field
7. Gilmer, WV
8. 15.4 million cubic feet
9. June 1, 1979
10. Consolidated Gas Supply Corp

1. 79-07496
2. 47-015-01265-
3. 103
4. Blue Creek Gas Co
5. Brown McCorkle #2
6. Henry
7. Clay, WV
8. 25.0 million cubic feet
9. June 1, 1979
10. Columbia Gas Transmission

1. 79-07497
2. 47-015-01417-
3. 103
4. Blue Creek Gas Co
5. Brown McCorkle #5
6. Henry
7. Clay, WV
8. 25.0 million cubic feet
9. June 1, 1979
10. Columbia Gas Transmission

1. 79-07498
2. 47-015-01416-
3. 103
4. Blue Creek Gas Co
5. Brown McCorkle #4
6. Henry
7. Clay, WV
8. 25.0 million cubic feet
9. June 1, 1979
10. Columbia Gas Transmission

1. 79-07499
2. 47-015-01218-
3. 103
4. Blue Creek Gas Company
5. 7716-Western Pocahontas
6. Henry
7. Clay, WV
8. 28.0 million cubic feet

9. June 1, 1979
10. Columbia Gas Transmission Corp
1. 79-07500
2. 47-021-03005-
3. 103
4. Gene Stalnaker Inc
5. Beecher E Reed #2
6. Burnsville Field
7. Gilmer, WV
8. 26.0 million cubic feet
9. June 1, 1979
10. Equitable Gas Co
1. 79-07501
2. 47-021-03040-
3. 103
4. Gene Stalnaker Inc
5. K E Fisher #1
6. Glenville Field
7. Gilmer, WV
8. 21.9 million cubic feet
9. June 1, 1979
10. Carnegie Natural Gas Company
1. 79-07502
2. 47-021-03032-
3. 103
4. Gene Stalnaker Inc
5. G Rhodes #2
6. Glenville Field
7. Gilmer, WV
8. 21.9 million cubic feet
9. June 1, 1979
10. Carnegie Natural Gas Co
1. 79-07503
2. 47-021-03212-
3. 103
4. Gene Stalnaker Inc
5. D M Barton #2
6. Glenville
7. Gilmer, WV
8. 21.9 million cubic feet
9. June 1, 1979
10. Carnegie Natural Gas Co
1. 79-07504
2. 47-021-03031-
3. 103
4. Gene Stalnaker
5. G Rhoades #1
6. Glenville
7. Gilmer, WV
8. 21.9 million cubic feet
9. June 1, 1979
10. Carnegie Natural Gas Co
1. 79-07505
2. 47-033-21930-
3. 103
4. Doran & Associates Inc
5. Inez Robinson KE 6
6. Eagle
7. Harrison, WV
8. 20.0 million cubic feet
9. June 1, 1979
10. Consolidated Gas Supply Corp
1. 79-07506
2. 47-033-21056-
3. 103
4. Doran & Associates Inc
5. J Strothers K-H-5
6. Coal
7. Harrison, WV
8. 20.0 million cubic feet
9. June 1, 1979
10. Consolidated Gas Supply Corp
1. 79-07507
2. 47-033-21156-
3. 103
4. Doran & Associates Inc
5. Ernest Ducan #2 K-E-1
6. Ten mile
7. Harrison, WV
8. 20.0 million cubic feet
9. June 1, 1979
10. Consolidated Gas Supply Corp
1. 79-07508
2. 47-033-22003-
3. 138
4. Doran & Associates Inc
5. A Ganthrop K-L-216
6. Clark
7. Harrison, WV
8. 30.0 million cubic feet
9. June 1, 1979
10. Consolidated Gas Supply Corp
1. 79-07509
2. 47-033-21936-
3. 103
4. Doran & Associates Inc
5. Hayward Lanham K-L-110
6. Ten mile
7. Harrison, WV
8. 30.0 million cubic feet
9. June 1, 1979
10. Consolidated Gas Supply Corp
1. 79-07510
2. 47-033-21935-
3. 103
4. Doran & Associates Inc
5. F M Pigott #2 K-L-82
6. Sardis
7. Harrison, WV
8. 30.0 million cubic feet
9. June 1, 1979
10. Consolidated Gas Supply Corp
1. 79-07511
2. 47-033-21982-
3. 103
4. Doran & Associates Inc
5. Mac Rogers #1 K-L-80
6. Eagle
7. Harrison, WV
8. 30.0 million cubic feet
9. June 1, 1979
10. Consolidated Gas Supply Corp
1. 79-07512
2. 47-033-21966-
3. 103
4. Doran & Associates Inc
5. L H Rogers K-L-81
6. Sardis
7. Harrison, WV
8. 30.0 million cubic feet
9. June 1, 1979
10. Consolidated Gas Supply Corp
1. 79-07513
2. 47-033-21699-
3. 103
4. Doran & Associates Inc
5. J C Bartlett #2 K-L-71
6. Eagle
7. Harrison, WV
8. 30.0 million cubic feet
9. June 1, 1979
10. Consolidated Gas Supply Corp
1. 79-07514
2. 47-033-21918-
3. 103
4. Doran & Associates Inc
5. L C Robinson #2 K-L-70
6. Eagle
7. Harrison, WV
8. 30.0 million cubic feet
9. June 1, 1979
10. Consolidated Gas Supply Corp
1. 79-07515
2. 47-033-02611-
3. 103
4. Stonestreet Lands Company
5. Mendall Gump #1
6. Elmira
7. Calhoun, WV
8. 16.4 million cubic feet
9. June 1, 1979
10. Columbia Gas Transmission Corp
1. 79-07516
2. 47-017-21878-
3. 103
4. Rockwell Petroleum Company
5. Gray #1
6. Cove District
7. Doddridge, WV
8. 15.0 million cubic feet
9. June 1, 1979
10. Consolidated Gas Supply Corp
1. 79-07533
2. 47-047-00440
3. 108
4. Natural Gas Development Corp
5. Iaeger #2 MCD 440
6. Dry Fork
7. McDowell, WV
8. 17.5 million cubic feet
9. June 5, 1979
10. Consolidated Gas Supply Corp
1. 79-07534
2. 47-013-02114-
3. 108
4. Natural Gas Development Corp
5. J K Ferguson #1
6. Ferguson Field
7. Calhoun, WV
8. 4.0 million cubic feet
9. June 5, 1979
10. Consolidated Gas Supply Corp
1. 79-07535
2. 47-013-02470-
3. 108
4. Natural Gas Development Corp
5. P P Gunn #1
6. Moniger field
7. Calhoun, WV
8. 2.0 million cubic feet
9. June 5, 1979
10. Consolidated Gas Supply Corp
1. 79-07536
2. 47-013-02477-
3. 108
4. Natural Gas Development Corp
5. Hamilton #1
6. Moniger Field
7. Calhoun, WV
8. 1.0 million cubic feet
9. June 5, 1979
10. Consolidated Gas Supply Corp
1. 79-07537
2. 47-047-00436-
3. 108
4. Natural Gas Development Corp
5. Iaeger #1 MCD 438
6. Dry Fork
7. McDowell, WV
8. 17.5 million cubic feet
9. June 5, 1979

10. Consolidated Gas Supply Corp
1. 79-07538
2. 47-105-00598-
3. 108
4. Natural Gas Development Corp
5. Campbell #2 WIR #598
6. Creston Field
7. Wirt, WV
8. 2.0 million cubic feet
9. June 5, 1979
10. Consolidated Gas Supply Corp
1. 79-07550
2. 47-105-00836-
3. 108
4. Natural Gas Development Corp
5. Hopkins #1
6. Creston Field
7. Wirt, WV
8. 3.0 million cubic feet
9. June 5, 1979
10. Cabot Corporation
1. 79-07551
2. 47-105-00600-
3. 108
4. Natural Gas Development Corp
5. Engelke 10 WIR 600
6. Creston Field
7. Wirt, WV
8. 7.0 million cubic feet
9. June 5, 1979
10. Consolidated Gas Supply Corp
1. 79-07552
2. 47-105-00594-
3. 108
4. Natural Gas Development Corp
5. Pursley #1D WIR 594
6. Creston Field
7. Wirt, WV
8. 4.0 million cubic feet
9. June 5, 1979
10. Consolidated Gas Supply Corp
1. 79-07553
2. 47-105-00584-
3. 108
4. Natural Gas Development Corp
5. Reed #1 WIR #584
6. Creston Field
7. Wirt, WV
8. 3.0 million cubic feet
9. June 5, 1979
10. Consolidated Gas Supply Corp
1. 79-07554
2. 47-001-21055-
3. 103
4. Monitor Petroleum Corp
5. Monitor #2 Obrien Heirs
6. Valley
7. Barbour, WV
8. 75.0 million cubic feet
9. June 5, 1979
10. Columbia Gas Transmission Corp
1. 79-07555
2. 47-001-21039-
3. 103
4. Monitor Petroleum Corp
5. Monitor No. 1 Obrien Heirs
6. Valley
7. Barbour, WV
8. 75.0 million cubic feet
9. June 5, 1979
10. Columbia Gas Transmission Corp
1. 79-07566
2. 47-105-00597-
3. 108
4. Natural Gas Development Corp
5. Campbell #1A WIR #597
6. Creston Field
7. Wirt, WV
8. 1.0 million cubic feet
9. June 5, 1979
10. Consolidated Gas Supply Corp
1. 79-07567
2. 47-105-00593-
3. 108
4. Natural Gas Development Corp
5. Pursley #1C WIR 593
6. Creston Field
7. Wirt, WV
8. 4.0 million cubic feet
9. June 5, 1979
10. Consolidated Gas Supply Corp
1. 79-07568
2. 47-105-00592-
3. 108
4. Natural Gas Development Corp
5. Pursley #1B WIR 592
6. Creston Field
7. Wirt, WV
8. 4.0 million cubic feet
9. June 5, 1979
10. Consolidated Gas Supply Corp
1. 79-07569
2. 47-105-00586-
3. 108
4. Natural Gas Development Corp
5. Pursely #1 WIR 586
6. Creston Field
7. Wirt, WV
8. 1.0 million cubic feet
9. June 5, 1979
10. Consolidated Gas Supply Corp
1. 79-07570
2. 47-105-00585
3. 108
4. Natural Gas Development Corp
5. Engelke 1A WIR 585
6. Engelke 1A
7. Wirt, WV
8. 7.0 million cubic feet
9. June 5, 1979
10. Consolidated Gas Supply Corp
1. 79-07571
2. 47-105-00588-
3. 108
4. Natural Gas Development Corp
5. Pursely #2 WIR 588
6. Creston Field
7. Wirt, WV
8. 1.0 million cubic feet
9. June 5, 1979
10. Consolidated Gas Supply Corp
1. 79-07572
2. 47-105-00583-
3. 108
4. Natural Gas Development Corp
5. Gunn #1 WIR 583
6. Creston Field
7. Wirt, WV
8. 2.0 million cubic feet
9. June 5, 1979
10. Consolidated Gas Supply Corp
1. 79-07573
2. 47-105-00505-
3. 108
4. Natural Gas Development Corp
5. Roberts #1A WIR 505
6. Creston Field
7. Wirt, WV
8. 3.0 million cubic feet
9. June 5, 1979
10. Consolidated Gas Supply Corp
1. 79-07574
2. 47-105-00490-
3. 108
4. Natural Gas Development Corp
5. Campbell #1 WIR 490
6. Creston Field
7. Wirt, WV
8. 2.0 million cubic feet
9. June 5, 1979
10. Consolidated Gas Supply Corp
1. 79-07575
2. 47-047-00451-
3. 108
4. Natural Gas Development Corp
5. Rotary #25 MCD 451
6. Dry Folk
7. McDowell, WV
8. 17.5 million cubic feet
9. June 5, 1979
10. Consolidated Gas Supply Corp
1. 79-07576
2. 47-047-00441-
3. 108
4. Natural Gas Development Corp
5. Iaeger #3 MCD 441
6. Dry Fork
7. McDowell, WV
8. 17.5 million cubic feet
9. June 5, 1979
10. Consolidated Gas Supply Corp
1. 79-07577
2. 47-067-20445-
3. 102
4. Appalachian Exploration & Devel Inc
5. D Bell #1
6. Summersville
7. Nicholas, WV
8. 44.9 million cubic feet
9. June 5, 1979
10. Equitable Gas Company
1. 79-07578
2. 47-033-21223-
3. 103
4. Petroleum Development Corp
5. Hafer-Courtney #1
6. Bridgeport
7. Harrison, WV
8. 76.0 million cubic feet
9. May 29, 1979
10. Consolidated Gas Supply Corp
1. 79-07421
2. 47-097-21060-
3. 108
4. Harcon Oil & Gas Co
5. Lamplighter Dev. Co.-Cutright #1
6. Buckhannon
7. Upshur, WV
8. 5.6 million cubic feet
9. May 29, 1979
10. Equitable Gas Company
1. 79-07454
2. 47-007-01243-
3. 103
4. Eastern American Energy Corp
5. G B Howell #2
6. Lower Smith
7. Braxton, WV
8. 5.0 million cubic feet
9. June 1, 1979
10. Equitable Gas Company

Wyoming Oil and Gas Conservation Commission

1. Control number (F.E.R.C./State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block number
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 79-07579-
2. 49-005-25017
3. 103
4. Davis Oil Company
5. Mills G No. 1
6. Jayson
7. Campbell WY
8. 200.0 million cubic feet
9. May 24, 1979
10. Phillips Petroleum Company

1. 79-07641
2. 49-009-21444-
3. 103
4. Davis Oil Company
5. Lucille No. 4
6. Mikes Draw
7. Converse WY
8. 50.0 million cubic feet
9. May 21, 1979
10. Phillips Petroleum Company

U.S. Geological Survey, Metairie, La.

1. Control number (F.E.R.C./State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block number
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 79-07313
2. 17-709-40336-0000-0
3. 102
4. Marathon Oil Company
5. Eugene Island Blk 57 Well 38-11
6. Eugene Island
7. 38
8. 5475.0 million cubic feet
9. May 30, 1979
10. Natural Gas Pipeline Co. of America, United Gas Pipeline Company, Southern Natural Gas Company, Arkansas Louisiana Gas Company

1. 79-07314
2. 17-706-40246-0000-0
3. 102
4. Marathon Oil Company
5. Vermilion Block 331 Well A-5
6. Vermilion
7. 331
8. 655.0 million cubic feet
9. May 30, 1979
10. Texas Eastern Transmission Corp.

1. 79-07315
2. 17-706-40296-0000-0
3. 102
4. Marathon Oil Company
5. Vermilion Block 331 Well A-9
6. Vermilion
7. 331
8. 1103.0 million cubic feet
9. May 30, 1979
10. Texas Eastern Transmission Corp.

1. 79-07316
2. 17-706-40222-0000-0
3. 102
4. CNG Producing Company
5. A-701
6. Vermilion
7. 313
8. 728.0 million cubic feet
9. May 30, 1979
10. Consolidated Gas Supply Corp.

1. 79-07317
2. 17-706-40316-0000-0
3. 102
4. Marathon Oil Company
5. Vermilion Block 331 Well A-12
6. Vermilion
7. 331
8. 1867.0 million cubic feet
9. May 30, 1979
10. Texas Eastern Transmission Corp.

1. 79-07318
2. 17-706-40242-0000-0
3. 102
4. Marathon Oil Company
5. Vermilion Block 331 Well A-4
6. Vermilion
7. 331
8. 1093.0 million cubic feet
9. May 30, 1979
10. Texas Eastern Transmission Corp.

1. 79-07543
2. 17-721-40127-0000-0
3. 102
4. Arco Oil and Gas Company
5. OCS-G 1612 C-29
6. South Pass Block 61 Field
7. 67
8. 25.0 million cubic feet
9. June 7, 1979
10. Southern Natural Gas Company

1. 79-07544
2. 17-721-40118-01S1-0
3. 102
4. Arco Oil and Gas Company
5. OCS-G 1612 C-31
6. South Pass Block 61 Field
7. 67
8. 60.0 million cubic feet
9. June 7, 1979
10. Southern Natural Gas Company

1. 79-07545
2. 17-721-20214-0000-0
3. 102
4. Arco Oil and Gas Company
5. OCS-G 1608 C-78
6. South Pass Block 61 Field
7. 60
8. 80.0 million cubic feet
9. June 7, 1979
10. Southern Natural Gas Company

1. 79-07546
2. 17-721-40052-0000-0
3. 102
4. Arco Oil and Gas Company
5. OCS-G 1612 No. C-33
6. South Pass Block 61 Field
7. 67
8. 40.0 million cubic feet
9. June 7, 1979
10. Southern Natural Gas Company

1. 79-07547
2. 17-721-40116-0000-0
3. 102
4. Arco Oil and Gas Company
5. OCS-G-1608 Well No. D-2
6. South Pass Block 61 Field
7. 60
8. 188.0 million cubic feet
9. June 7, 1979
10. Southern Natural Gas Company

1. 79-07548
2. 17-721-40145-0000-0
3. 102
4. Arco Oil and Gas Company
5. OCS G-1608 D-13
6. S Pass Blk 61 Field
7. 60
8. 860.0 million cubic feet
9. June 7, 1979
10. Southern Natural Gas Company

1. 79-07549
2. 17-706-40255-0000-0
3. 102
4. Mobil Oil Explor & Prod SE
5. Vermilion Block 262 5
6. Vermilion
7. 262
8. 4050.0 million cubic feet
9. June 7, 1979
10. Texas Eastern Trans Co., Natural Gas P/L Co. of Amer.

U.S. Geological Survey, Albuquerque, N. Mex.

1. Control Number (F.E.R.C./State)
2. API Well Number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 79-07556
2. 30-045-06006-0000-1
3. 108
4. J G Merrion & R L Bayless
5. Delhi Taylor C #1-Gallup
6. Gallegos Gallup
7. San Juan, NM
8. 6.0 million cubic feet
9. June 5, 1979
10. El Paso Natural Gas Company

1. 79-07557
2. 30-045-06006-0000-2
3. 108
4. J G Merrion & R L Bayless
5. Delhi Taylor C #1-Dakota
6. Basin Dakota
7. San Juan, NM
8. 3.0 million cubic feet
9. June 5, 1979
10. El Paso Natural Gas Company

1. 79-07558
2. 30-039-06216-0000-0
3. 108
4. J G Merrion & R L Bayless
5. Fields #1
6. Otero Chacra
7. Rio Arriba, NM
8. 14.0 million cubic feet
9. June 5, 1979
10. El Paso Natural Gas Company

1. 79-07559
2. 30-045-06033-0000-0
3. 108
4. J G Merrion & R L Bayless
5. Frontier #1
6. Gallegos Gallup
7. San Juan, NM
8. 10.0 million cubic feet
9. June 5, 1979
10. El Paso Natural Gas Company

1. 79-07560
2. 30-045-07981-0000-0
3. 108
4. J G Merrion & R L Bayless
5. Hagood #1X
6. West Kutz Pictured Cliffs
7. San Juan, NM
8. 8.0 million cubic feet
9. June 5, 1979
10. Gas Company of New Mexico

1. 79-07561
2. 30-045-06037-0000-0
3. 108
4. J G Merrion & R L Bayless
5. Hickman A #2
6. Gallegos Gallup
7. San Juan, NM
8. 7.5 million cubic feet
9. June 5, 1979
10. El Paso Natural Gas Company

1. 79-07563
2. 30-043-22047-0000-0
3. 108
4. J Merrion & R L Bayless
5. Jicarilla 428 #1
6. Ballard Pictured Cliffs
7. Sandoval, NM
8. 12.0 million cubic feet
9. June 5, 1979
10. Northwest Pipeline Corp

1. 79-07564
2. 30-039-21484-0000-0
3. 103
4. Mobil Oil Corporation
5. Jicarilla F #2-A
6. Blanco Mesaverda
7. Rio Arriba, NM
8. 75.0 million cubic feet
9. June 5, 1979
10. Northwest Pipeline Corporation

1. 79-07565
2. 30-039-06958-0000-0
3. 108
4. El Paso Natural Gas Company
5. SJ 27-5 Unit #58
6. Tapacito-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 4.4 million cubic feet
9. June 5, 1979
10. El Paso Natural Gas Company, Northwest Pipeline Corp.

1. 79-07562
2. 30-043-20029
3. 108
4. J G Merrion & R L Bayless
5. Jicarilla 360 #1
6. Ballard Pictured Cliffs
7. Sandoval, NM
8. 4.5 million cubic feet
9. June 5, 1979
10. El Paso Natural Gas Co.

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 these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission within fifteen (15) days of the date of publication of this notice in the Federal Register.

Please reference the FERC control number in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-20676 Filed 7-3-79; 8:45 am]

BILLING CODE 6450-01-M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

June 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.

Colorado Oil and Gas Conservation Commission

1. Control Number (F.E.R.C./State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS Area Name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 79-08273
2. 05-001-07287-
3. 103
4. Byron Oil Industries Inc
5. Byron-Ginther #1
6. Spindle Field Wattenberg Pool
7. Adams, CO
8. 6.2 million cubic feet
9. June 12, 1979
10. Northern Natural Gas Co

1. 79-08274
2. 05-001-07298-
3. 103
4. Byron Oil Industries Inc
5. Byron-Ginther #2
6. Spindle Field Wattenberg Pool
7. Adams, CO
8. 1.7 million cubic feet
9. June 12, 1979
10. Northern Natural Gas Co

1. 79-08275
2. 05-001-07291-
3. 103
4. Byron Oil Industries Inc
5. Byron-Christiansen #1
6. Spindle Field Wattenberg Pool
7. Adams, CO
8. 2.5 million cubic feet
9. June 12, 1979
10. Northern Natural Gas Co

1. 79-08276
2. 05-123-09171-
3. 103
4. Beaver Mesa Exploration Co
5. Johnston 23-24
6. Spindle 24-1N-68W
7. Weld, CO
8. 8.0 million cubic feet
9. June 12, 1979
10. Panhandle Eastern Pipe Line Co

1. 79-08277
2. 05-123-08175-
3. 103
4. Beaver Mesa Exploration Co
5. Preston 31-18
6. Lanyard 18-2N-62W
7. Weld, CO
8. 18.0 million cubic feet
9. June 12, 1979
10. Crystal Gas Resources Inc

1. 79-08278
2. 05-123-08176-
3. 103
4. Beaver Mesa Exploration Co
5. Preston 31-18
6. Lanyard 18-2N-62W
7. Weld, CO
8. 37.0 million cubic feet
9. June 12, 1979
10. Crystal Gas Resources Inc

1. 79-08279
2. 05-123-09269-
3. 103
4. Beaver Mesa Exploration Co
5. Premier 42-4
6. Lost Creek 4-2N-62W
7. Weld, CO
8. 38.0 million cubic feet
9. June 12, 1979
10. Crystal Gas Resources Inc

1. 79-08280
2. 05-123-07402-
3. 108
4. Beaver Mesa Exploration Co
5. Henderson 41-4
6. Wattenburg 4-4N-67W
7. Weld, CO
8. 6.0 million cubic feet
9. June 12, 1979
10. Panhandle Eastern Pipe Line Company

1. 79-08281
2. 05-001-07336-
3. 103
4. Beaver Mesa Exploration Co
5. Hosmer 34-32
6. Jamboree 32-18-64W
7. Adams, CO
8. 70.0 million cubic feet
9. June 12, 1979
10. Panhandle Eastern Pipe Line Company

1. 79-08282
2. 05-001-07267-
3. 103
4. Beaver Mesa Exploration Co
5. Hosmer 23-32

6. Jamboree 32-1S-64W
7. Adams, CO
8. 40.0 million cubic feet
9. June 12, 1979
10. Panhandle Eastern Pipe Line Company

1. 79-08283
2. 05-123-09257-
3. 103
4. Beaver Mesa Exploration Co
5. Gorges 21-32
6. Roggen 32-2N-62W
7. Weld, CO
8. 46.0 million cubic feet
9. June 12, 1979
10. Crystal Gas Resources Inc

1. 79-08284
2. 05-123-09172-
3. 103
4. Beaver Mesa Exploration Co
5. Preston 43-18
6. Roggen 18-2N-62W
7. Weld, CO
8. 52.0 million cubic feet
9. June 12, 1979
10. Crystal Gas Resources Inc

1. 79-08285
2. 05-001-07301-
3. 103
4. Beaver Mesa Exploration Co
5. Vetter 12-32
6. Jamboree 32-1S-64W
7. Adams, CO
8. 86.0 million cubic feet
9. June 12, 1979
10. Panhandle Eastern Pipe Line Company

1. 79-08286
2. 05-001-06273-
3. 103
4. Beaver Mesa Exploration Co
5. Hosmer 14-34
6. Jamboree 32-1S-64W
7. Adams, CO
8. 120.0 million cubic feet
9. June 12, 1979
10. Panhandle Eastern Pipe Line Company

1. 79-08287
2. 05-123-09133-
3. 103
4. Beaver Mesa Exploration Co
5. Hooper 11-32
6. Wildcat 32-4N-61W
7. Weld, CO
8. 73.0 million cubic feet
9. June 12, 1979
10. Phillips Petroleum Company

1. 79-08288
2. 05-123-07009-
3. 108
4. Beaver Mesa Exploration Co
5. Prospect Royalty #1
6. Lost Creek 4-2N-62W
7. Weld, CO
8. 17.0 million cubic feet
9. June 12, 1979
10. Crystal Gas Resources Inc

1. 79-08289
2. 05-123-08655-
3. 108
4. Beaver Mesa Exploration Co
5. Klein 11-9
6. Lost Creek 9-2N-62W
7. Weld, CO
8. 19.0 million cubic feet
9. June 12, 1979
10. Crystal Gas Resources Inc

1. 79-08290
2. 05-123-07864-
3. 108
4. Beaver Mesa Exploration Co
5. Binder 14-3
6. Wattenburg 3-4N-67W
7. Weld, CO
8. 6.0 million cubic feet
9. June 12, 1979
10. Panhandle Eastern Pipe Line Company

1. 79-08291
2. 05-123-07880-
3. 108
4. Beaver Mesa Exploration Co
5. Sakata 24-36
6. Wattenburg 36-1N-67W
7. Weld, CO
8. 4.0 million cubic feet
9. June 12, 1979
10. Panhandle Eastern Pipe Line Company

1. 79-08292
2. 05-001-07254-
3. 103
4. Byron Oil Industries Inc
5. Byron-Degenhart #4
6. Spindle Field Wattenberg Pool
7. Adams, CO
8. 14.4 million cubic feet
9. June 12, 1979
10. Northern Natural Gas Co

1. 79-08293
2. 05-123-09112-
3. 108
4. Beaver Mesa Exploration Co
5. Klein 13-8
6. Lanyard 8-2N-62W
7. Weld, CO
8. 10.0 million cubic feet
9. June 12, 1979
10. Crystal Gas Resources Inc

1. 79-08294
2. 05-123-09176-
3. 108
4. Beaver Mesa Exploration Co
5. Johnston 21-24
6. Spindle 24-1N-68W
7. Weld, CO
8. 59.0 million cubic feet
9. June 12, 1979
10. Panhandle Eastern Pipe Line Co

1. 79-08295
2. 05-123-09111-
3. 103
4. Beaver Mesa Exploration Co
5. Klein 22-8
6. Lanyard 8-2N-62W
7. Weld, CO
8. 20.0 million cubic feet
9. June 12, 1979
10. Crystal Gas Resources Inc

1. 79-08296
2. 05-001-06957-
3. 108
4. Beaver Mesa Exploration Co
5. Mathews 41-26J
6. Wattenburg 26-1S-65W
7. Adams, CO
8. 8.0 million cubic feet
9. June 12, 1979
10. Panhandle Eastern Pipe Line Co

1. 79-08297
2. 05-001-07266-
3. 103
4. Byron Oil Industries Inc
5. Byron-Sauvage #1
6. Spindle Field Wattenberg Pool
7. Adams, CO
8. .0 million cubic feet
9. June 12, 1979
10. Northern Natural Gas Co

1. 79-08298
2. 05-001-07199-
3. 103
4. Byron Oil Industries Inc
5. Byron-North Colorado Blvd #3
6. Spindle Field Wattenberg Pool
7. Adams CO
8. 10.1 million cubic feet
9. June 12, 1979
10. Northern Natural Gas Co

1. 79-08299
2. 05-001-07348-
3. 103
4. Byron Oil Industries Inc
5. Byron-Sauvage #2
6. Spindle Field Wattenberg Pool
7. Adams CO
8. .0 million cubic feet
9. June 12, 1979
10. Northern Natural Gas Co

1. 79-08300
2. 05-001-06169-
3. 103
4. Byron Oil Industries Inc
5. Byron-McElwain #4
6. Spindle Field Wattenberg Pool
7. Adams CO
8. 4.7 million cubic feet
9. June 12, 1979
10. Northern Natural Gas Co

1. 79-08301
2. 05-001-07250-
3. 103
4. Byron Oil Industries Inc
5. Byron-McElwain #5
6. Spindle Field Wattenberg Pool
7. Adams CO
8. 4.7 million cubic feet
9. June 12, 1979
10. Northern Natural Gas Co

1. 79-08302
2. 05-001-07299-
3. 103
4. Byron Oil Industries Inc
5. Byron-Green #1
6. Spindle Field Wattenberg Pool
7. Adams CO
8. 22.8 million cubic feet
9. June 12, 1979
10. Northern Natural Gas Co

1. 79-08303
2. 05-123-07665-
3. 108
4. Beaver Mesa Exploration Co
5. Johnston #14-24
6. Wattenberg 24-1N-68W
7. Weld CO
8. 17.0 million cubic feet
9. June 12, 1979
10. Panhandle Eastern Pipeline Company

1. 79-08304
2. 05-001-06570-
3. 108
4. Beaver Mesa Exploration Co
5. Wagner 41-24
6. Wattenburg 24-1S-65W

7. Adams CO
8. 13.0 million cubic feet
9. June 12, 1979
10. Panhandle Eastern Pipeline Company

1. 79-08305
2. 05-001-06783-
3. 108
4. Beaver Mesa Exploration Co
5. Putnam 41-18
6. Wattenburg 18-1S-65W
7. Adams CO
8. 6.0 million cubic feet
9. June 12, 1979
10. Panhandle Eastern Pipeline Company

1. 79-08306
2. 05-113-06021-
3. 108
4. Beaver Mesa Exploration Co
5. State 11-16
6. Hamilton Creek—Honaker Trail
7. San Miquel CO
8. 18.0 million cubic feet
9. June 12, 1979
10. Trans Colorado

1. 79-08307
2. 05-123-08522-
3. 108
4. Beaver Mesa Exploration Co
5. Premier 32-4J
6. Lost Creek 4-2N-62W
7. Weld CO
8. 20.0 million cubic feet
9. June 12, 1979
10. Crystal Gas Resources Inc

1. 79-08308
2. 05-123-09121-
3. 103
4. Machii-Ross Petroleum Co
5. Hicks 13-18
6. Spindle
7. Weld CO
8. .0 million cubic feet
9. June 12, 1979
10. Vessels Gas Processing Ltd

1. 79-08309
2. 05-123-09120-
3. 103
4. Machii-Ross Petroleum Co
5. Hicks 24-18
6. Spindle
7. Weld CO
8. 17.0 million cubic feet
9. June 12, 1979
10. Vessels Gas Processing Ltd

1. 79-08310
2. 05-123-09194-
3. 103
4. Machii-Ross Petroleum Co
5. Gumeson 31/32
6. Spindle
7. Weld CO
8. 45.0 million cubic feet
9. June 12, 1979
10. Toa American Gas Products Co

1. 79-08311
2. 05-123-09164-
3. 103
4. Machii-Ross Petroleum Co
5. Kugel 32-18
6. Spindle
7. Weld CO
8. 60.0 million cubic feet
9. June 12, 1979
10. Toa American Gas Products Co

1. 79-08312
2. 05-123-09175-
3. 103
4. Machii-Ross Petroleum Co
5. Miller 42-17
6. Spindle
7. Weld C)
8. 40.0 million cubic feet
9. June 12, 1979
10. Toa American Gas Products Co

1. 79-08313
2. 05-123-08158-
3. 103
4. Machii-Ross Petroleum Co
5. Miller 43-17
6. Spindle
7. Weld CO
8. 40.0 million cubic feet
9. June 12, 1979
10. Toa American Gas Products Co

1. 79-08314
2. 05-123-08622-
3. 103
4. Machii-Ross Petroleum Co
5. Miller 41-17
6. Spindle
7. Weld CO
8. 40.0 million cubic feet
9. June 12, 1979
10. Toa American Gas Products Co

1. 79-08315
2. 05-123-09193-
3. 103
4. Machii-Ross Petroleum Co
5. Rocky Mountain Fuel 22-32
6. Spindle
7. Weld CO
8. 33.0 million cubic feet
9. June 12, 1979
10. Toa American Gas Products Co

1. 79-08316
2. 05-123-08623-
3. 103
4. Machii-Ross Petroleum Co
5. Miller 32-17
6. Spindle
7. Weld CO
8. 40.0 million cubic feet
9. June 12, 1979
10. Toa American Gas Products Co

1. 79-08317
2. 05-001-07286-
3. 103
4. Byron Oil Industries Inc
5. Byron-Degenhart #5
6. Spindle Field Wattenberg Pool
7. Adams CO
8. 12.8 million cubic feet
9. June 12, 1979
10. Nothern Natural Gas Co

1. 79-08318
2. 05-103-08266-
3. 102
4. Coseka Resources (USA) Ltd
5. Kirby-Robertson #3-21-4-102
6. Thunder
7. Rio Blanco Co
8. 547.5 million cubic feet
9. June 12, 1979
10. Northwest Pipeline Corp

1. 79-08319
2. 05-123-94150-
3. 102
4. Crystal Oil Company
5. Crystal State 57-12
6. Waite Lake
7. Weld CO
8. 2.0 million cubic feet
9. June 12, 1979
10. Colorado Interstate Gas Co

1. 79-08320
2. 05-123-09459-
3. 102
4. Crystal Oil Company
5. Crystal State 41-17
6. Monahan Lakes
7. Weld CO
8. 234.0 million cubic feet
9. June 12, 1979
10. Colorado Interstate Gas Co

1. 79-08321
2. 05-123-09292-
3. 102
4. Crystal Oil Company
5. Crystal State 33-5
6. Monahan Lakes
7. Weld CO
8. 66.0 million cubic feet
9. June 12, 1979
10. Colorado Interstate Gas Co

1. 79-08322
2. 05-001-07315-
3. 103
4. Byron Oil Industries Inc
5. Byron-Sterkel #1
6. Spindle Field Wattenberg Pool
7. Adams CO
8. .0 million cubic feet
9. June 12, 1979
10. Northern Natural Gas Co

1. 79-08323
2. 05-001-07259-
3. 103
4. Byron Oil Industries Inc
5. Byron-Standley #2
6. Spindle Field Wattenberg Pool
7. Adams CO
8. 3.6 million cubic feet
9. June 12, 1979
10. Northern Natural Gas Co

1. 79-08324
2. 05-001-07327-
3. 103
4. Byron Oil Industries Inc
5. Byron-McElwain #6
6. Spindle Field Wattenberg Pool
7. Adams CO
8. .0 million cubic feet
9. June 12, 1979
10. Northern Natural Gas Co

1. 79-08325
2. 05-067-00000-
3. 108
4. Mesa Petroleum Co
5. Ute Indian #5
6. Ignacio Blanco
7. La Plata CO
8. 10.3 million cubic feet
9. June 12, 1979
10. El Paso Natural Gas Company Northwest Pipeline Corp

1. 79-08326
2. 05-123-09439-
3. 102
4. Crystal Oil Company
5. Crystal State 11-16
6. Monahan Lakes
7. Weld CO

8. 28.0 million cubic feet
9. June 12, 1979
10. Colorado Interstate Gas Co

1. 79-08327
2. 05-123-07324-
3. 108
4. Machii-Ross Petroleum Co
5. Kawakami #1
6. Wattenberg
7. Weld CO
8. 10.0 million cubic feet
9. June 12, 1979
10. Colorado Interstate Gas Co

1. 79-08328
2. 05-123-07287-
3. 108
4. Machii-Ross Petroleum Co
5. Barclay #1
6. Wattenberg
7. Weld Co
8. 8.0 Million Cubic Feet
9. June 12, 1979
10. Colorado Interstate Gas Co

1. 79-08329
2. 05-123-07306-
3. 108
4. Machii-Ross Petroleum Co
5. Kugel #1
6. Wattenberg
7. Weld Co
8. 13.0 Million Cubic Feet
9. June 12, 1979
10. Colorado Interstate Gas Co

1. 79-08330
2. 05-123-07814-
3. 108
4. Machii-Ross Petroleum Co
5. Grant Bros 43-23
6. Wattenberg
7. Weld Co
8. 12.0 Million Cubic Feet
9. June 12, 1979
10. Toa American Gas Products

1. 79-08331
2. 05-123-05091-
3. 108
4. Machii-Ross Petroleum Co
5. Dier #1
6. Wattenberg
7. Weld Co
8. 16.0 Million Cubic Feet
9. June 12, 1979
10. Colorado Interstate Gas Co

1. 79-08332
2. 05-123-07272-
3. 108
4. Machii-Ross Petroleum Co
5. Miller #1
6. Wattenberg
7. Weld Co
8. 14.0 Million Cubic Feet
9. June 12, 1979
10. Colorado Interstate Gas Co

1. 79-08333
2. 05-123-07329-
3. 108
4. Machii-Ross Petroleum Co
5. Devore #1
6. Wattenberg
7. Weld Co
8. 11.0 Million Cubic Feet
9. June 12, 1979
10. Colorado Interstate Gas Co

1. 79-08334
2. 05-123-09333-
3. 103
4. Machii-Ross Petroleum Co
5. Aristocrat Angus 32-4
6. Aristocrat
7. Weld Co
8. 182.0 Million Cubic Feet
9. June 12, 1979
10. Colorado Interstate Gas Co

1. 79-08335
2. 05-123-09332-
3. 103
4. Machii-Ross Petroleum Co
5. Aristocrat Angus 23-4
6. Aristocrat
7. Weld Co
8. 182.0 Million Cubic Feet
9. June 12, 1979
10. Colorado Interstate Gas Co

1. 79-08336
2. 05-123-09300
3. 103
4. Machii-Ross Petroleum Co
5. Aristocrat Angus 14-4
6. Aristocrat
7. Weld Co
8. 182.0 Million Cubic Feet
9. June 12, 1979
10. Colorado Interstate Gas Co

1. 79-08337
2. 05-123-09328-
3. 103
4. Machii-Ross Petroleum Co
5. Aristocrat Angus 14-3
6. Aristocrat
7. Weld Co
8. 182.0 Million Cubic Feet
9. June 12, 1979
10. Colorado Interstate Gas Co

1. 79-08338
2. 05-123-09330-
3. 103
4. Machii-Ross Petroleum Co
5. Aristocrat Angus 21-4
6. Aristocrat
7. Weld Co
8. 182.0 Million Cubic Feet
9. June 12, 1979
10. Colorado Interstate Gas Co

1. 79-08339
2. 05-123-09150-
3. 103
4. Machii-Ross Petroleum Co
5. Bangert 41-19
6. Spindle
7. Weld Co
8. 22.0 Million Cubic Feet
9. June 12, 1979
10. Amoco Production Company

1. 79-08340
2. 05-123-09331-
3. 103
4. Machii-Ross Petroleum Co
5. Aristocrat Angus 12-4
6. Aristocrat Angus
7. Weld Co
8. 182.0 Million Cubic Feet
9. June 12, 1979
10. Colorado Interstate Gas Co

1. 79-08341
2. 05-123-08311
3. 103
4. Machii-Ross Petroleum Co
5. Segal 41-24
6. Hambert
7. Weld Co
8. 219.0 Million Cubic Feet
9. June 12, 1979
10. Colorado Interstate Gas Co

1. 79-08342
2. 05-123-09281-
3. 103
4. Machii-Ross Petroleum Co
5. Martinson 14-24
6. Hambert
7. Weld Co
8. 24.0 Million Cubic Feet
9. June 12, 1979
10. Colorado Interstate Gas Co

1. 79-08343
2. 05-123-09334-
3. 103
4. Machii-Ross Petroleum Co
5. Aristocrat 34-4
6. Aristocrat
7. Weld Co
8. 182.0 Million Cubic Feet
9. June 12, 1979
10. Colorado Interstate Gas Co

1. 79-08344
2. 05-123-07971-
3. 108
4. Nielson Enterprises Inc
5. Martinez #2
6. Wattenberg J. Field
7. Weld Co
8. .0 Million Cubic Feet
9. June 12, 1979
10. Panhandle Eastern Pipe Lind Co

1. 79-08345
2. 05-123-07954-
3. 108
4. Nielson Enterprises Inc
5. Wilson #1
6. Wattenberg J. Field
7. Weld Co
8. 3.0 Million Cubic Feet
9. June 12, 1979
10. Panhandle Eastern Pipe Lind Co

1. 79-08346
2. 05-123-07974-
3. 108
4. Nielson Enterprises Inc
5. Fritzler #1
6. Wattenberg J. Field
7. Weld Co
8. .0 Million Cubic Feet
9. June 12, 1979
10. Panhandle Eastern Pipe Line Co

1. 79-08347
2. 05-123-07653-
3. 108
4. Nielson Enterprises Inc
5. East Rinn #1
6. Wattenberg J. Field
7. Weld Co
8. 20.0 Million Cubic Feet
9. June 12, 1979
10. Panhandle Eastern Pipe Line Co

1. 79-08348
2. 05-123-07953-
3. 108
4. Nielson Enterprises Inc
5. Camenisch #1
6. Wattenberg J. Field
7. Weld Co
8. 14.0 Million Cubic Feet

9. June 12, 1979
10. Panhandle Eastern Pipe Line Co

1. 79-08349
2. 05-123-09276
3. 103
4. Nieson Enterprises Inc
5. Gaulke #2
6. Spindle
7. Weld Co
8. 10.0 Million Cubic Feet
9. June 12, 1979
10. Panhandle Eastern Pipe Line Co

1. 79-08350
2. 05-123-09308-
3. 103
4. Nielson Enterprises Inc
5. Wiliam Ewing Gas Unit #1
6. Hambert-Sussex
7. Weld Co
8. 300.0 Million Cubic Feet
9. June 12, 1979
10. Panhandle Eastern Pipe Line Co

1. 79-08351
2. 05-123-09274
3. 103
4. Nielson Enterprises Inc
5. Anderson #2
6. Spindle
7. Weld Co
8. 30.0 Million Cubic Feet
9. June 12, 1979
10. Panhandle Eastern Pipe Line Co

1. 79-08352
2. 05-123-09324-
3. 103
4. Nielson Enterprises Inc
5. Brown #1
6. Hambert
7. Weld Co
8. 360.0 Million Cubic Feet
9. June 12, 1979
10. Panhandle Eastern Pipe Line Co

1. 79-08353
2. 05-123-08425-
3. 108
4. Nielson Enterprises Inc
5. Kilker #1
6. Wattenberg J. Field
7. Weld Co
8. 8.0 Million Cubic Feet
9. June 12, 1979
10. Panhandle Eastern Pipe Line Co

1. 79-08354
2. 05-123-07944-
3. 108
4. Nielson Enterprises Inc
5. Martinez #1
6. Wattenberg J. Field
7. Weld Co
8. 5.0 Million Cubic Feet
9. June 12, 1979
10. Panhandle Eastern Pipe Line Co

1. 79-08355
2. 05-123-08641-
3. 103
4. Nielson Enterprises Inc
5. Grant #2
6. Spindle-Shannon
7. Weld Co
8. 12.0 Million Cubic Feet
9. June 12, 1979
10. Panhandle Eastern Pipe Line Co

1. 79-08356
2. 05-123-09307-
3. 103
4. Nielson Enterprises Inc
5. Grant #3
6. Spindle-Shannon
7. Weld Co
8. 12.0 Million Cubic Feet
9. June 12, 1979
10. Panhandle Eastern Pipe Line Co

1. 79-08357
2. 05-123-09299-
3. 103
4. Nielson Enterprises Inc
5. Stromberger Unit #2
6. Hambert
7. Weld Co
8. 24.0 Million Cubic Feet
9. June 12, 1979
10. Panhandle Eastern Pipe Line Co

1. 79-08358
2. 05-123-09309
3. 103
4. Nielson Enterprises Inc
5. Grant #4
6. Spindle-Shannon
7. Weld Co
8. 12.0 Million Cubic Feet
9. June 12, 1979
10. Panhandle Eastern Pipe Line Co

1. 79-08359
2. 05-123-09319
3. 103
4. Nielson Enterprises Inc
5. Stitt Gas Unit #1
6. Wattenberg J Field
7. Weld Co
8. 60.0 Million Cubic Feet
9. June 12, 1979
10. Panhandle Eastern Pipe Line Co

1. 79-08360
2. 05-123-09326
3. 103
4. Nielson Enterprises Inc
5. Johnson #2
6. Spindle
7. Weld Co
8. 12.0 Million Cubic Feet
9. June 12, 1979
10. Panhandle Eastern Pipe Line Co

1. 79-08361
2. 05-123-09318
3. 103
4. Nielson Enterprises Inc
5. Meredith #1
6. Spindle-Shannon
7. Weld Co
8. 15.0 Million Cubic Feet
9. June 12, 1979
10. Panhandle Eastern Pipe Line Co

1. 79-08362
2. 05-123-07983
3. 108
4. Nielson Enterprises Inc
5. Beeler #1
6. Wattenberg J Field
7. Weld Co
8. .0 Million Cubic Feet
9. June 12, 1979
10. Panhandle Eastern Pipe Line Co

1. 79-08363
2. 05-123-08038
3. 108
4. Nielson Enterprises Inc
5. Rehder #1
6. Wattenberg J Field
7. Weld Co
8. 4.8 Million Cubic Feet
9. June 12, 1979
10. Panhandle Eastern Pipe Line Co

1. 79-08364
2. 05-123-07933
3. 108
4. Nielson Enterprises Inc
5. Apollo #1
6. Wattenberg J Field
7. Weld Co
8. 3.0 Million Cubic Feet
9. June 12, 1979
10. Panhandle Eastern Pipe Line Co

1. 79-08365
2. 05-123-07555
3. 108
4. Nielson Enterprises Inc
5. Kugel #1
6. Wattenberg J Field
7. Weld Co
8. 22.0 Million Cubic Feet
9. June 12, 1979
10. Panhandle Eastern Pipe Line Co

1. 79-08366
2. 05-123-07693
3. 108
4. Nielson Enterprises Inc
5. Olander #1
6. Wattenberg J Field
7. Weld Co
8. 18.0 Million Cubic Feet
9. June 12, 1979
10. Panhandle Eastern Pipe Line Co

1. 79-08367
2. 05-123-08553
3. 108
4. Nielson Enterprises Inc
5. Saratoga #1
6. Wattenberg J Field
7. Weld Co
8. 10.0 Million Cubic Feet
9. June 12, 1979
10. Panhandle Eastern Pipe Line Co

1. 79-08368
2. 05-123-09338
3. 103
4. E B Ohara
5. E B Ohara Klein 34-5
6. Lost Creek J
7. Weld Co
8. 54.0 Million Cubic Feet
9. June 12, 1979
10. Crystal Gas Resources Inc

1. 79-08369
2. 05-001-07359
3. 103
4. Okmar Oil Company
5. Simpson A No 9
6. Beacon
7. Adams Co
8. 35.0 Million Cubic Feet
9. June 12, 1979
10. Colorado Interstate Gas Company

1. 79-08370
2. 05-123-07380
3. 108 Denied
4. Machii-Ross Petroleum Co
5. Gumeson #1
6. Wattenberg
7. Weld Co
8. 12.0 Million Cubic Feet
9. June 12, 1979

10. Colorado Interstate Gas Company
1. 79-08371
2. 05-123-09497
3. 102 Denied
4. Machii-Ross Petroleum Co
5. Aristocrat Angus 21-10
6. Aristocrat
7. Weld Co
8. 182.0 Million Cubic Feet
9. June 12, 1979
10. Colorado Interstate Gas Co
1. 79-08372
2. 05-009-05038
3. 108
4. Okmar Oil Company
5. Burghart A-1
6. Greenwood South
7. Baca Co
8. 19.0 Million Cubic Feet
9. June 12, 1979
10. Colorado Interstate
1. 79-08373
2. 05-075-08693
3. 103
4. Okmar Oil Company
5. Budin No 13
6. Big Sandy
7. Logan Co
8. 6.0 Million Cubic Feet
9. June 12, 1979
10. Kansas-Nebraska Natural Gas Co

West Virginia Department of Mines, Oil and Gas Division

1. Control Number (F.E.R.C./State)
2. API Well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)
1. 79-08159
2. 47-109-00483-
3. 108
4. Ashland Exploration Inc
5. W M Ritter Lumber Co #163-025500
6. Logan Wyoming
7. Wyoming WV
8. 10.1 million cubic feet
9. June 12, 1979
10. Consolidated Gas Supply Corp
1. 79-08160
2. 47-109-00482-
3. 108
4. Ashland Exploration Inc
5. W M Ritter Lumber Co #162-025430
6. Logan Wyoming
7. Wyoming WV
8. 10.0 million cubic feet
9. June 12, 1979
10. Consolidated Gas Supply Corp
1. 79-08161
2. 47-109-00477-
3. 108
4. Ashland Exploration Inc
5. W M Ritter Lumber Co #160-025270
6. Logan Wyoming
7. Wyoming WV
8. 10.1 million cubic feet
9. June 12, 1979
10. Consolidated Gas Supply Corp
1. 79-08162
2. 47-109-00473-
3. 108
4. Ashland Exploration Inc
5. W M Ritter Lumber Co #159-025130
6. Logan Wyoming
7. Wyoming WV
8. 10.1 million cubic feet
9. June 12, 1979.
10. Consolidated Gas Supply Corp
1. 79-08163
2. 47-109-00470-
3. 108
4. Ashland Exploration Inc
5. W M Ritter Lumber Co #157-024990
6. Logan Wyoming
7. Wyoming WV
8. 5.5 million cubic feet
9. June 12, 1979
10. Consolidated Gas Supply Corp
1. 79-08164
2. 47-109-00469-
3. 108
4. Ashland Exploration Inc
5. W M Ritter Lumber Co #156-024900
6. Logan Wyoming
7. Wyoming WV
8. 5.5 million cubic feet
9. June 12, 1979
10. Consolidated Gas Supply Corp
1. 79-08165
2. 47-109-00460-
3. 108
4. Ashland Exploration Inc
5. W M Ritter Lumber Co #152-024790
6. Logan Wyoming
7. Wyoming WV
8. 10.1 million cubic feet
9. June 12, 1979
10. Consolidated Gas Supply Corp
1. 79-08166
2. 47-109-00458-
3. 108
4. Ashland Exploration Inc
5. W M Ritter Lumber Co #151-024730
6. Logan Wyoming
7. Wyoming WV
8. 10.1 million cubic feet
9. June 12, 1979
10. Consolidated Gas Supply Corp
1. 79-08167
2. 47-109-00455-
3. 108
4. Ashland Exploration Inc
5. W M Ritter Lumber Co #149-024560
6. Logan Wyoming
7. Wyoming WV
8. 11.9 million cubic feet
9. June 12, 1979
10. Consolidated Gas Supply Corp
1. 79-08168
2. 47-109-00452-
3. 108
4. Ashland Exploration Inc
5. W M Ritter Lumber Co #148-024110
6. Logan Wyoming
7. Wyoming WV
8. 10.1 million cubic feet
9. June 12, 1979
10. Consolidated Gas Supply Corp
1. 79-08169
2. 47-109-00451-
3. 108
4. Ashland Exploration Inc
5. W M Ritter Lumber Co #147-024100
6. Logan Wyoming
7. Wyoming WV
8. 10.1 million cubic feet
9. June 12, 1979
10. Consolidated Gas Supply Corp
1. 79-08170
2. 47-109-00450-
3. 108
4. Ashland Exploration Inc
5. W M Ritter Lumber Co #146-024090
6. Logan Wyoming
7. Wyoming WV
8. 10.1 million cubic feet
9. June 12, 1979
10. Consolidated Gas Supply Corp
1. 79-08171
2. 47-109-00437-
3. 108
4. Ashland Exploration Inc
5. W M Ritter Lumber Co #145-023860
6. Logan Wyoming
7. Wyoming WV
8. 10.1 million cubic feet
9. June 12, 1979
10. Consolidated Gas Supply Corp
1. 79-08172
2. 47-109-00641-
3. 108
4. Ashland Exploration Inc
5. W M Ritter Lumber Co #206-035710
6. Logan Wyoming
7. Wyoming WV
8. 10.4 million cubic feet
9. June 12, 1979
10. Consolidated Gas Supply Corp
1. 79-08173
2. 47-109-00640-
3. 108
4. Ashland Exploration Inc
5. W M Ritter Lumber Co #204-035460
6. Logan Wyoming
7. Wyoming WV
8. 16.1 million cubic feet
9. June 12, 1979
10. Consolidated Gas Supply Corp
1. 79-08174
2. 47-109-00633-
3. 108
4. Ashland Exploration Inc
5. W M Ritter Lumber Co #203-035200
6. Logan Wyoming
7. Wyoming WV
8. 12.7 million cubic feet
9. June 12, 1979
10. Consolidated Gas Supply Corp
1. 79-08175
2. 47-109-00631-
3. 108
4. Ashland Exploration Inc
5. W M Ritter Lumber Co #202-034800
6. Logan Wyoming
7. Wyoming WV
8. 2.2 million cubic feet
9. June 12, 1979
10. Consolidated Gas Supply Corp
1. 79-03176
2. 47-109-00625-
3. 108
4. Ashland Exploration Inc
5. W M Ritter Lumber Co #201-034180
6. Logan Wyoming
7. Wyoming WV
8. 18. million cubic feet

9. June 12, 1979
10. Consolidated Gas Supply Corp
1. 79-08177
2. 47-109-00620-
3. 108
4. Ashland Exploration Inc
5. W M Ritter Lumber Co #199-033990
6. Logan Wyoming
7. Wyoming WV
8. 8.7 million cubic feet
9. June 12, 1979
10. Consolidated Gas Supply Corp
1. 79-08178
2. 47-109-00619-
3. 108
4. Ashland Exploration Inc
5. Miller-Ritter #1-033710
6. Logan Wyoming
7. Wyoming WV
8. 17.8 million cubic feet
9. June 12, 1979
10. Consolidated Gas Supply Corp
1. 79-08179
2. 47-109-00615-
3. 108
4. Ashland Exploration Inc
5. Ritter-Crouch #1-033580
6. Logan Wyoming
7. Wyoming WV
8. 3.0 million cubic feet
9. June 12, 1979
10. Consolidated Gas Supply Corp
1. 79-08180
2. 47-109-00608-
3. 108
4. Ashland Exploration Inc
5. W M Ritter Lumber Co #197-033040
6. Logan Wyoming
7. Wyoming WV
8. 2.0 million cubic feet
9. June 12, 1979
10. Consolidated Gas Supply Corp
1. 79-08181
2. 47-109-00607-
3. 108
4. Ashland Exploration Inc
5. W M Ritter Lumber Co #196-033030
6. Logan Wyoming
7. Wyoming WV
8. 9.0 million cubic feet
9. June 12, 1979
10. Consolidated Gas Supply Corp
1. 79-08182
2. 47-109-00602-
3. 108
4. Ashland Exploration Inc
5. W M Ritter Lumber Co #195-032570
6. Logan Wyoming
7. Wyoming WV
8. 6.4 million cubic feet
9. June 12, 1979
10. Consolidated Gas Supply Corp
1. 79-08183
2. 47-109-00601-
3. 108
4. Ashland Exploration Inc
5. W M Ritter Lumber Co #194-032490
6. Logan Wyoming
7. Wyoming WV
8. 1117.4 million cubic feet
9. June 12, 1979
10. Consolidated Gas Supply Corp
1. 79-08184
2. 47-109-00624-
3. 108
4. Ashland Exploration Inc
5. W M Ritter Lumber Co #200-034170
6. Logan Wyoming
7. Wyoming WV
8. 6.3 million cubic feet
9. June 12, 1979
10. Consolidated Gas Supply Corp
1. 79-08249
2. 47-045-00282-
3. 108
4. Ashland Exploration Inc
5. W M Ritter Lumber Co #114-019090
6. Logan Wyoming
7. Wyoming WV
8. 10.1 million cubic feet
9. June 12, 1979
10. Consolidated Gas Supply Corp
1. 79-08250
2. 47-045-00279-
3. 108
4. Ashland Exploration Inc
5. W M Ritter Lumber Co #113-019050
6. Logan Wyoming
7. Wyoming WV
8. 10.1 million cubic feet
9. June 12, 1979
10. Consolidated Gas Supply Corp
1. 79-08251
2. 47-045-00272-
3. 108
4. Ashland Exploration Inc
5. W M Ritter Lumber Co #112-018880
6. Logan Wyoming
7. Wyoming WV
8. 10.1 million cubic feet
9. June 12, 1979
10. Consolidated Gas Supply Corp
1. 79-08252
2. 47-045-00307-
3. 108
4. Ashland Exploration Inc
5. W M Ritter Lumber Co #119-019830
6. Logan, Wyoming
7. Logan, WV
8. 10.1 million cubic feet
9. June 12, 1979
10. Consolidated Gas Supply Corp
1. 79-08253
2. 47-109-00378-
3. 108
4. Ashland Exploration Inc
5. W M Ritter Lumber Co #120-019840
6. Logan, Wyoming
7. Wyoming WV
8. 5.5 million cubic feet
9. June 12, 1979
10. Consolidated Gas Supply Corp
1. 79-08254
2. 47-109-00370-
3. 108
4. Ashland Exploration Inc
5. W M Ritter Lumber Co #116-019110
6. Logan, Wyoming
7. Wyoming WV
8. 5.5 million cubic feet
9. June 12, 1979
10. Consolidated Gas Supply Corp
1. 79-08255
2. 47-109-00369-
3. 108
4. Ashland Exploration Inc
5. W M Ritter Lumber Co #115-019100
6. Logan, Wyoming
7. Wyoming WV
8. 10.1 million cubic feet
9. June 12, 1979
10. Consolidated Gas Supply Corp
1. 79-08256
2. 47-109-00368-
3. 108
4. Ashland Exploration Inc
5. W M Ritter Lumber Co #111-018870
6. Logan, Wyoming
7. Wyoming WV
8. 10.1 million cubic feet
9. June 12, 1979
10. Consolidated Gas Supply Corp
1. 79-08257
2. 47-109-00102-
3. 108
4. Ashland Exploration Inc
5. W M Ritter Lumber Co #26-013330
6. Logan, Wyoming
7. Wyoming WV
8. 5.5 million cubic feet
9. June 12, 1979
10. Consolidated Gas Supply Corp
1. 79-08258
2. 47-109-00100-
3. 108
4. Ashland Exploration Inc
5. W M Ritter Lumber Co #27-013160
6. Logan, Wyoming
7. Wyoming WV
8. 5.5 million cubic feet
9. June 12, 1979
10. Consolidated Gas Supply Corp
1. 79-08259
2. 47-109-00099-
3. 108
4. Ashland Exploration Inc
5. W M Ritter Lumber Co #26-013080
6. Logan, Wyoming
7. Wyoming WV
8. 5.5 million cubic feet
9. June 12, 1979
10. Consolidated Gas Supply Corp
1. 79-08260
2. 47-109-00290-
3. 108
4. Ashland Exploration Inc
5. Amherst Land Co #12-019230
6. Logan, Wyoming
7. Logan WV
8. 8.7 million cubic feet
9. June 12, 1979
10. Consolidated Gas Supply Corp
1. 79-08261
2. 47-109-00295-
3. 108
4. Ashland Exploration Inc
5. Elk Creek Coal Land Co #5-019530
6. Logan, Wyoming
7. Logan WV
8. 11.9 million cubic feet
9. June 12, 1979
10. Consolidated Gas Supply Corp
1. 79-08262
2. 47-045-00217-
3. 108
4. Ashland Exploration Inc
5. Elk Creek Coal Land Co #3-015750
6. Logan, Wyoming
7. Logan WV
8. 8.7 million cubic feet
9. June 12, 1979

10. Consolidated Gas Supply Corp
1. 79-08263
2. 47-045-00195-
3. 108
4. Ashland Exploration Inc
5. Elk Creek Coal Land Co #2-014980
6. Logan, Wyoming
7. Logan WV
8. 8.7 million cubic feet
9. June 12, 1979
10. Consolidated Gas Supply Corp
1. 79-08264
2. 47-045-00568-
3. 108
4. Ashland Exploration Inc
5. Elk Creek Coal Land Co #10-025260
6. Logan, Wyoming
7. Logan WV
8. 8.7 million cubic feet
9. June 12, 1979
10. Consolidated Gas Supply Corp
1. 79-08265
2. 47-045-00469-
3. 108
4. Ashland Exploration Inc
5. Elk Creek Coal Land Co #9-023820
6. Logan, Wyoming
7. Logan WV
8. 12.1 million cubic feet
9. June 12, 1979
10. Consolidated Gas Supply Corp
1. 79-08266
2. 47-045-00396-
3. 108
4. Ashland Exploration Inc
5. Amherst Land Co #27-021750
6. Logan, Wyoming
7. Logan WV
8. 8.7 million cubic feet
9. June 12, 1979
10. Consolidated Gas Supply Corp
1. 79-08267
2. 47-045-00479-
3. 108
4. Ashland Exploration Inc
5. Amherst Land Co #34-023890
6. Logan, Wyoming
7. Logan WV
8. 8.7 million cubic feet
9. June 12, 1979
10. Consolidated Gas Supply Corp
1. 79-08268
2. 47-045-00474-
3. 108
4. Ashland Exploration Inc
5. Amherst Land Co #33-023880
6. Logan, Wyoming
7. Logan WV
8. 8.7 million cubic feet
9. June 12, 1979
10. Consolidated Gas Supply Corp
1. 79-08269
2. 47-045-00388-
3. 108
4. Ashland Exploration Inc
5. Amherst Land Co #25-021680
6. Logan, Wyoming
7. Logan WV
8. 8.7 million cubic feet
9. June 12, 1979
10. Consolidated Gas Supply Corp
1. 79-08270
2. 47-045-00417-
3. 108
4. Ashland Exploration Inc
5. Amherst Land Co #31-022140
6. Logan, Wyoming
7. Logan WV
8. 8.7 million cubic feet
9. June 12, 1979
10. Consolidated Gas Supply Corp
1. 79-08271
2. 47-045-00410-
3. 108
4. Ashland Exploration Inc
5. Amherst Land Co #29-022050
6. Logan, Wyoming
7. Logan WV
8. 8.7 million cubic feet
9. June 12, 1979
10. Consolidated Gas Supply Corp
1. 79-08272
2. 47-045-00438-
3. 108
4. Ashland Exploration Inc
5. Amherst Land Co #32-023120
6. Logan, Wyoming
7. Logan WV
8. 8.7 million cubic feet
9. June 12, 1979
10. Consolidated Gas Supply Corp

U.S. Geological Survey, Metairie, La.

1. Control Number (F.E.R.C./State)
2. API Well Number
3. Section of NGPA
4. Operator
5. Well Name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)
1. 79-08158
2. 42-711-40334-0000-0
3. 102
4. Exxon Corporation
5. OCS-G 2741 No A-4
6. High Island
7. A-343
8. 90000.0 million cubic feet
9. June 11, 1979
10. Columbia Gas Trans Corp Trunkline Gas Company Natural Gas Pipeline Co

U.S. Geological Survey, Albuquerque, N.M.

1. Control Number (F.E.R.C./State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)
1. 79-08433
2. 05-067-06112-0000-0
3. 103
4. Mesa Petroleum Co
5. Ute Indian 8A FR
6. Wildcat
7. Laplata, CO
8. 30.0 Million Cubic Feet
9. June 12, 1979
10. El Paso Natural Gas Company
1. 79-08185
2. 30-045-12087-0000-0
3. 103
4. Jerome P. McHugh
5. Hardie #2
6. Basin Dakota
7. San Juan, NM
8. 15.0 Million Cubic Feet
9. June 12, 1979
10. El Paso Natural Gas Company
1. 79-08186
2. 30-045-20629-0000-0
3. 103
4. Jerome P. McHugh
5. Hammond #2
6. South Blanco Pictured Cliffs
7. San Juan, NM
8. 2.0 Million Cubic Feet
9. June 12, 1979
10. El Paso Natural Gas Company
1. 79-08187
2. 30-045-20628-0000-0
3. 103
4. Jerome P. McHugh
5. Hammond #1
6. south Blanco Pictured Cliffs
7. San Juan, NM
8. 12.0 Million Cubic Feet
9. June 12, 1979
10. El Paso Natural Gas Company
1. 79-08188
2. 30-045-20631-0000-0
3. 103
4. Jerome P. McHugh
5. Oxnard #2
6. South Blanco Pictured Cliffs
7. San Juan, NM
8. 12.0 Million Cubic Feet
9. June 12, 1979
10. El Paso Natural Gas Company
1. 79-08189
2. 30-045-21956-0000-0
3. 103
4. Kimbard Operating Co.
5. Storey #3
6. Wildcat
7. San Juan, NM
8. 5.0 Million Cubic Feet
9. June 12, 1979
10. Southwest Gas Corporation
1. 79-08190
2. 30-045-22880-0000-0
3. 103
4. Blackwood & Nichols Co. Ltd.
5. Northeast Blanco Unit Well No. 30-A
6. Blanco Mesaverde SE 12-30-8W
7. San Juan, NM
8. 300.0 Million Cubic Feet
9. June 12, 1979
1. 79-08191
2. 30-045-21693-0000-0
3. 103
4. Blackwood & Nichols Co. Ltd.
5. Northeast Blanco Unit Well No. 4-A
6. Blanco Mesaverde SW 21-30-7W
7. Rio Arriba, NM
8. 300.0 Million Cubic Feet
9. June 12, 1979
10. El Paso Natural Gas Company
1. 79-08192
2. 30-045-22889-0000-0
3. 103
4. Blackwood & Nichols Co. Ltd.
5. Northeast Blanco Unit Well NO. 36-A
6. Blanco Mesaverde SE 1-30N-8W
7. San Juan, NM

8. 350.0 Million Cubic Feet
9. June 12, 1979
10. El Paso Natural Gas Company
1. 79-08193
2. 30-039-21724-0000-0
3. 103
4. Blackwood & Nichols Co Ltd
5. Northeast Blanco Unit Well No. 8-A
6. Blanco Mesaverde NW 10-30N-7W
7. Rio Arriba, NM
8. 250.0 Million Cubic Feet
9. June 12, 1979
10. El Paso Natural Gas Company
1. 79-08194
2. 30-045-22528-0000-0
3. 103
4. Blackwood & Nichols Co Ltd
5. Northeast Blanco Unit Well No. 65
6. Blanco Mesaverde NE 11-31N-7W
7. San Juan, NM
8. 35.0 Million Cubic Feet
9. June 12, 1979
10. El Paso Natural Gas Company
1. 79-08195
2. 30-045-21884-0000-0
3. 108
4. Jerome P. McHugh
5. Chaco Plant #5
6. Nipp Pictured Cliffs
7. San Juan, NM
8. 12.0 Million Cubic Feet
9. June 12, 1979
10. El Paso Natural Gas Company
1. 79-08196
2. 30-045-21908-0000-0
3. 108
4. Jerome P. McHugh
5. Wayout #1
6. San Juan Undesignated Pictured Cliff
7. San Juan, NM
8. 10.0 Million Cubic Feet
9. June 12, 1979
10. El Paso Natural Gas Company
1. 79-08197
2. 30-039-21097-0000-0
3. 108
4. Jerome P. McHugh
5. Jicarilla 28-3 #1
6. Choza Mesa Gallup
7. Rio Arriba, NM
8. 3.0 Million Cubic Feet
9. June 12, 1979
10. El Paso Natural Gas Company
1. 79-08198
2. 30-039-20316-0000-0
3. 108
4. Jerome P. McHugh
5. Tribal #2
6. Basin Dakota
7. Rio Arriba, NM
8. 1.0 Million Cubic Feet
9. June 12, 1979
10. Northwest Pipeline Corporation
1. 79-08199
2. 30-045-09068-0000-0
3. 108
4. Supron Energy Corporation
5. McCord #10
6. Basin Dakota
7. San Juan, NM
8. .0 Million Cubic Feet
9. June 12, 1979
10. El Paso Natural Gas Company
1. 79-08200
2. 30-045-00000-0000-0
3. 108
4. Supron Energy Corporation
5. McCord #11
6. Basin Dakota
7. San Juan, NM
8. .0 Million Cubic Feet
9. June 12, 1979
10. El Paso Natural Gas Company
1. 79-08201
2. 30-045-08983-0000-0
3. 108
4. Supron Energy Corporation
5. McCord #12
6. Basin Dakota
7. San Juan, NM
8. .0 Million Cubic Feet
9. June 12, 1979
10. El Paso Natural Gas Company
1. 79-08202
2. 30-045-09315-0000-0
3. 108
4. Supron Energy Corporation
5. McCord #13
6. Basin Dakota
7. San Juan, NM
8. .0 Million Cubic Feet
9. June 12, 1979
10. El Paso Natural Gas Company
1. 79-08203
2. 30-045-1706-0000-0
3. 108
4. Supron Energy Corporation
5. Navaju 6-6
6. Basin Dakota
7. San Juan, NM
8. .0 Million Cubic Feet
9. June 12, 1979
10. El Paso Natural Gas Company
1. 79-08204
2. 30-025-26084-0000-0
3. 103
4. Mobil Oil Corporation
5. Federal X #2
6. Langlie Mattix-Queen
7. Lea, NM
8. 182.0 Million Cubic Feet
9. June 12, 1979
10. El Paso Natural Gas Co
1. 79-08205
2. 30-025-26085-0000-0
3. 103
4. Mobil Oil Corporation
5. Federal X #3
6. Langlie Mattix-Queen
7. San Juan, NM
8. 55.0 Million Cubic Feet
9. June 12, 1979
10. El Paso Natural Gas Co
1. 79-08206
2. 30-045-05940-0000-0
3. 108
4. Supron Energy Corporation
5. Newsom B-7
6. Basin Dakota
7. San Juan, NM
8. .0 Million Cubic Feet
9. June 12, 1979
10. El Paso Natural Gas Company
1. 79-08207
2. 30-045-12104-0000-0
3. 108
4. Supron Energy Corporation
5. Newsom A-6
6. Basin Dakota
7. San Juan, NM
8. .0 Million Cubic Feet
9. June 12, 1979
10. El Paso Natural Gas Company
1. 79-08208
2. 30-045-11848-0000-0
3. 108
4. Supron Energy Corporation
5. Newsom A-3
6. Basin Dakota
7. San Juan, NM
8. .0 Million Cubic Feet
9. June 12, 1979
10. El Paso Natural Gas Company
1. 79-08209
2. 30-045-11556-0000-0
3. 108
4. Supron Energy Corporation
5. Newsom B-11
6. Basin Dakota
7. San Juan, NM
8. .0 Million Cubic Feet
9. June 12, 1979
10. El Paso Natural Gas Company
1. 79-08210
2. 30-045-12145-0000-0
3. 108
4. Supron Energy Corporation
5. Nickson #15
6. Basin Dakota
7. San Juan, NM
8. .0 Million Cubic Feet
9. June 12, 1979
10. El Paso Natural Gas Company
1. 79-08211
2. 30-045-12143-0000-0
3. 108
4. Sup ron Energy Corporation
5. Nickson #17
6. Basin Dakota
7. San Juan, NM
8. .0 Million Cubic Feet
9. June 12, 1979
10. El Paso Natural Gas Company
1. 79-08212
2. 30-045-06621-0000-0
3. 108
4. Supron Energy Corporation
5. Richardson #2
6. Basin Dakota
7. San Juan, NM
8. .0 Million Cubic Feet
9. June 12, 1979
10. El Paso Natural Gas Company
1. 79-08213
2. 30-045-09069-0000-0
3. 108
4. Supron Energy Corporation
5. McCord #1
6. Basin Dakota
7. San Juan, NM
8. .0 Million Cubic Feet
9. June 12, 1979
10. Southern Union Gathering Company
1. 79-08214
2. 30-045-10945-0000-0
3. 108
4. Supron Energy Corporation
5. Nordhaus #3
6. Blanco Mesaverde
7. San Juan County, NM
8. .0 million cubic feet

9. June 12, 1979
10. Southern Union Gathering Company
1. 79-08215
2. 30-045-10587-0000-0
3. 108
4. Supron Energy Corporation
5. Owen #2
6. Blanco Mesaverde
7. San Juan County, NM
8. .0 million cubic feet
9. June 12, 1979
10. Southern Union Gathering Company
1. 79-08216
2. 30-039-21504-0000-0
3. 103
4. Transocean Oil Inc
5. #1 Federal 28714
6. Chacon Dakota Field
7. Rio Arriba, NM
8. 73.0 million cubic feet
9. June 12, 1979
10. El Paso Natural Gas Company
1. 79-08217
2. 30-045-13008-0000-0
3. 108
4. Jerome P. McHugh
5. Bolin Hardie #1
6. Basin Dakota
7. San Juan, NM
8. 18.0 million cubic feet
9. June 12, 1979
10. El Paso Natural Gas Company
1. 79-08218
2. 30-045-20272-0000-0
3. 108
4. Jerome P. McHugh
5. Moore #1
6. Basin Dakota
7. San Juan, NM
8. 7.0 million cubic feet
9. June 12, 1979
10. El Paso Natural Gas Company
1. 79-08219
2. 30-039-20186-0000-0
3. 108
4. Jerome P. McHugh
5. Nordhaus #1
6. Ballard Pictured Cliffs
7. Rio Arriba, NM
8. 17.0 million cubic feet
9. June 12, 1979
10. El Paso Natural Gas Company
1. 79-08220
2. 30-039-20189-0000-0
3. 108
4. Jerome P. McHugh
5. Nordhaus #3
6. Ballard Pictured Cliffs
7. Rio Arriba, NM
8. 19.0 million cubic feet
9. June 12, 1979
10. El Paso Natural Gas Company
1. 79-08221
2. 30-039-21523-0000-0
3. 103
4. Brooks Hall Oil Corp
5. Jicarilla #1
6. Tapacito Pictured Cliffs
7. Rio Arriba, NM
8. 55.0 million cubic feet
9. June 12, 1979
10. Northwest Pipeline Corporation
1. 79-08222
2. 30-045-09096-0000-0
3. 108
4. Flag-Redfern Oil Co
5. Palmer #1
6. Fulcher Kutz PC
7. San Juan, NM
8. 12.5 million cubic feet
9. June 12, 1979
10. El Paso Natural Gas Co
1. 79-08223
2. 30-045-21838-0000-0
3. 108
4. Dugan Production Corp.
5. KR #1
6. Waw Fruitland PC
7. San Juan NM
8. 5.8 million cubic feet
9. June 12, 1979
10. El Paso Natural Gas Co
1. 79-08224
2. 30-045-22659-0000-0
3. 103
4. Mobile Oil Corporation
5. Navajo #3
6. Tocito Dome Penn D
7. San Juan NM
8. 45.0 million cubic feet
9. June 12, 1979
10. El Paso Natural Gas Company
1. 79-08225
2. 30-039-00000-0000-0
3. 108
4. J G Merrion & L Bayless
5. Gibbins #1
6. Rosa Gallup
7. Rio Arriba NM
8. 5.0 million cubic feet
9. June 12, 1979
10. El Paso Natural Gas Company
1. 79-08226
2. 30-043-20273-0000-0
3. 103
4. J G Merrion & R L Bayless
5. Jicarilla 428 #4
6. Ballard Pictured Cliffs
7. Sandoval NM
8. 3.8 million cubic feet
9. June 12, 1979
10. Northwest Pipeline Corporation
1. 79-08227
2. 30-045-22742-0000-0
3. 103
4. J G Merrion & R L Bayless
5. Hugh Lake #1
6. Waw Fruitland Pictured Cliffs
7. San Juan NM
8. 10.0 million cubic feet
9. June 12, 1979
10. El Paso Natural Gas Company
1. 79-08228
2. 30-045-23032-0000-0
3. 103
4. J G Merrion & R L Bayless
5. HI Roll #4
6. Waw Fruitland Pictured Cliffs
7. San Juan NM
8. 30.0 million cubic feet
9. June 12, 1979
10. Southwest Gas Corporation
1. 79-08229
2. 30-045-23034-0000-0
3. 103
4. J G Merrion & R L Bayless
5. HI Roll #3
6. Waw Fruitland Pictured Cliffs
7. San Juan NM
8. 24.0 million cubic feet
9. June 12, 1979
10. Southwest Gas Corporation
1. 79-08230
2. 30-045-23033-0000-0
3. 103
4. J G Merrion & R L Bayless
5. HI Roll #2
6. Waw Fruitland Pictured Cliffs
7. San Juan NM
8. 30.0 million cubic feet
9. June 12, 1979
10. Southwest Gas Corporation
1. 79-08231
2. 30-045-23035-0000-0
3. 103
4. J G Merrion & R L Bayless
5. HI Roll #1
6. Waw Fruitland Pictured Cliffs
7. San Juan NM
8. 40.0 million cubic feet
9. June 12, 1979
10. Southwest Gas Corporation
1. 79-08232
2. 30-039-05434-0000-0
3. 103
4. Dugan Production Corp.
5. Sunset #1
6. Ballard PC
7. Rio Arriba NM
8. .4 million cubic feet
9. June 12, 1979
10. El Paso Natural Gas Co.
1. 79-08233
2. 30-045-21850-0000-0
3. 108
4. Dugan Production Corp.
5. Red Mac #3
6. Waw Fruitland PC
7. San Juan NM
8. 3.0 million cubic feet
9. June 12, 1979
10. El Paso Natural Gas Co
1. 79-08234
2. 30-045-21851-0000-0
3. 108
4. Dugan Production Corp.
5. Red Mac #2
6. Waw Fruitland PC
7. San Juan, NM
8. 5.0 million cubic feet
9. June 12, 1979
10. El Paso Natural Gas Co
1. 79-08235
2. 30-045-21849-0000-0
3. 108
4. Dugan Production Corp
5. Red Mac #1
6. Waw Fruitland PC
7. San Juan, NM
8. 3.8 million cubic feet
9. June 12, 1979
10. El Paso Natural Gas Co
1. 79-08236
2. 30-043-20231-0000-0
3. 108
4. Jack A Cole
5. Apache Flats No. 9
6. Ballard Pictured Cliffs
7. Sandoval, NM
8. 8.0 million cubic feet
9. June 12, 1979

10. El Paso Natural Gas Co
1. 79-08237
2. 30-043-20220-0000-0
3. 108
4. Jack A Cole
5. Apache Flats No. 1
6. Ballard Pictured Cliffs
7. Sandoval, NM
8. 1.5 million cubic feet
9. June 12, 1979
10. El Paso Natural Gas Company
1. 79-08238
2. 30-039-21600-0000-0
3. 103
4. Jack A Cole
5. Apache Hills No. 3
6. Ballard Pictured Cliffs
7. Rio Arriba, NM
8. 30.0 million cubic feet
9. June 12, 1979
10. El Paso Natural Gas Co
1. 79-08239
2. 30-039-21601-0000-0
3. 103
4. Jack A Cole
5. Apache Hills No. 2
6. Ballard Pictured Cliffs
7. Rio Arriba, NM
8. 25.0 million cubic feet
9. June 12, 1979
10. El Paso Natural Gas Co
1. 79-08240
2. 30-039-21602-0000-0
3. 103
4. Jack A Cole
5. Apache Hills No. 1
6. Ballard Pictured Cliffs
7. Rio Arriba, NM
8. 45.0 million cubic feet
9. June 12, 1979
10. El Paso Natural Gas Co
1. 79-08241
2. 30-043-20222-0000-0
3. 103
4. Jack A Cole
5. Apache Flats No. 4
6. Ballard Pictured Cliffs
7. Sandoval, NM
8. 60.0 million cubic feet
9. June 12, 1979
10. El Paso Natural Gas Company
1. 79-08242
2. 30-043-20227-0000-0
3. 103
4. Jack A Cole
5. Apache Flats No. 10
6. Ballard Pictured Cliffs
7. Sandoval, NM
8. 30.0 million cubic feet
9. June 12, 1979
10. El Paso Natural Gas Co
1. 79-08243
2. 30-043-20223-0000-0
3. 108
4. Jack A. Cole
5. Apache Flats No. 3
6. Ballard PC
7. Sandoval, NM
8. 9.0 million cubic feet
9. June 12, 1979
10. El Paso Natural Gas Co.
1. 79-08244
2. 30-039-21168-0000-0
3. 108
4. Jack A. Cole
5. Burro Canyon No. 2
6. Ballard Pictured Cliffs
7. Rio Arriba, NM
8. 5.0 million cubic feet
9. June 12, 1979
10. El Paso Natural Gas Co.
1. 79-08245
2. 30-039-21152-0000-0
3. 108
4. Jack A. Cole
5. Burro Canyon No. 1
6. Ballard Pictured Cliffs
7. Rio Arriba, NM
8. 6.0 million cubic feet
9. June 12, 1979
10. El Paso Natural Gas Co.
1. 79-08246
2. 30-043-20242-0000-0
3. 108
4. Jack A. Cole
5. Apache Flats No. 13
6. Ballard Pictured Cliffs
7. Sandoval, NM
8. 5.0 million cubic feet
9. June 12, 1979
10. El Paso Natural Gas Co.
1. 79-08247
2. 30-039-16710-0000-0
3. 108
4. Brooks Hall Oil Corp.
5. Jicarilla 119 No. 1
6. Tapacito Pictured Cliffs
7. Rio Arriba, NM
8. 8.5 million cubic feet
9. June 12, 1979
10. Northwest Pipeline Corporation
1. 79-08248
2. 30-043-20305-0000-0
3. 103
4. Chace-Oil Company, Inc.
5. Chace Apache 54-4
6. Chacon Dakota Associated
7. Sandoval, NM
8. .0 million cubic feet
9. June 12, 1979
10. El Paso Natural Gas Co.
1. 79-08374
2. 30-039-05356-0000-0
3. 108
4. Trans Delta Oil & Gas Co., Inc.
5. Abraham Fed 3
6. South Blanco
7. Rio Arriba, NM
8. 4.9 million cubic feet
9. June 12, 1979
10. El Paso Natural Gas Co.
1. 79-08375
2. 30-039-82321-0000-0
3. 108
4. Trans Delta Oil & Gas Co., Inc.
5. Ben Federal
6. South Blanco
7. Rio Arriba, NM
8. 3.5 million cubic feet
9. June 12, 1979
10. El Paso Natural Gas Co.
1. 79-08376
2. 30-039-05203-0000-0
3. 108
4. Trans Delta Oil & Gas Co., Inc.
5. Buzzy Federal 1
6. South Blanco
7. Rio Arriba, NM
8. 5.9 million cubic feet
9. June 12, 1979
10. El Paso Natural Gas Co.
1. 79-08377
2. 30-039-05201-0000-0
3. 108
4. Trans Delta Oil & Gas Co., Inc.
5. Buzzy Federal 2
6. South Blanco
7. Rio Arriba, NM
8. 5.2 million cubic feet
9. June 12, 1979
10. El Paso Natural Gas Co.
1. 79-08378
2. 30-039-05056-0000-0
3. 108
4. Trans Delta Oil & Gas Co., Inc.
5. Evans-Federal 1
6. South Blanco
7. Rio Arriba, NM
8. 2.9 million cubic feet
9. June 12, 1979
10. El Paso Natural Gas Co.
1. 79-08379
2. 30-039-05185-0000-0
3. 108
4. Trans Delta Oil & Gas Co., Inc.
5. Gardner Federal 1
6. South Blanco
7. Rio Arriba, NM
8. 5.8 million cubic feet
9. June 12, 1979
10. El Paso Natural Gas Co.
1. 79-08380
2. 30-039-05204-0000-0
3. 108
4. Trans Delta Oil & Gas Co., Inc.
5. Gonzales Federal 1
6. South Blanco
7. Rio Arriba, NM
8. 2.7 million cubic feet
9. June 12, 1979
10. El Paso Natural Gas Co.
1. 79-08381
2. 30-039-05306-0000-0
3. 108
4. Trans Delta Oil & Gas Co., Inc.
5. Harrington Fed No. 1
6. South Blanco
7. Rio Arriba, NM
8. 15.0 million cubic feet
9. June 12, 1979
10. El Paso Natural Gas Co.
1. 79-08382
2. 30-045-22285-0000-0
3. 108
4. Dugan Production Corp.
5. Rachel No. 2
6. Waw Fruitland PC
7. San Juan, NM
8. 14.0 million cubic feet
9. June 12, 1979
10. El Paso Natural Gas Co.
1. 79-08383
2. 30-039-21481-0000-0
3. 103
4. Mobil Oil Corporation
5. Jicarilla F 3-A
6. Blanco Mesaverde
7. Rio Arriba, NM
8. 134.0 million cubic feet
9. June 12, 1979
10. Northwest Pipeline Corp.

1. 79-08384
2. 30-039-21482-0000-0
3. 103
4. Mobil Oil Corporation
5. Jicarilla F No. 4-A
6. Blanco Mesaverde
7. Rio Arriba, NM
8. 133.0 million cubic feet
9. June 12, 1979
10. Northwest Pipeline Corp.

1. 79-08385
2. 30-039-21241-0000-0
3. 103
4. Mobil Oil Corporation
5. Jicarilla G No. 5-A
6. Blanco Mesaverde
7. Rio Arriba, NM
8. 65.0 million cubic feet
9. June 12, 1979
10. Northwest Pipeline Corp.

1. 79-08386
2. 30-015-22479-0000-0
3. 108
4. Hondo Drilling Company
5. Wright-Federal Com #2
6. N Turkey Track
7. Eddy, NM
8. 9.0 million cubic feet
9. June 12, 1979
10. El Paso Natural Gas Company

1. 79-08387
2. 30-015-22549-0000-0
3. 103
4. Hondo Drilling Company
5. Alscott-Federal #3 NM-0924
6. N Turkey Track
7. Eddy, NM
8. 9.0 million cubic feet
9. June 12, 1979
10. El Paso Natural Gas Company

1. 79-08388
2. 30-015-22142-0000-0
3. 103
4. Hondo Drilling Company
5. Alscott-Federal #2 NM-0924
6. N Turkey Track
7. Eddy, NM
8. 433.8 million cubic feet
9. June 12, 1979
10. El Paso Natural Gas Co.

1. 79-08389
2. 30-045-22356-0000-0
3. 103
4. Jerome P. McHugh
5. Nassau #8 PC
6. Undesignated Pictured Cliffs
7. San Juan, NM
8. 25.0 million cubic feet
9. June 12, 1979
10. El Paso Natural Gas Company

1. 79-08390
2. 30-045-22356-0000-0
3. 103
4. Jerome P. McHugh
5. Nassau #8 FR
6. South Gallegos
7. San Juan, NM
8. 54.0 million cubic feet
9. June 12, 1979
10. El Paso Natural Gas Company

1. 79-08391
2. 30-045-22357-0000-0
3. 103
4. Jerome P. McHugh
5. Nassau #5R PC
6. Undesginated Pictured Cliffs
7. San Juan, NM
8. 24.0 million cubic feet
9. June 12, 1979
10. El Paso Natural Gas Company

1. 79-08392
2. 30-045-22357-0000-0
3. 103
4. Jerome P. McHugh
5. Nassau #5R Fruitland
6. South Gallegos Fruitland
7. San Juan, NM
8. 59.0 million cubic feet
9. June 12, 1979
10. El Paso Natural Gas Company

1. 79-08393
2. 30-043-20306-0000-0
3. 103
4. Chace Oil Company, Inc.
5. Chace Apache 54-3
6. Chacon Dakota Associated
7. Sandoval, NM
8. 62.0 million cubic feet
9. June 12, 1979
10. El Paso Natural Gas Company

1. 79-08394
2. 30-045-10311-0000-0
3. 108
4. Bruce Anderson
5. Federal #1
6. Basin Dakota
7. San Juan, NM
8. 14.3 million cubic feet
9. June 12, 1979
10. El Paso Natural Gas Company

1. 79-08395
2. 30-045-06035-0000-0
3. 108
4. Jerome P McHugh
5. Bengal A #1
6. Gallegos Gallup
7. San Juan, NM
8. 7.0 million cubic feet
9. June 12, 1979
10. El Paso Natural Gas Company

1. 79-08396
2. 30-045-12125-0000-0
3. 108
4. Jerome P. McHugh
5. Price #2
6. Basin Dakota
7. San Juan, NM
8. 8.0 million cubic feet
9. June 12, 1979
10. El Paso Natural Gas Company

1. 79-08397
2. 30-045-12113-0000-0
3. 108
4. Jerome P. McHugh
5. Price #1
6. Basin Dakota
7. San Juan, NM
8. 19.0 million cubic feet
9. June 12, 1979
10. El Paso Natural Gas Company

1. 79-08398
2. 30-045-10488-0000-0
3. 108
4. C M Paul
5. Hall #1
6. Basin Dakota
7. San Juan, NM
8. 11.5 million cubic feet
9. June 12, 1979
10. El Paso Natural Gas Co

1. 79-08399
2. 30-045-13139-0000-0
3. 103
4. C M Paul
5. Elliot #1
6. Basin Dakota
7. San Juan, NM
8. 4.3 million cubic feet
9. June 12, 1979
10. El Paso Natural Gas Co

1. 79-08400
2. 30-045-06525-0000-0
3. 108
4. Rocanville Corp
5. Fairfield #3
6. Basin Dakota
7. San Juan, NM
8. 12.0 million cubic feet
9. June 12, 1979
10. El Paso Natural Gas Co

1. 79-08401
2. 30-045-20786-0000-0
3. 103
4. Flag-Redfern Oil Co
5. Gentle #3
6. Pinon Fruitland
7. San Juan, NM
8. 19.0 million cubic feet
9. June 12, 1979
10. El Paso Natural Gas Co

1. 79-08402
2. 30-045-20927-0000-0
3. 108
4. Flag-Redfern Oil Co
5. Gentle #4
6. Pinon Fruitland
7. San Juan, NM
8. 1.0 million cubic feet
9. June 12, 1979
10. El Paso Natural Gas Co

1. 79-08403
2. 30-043-05257-0000-0
3. 108
4. H K Keesee
5. Margurite #2
6. Ballard PC
7. Sandoval, NM
8. 10.0 million cubic feet
9. June 12, 1979
10. El Paso Natural Gas Co

1. 79-08404
2. 30-043-00000-0000-0
3. 108
4. H K Keesee
5. Marguerite #3
6. Ballard PC
7. Sandoval, NM
8. 3.5 million cubic feet
9. June 12, 1979
10. El Paso Natural Gas Co

1. 79-08405
2. 30-043-00000-0000-0
3. 108
4. H K Keesee
5. Marguerite #4
6. Ballard PC
7. Sandoval, NM
8. 3.4 million cubic feet
9. June 12, 1979
10. El Paso Natural Gas

1. 79-08406

2. 30-039-00000-0000-0
3. 108
4. Sherman F Wagenseller
5. Mobil Apache #14
6. South Blanco PC
7. Rio Arriba, NM
8. 12.1 million cubic feet
9. June 12, 1979
10. El Paso Gas Company

1. 79-08407
2. 30-039-60055-0000-0
3. 108
4. El Paso Natural Gas Company
5. Canyon Largo Unit #80
6. Ballard-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 7.0 million cubic feet
9. June 12, 1979
10. El Paso Natural Gas Company

1. 79-08408
2. 30-039-20579-0000-0
3. 1-8
4. Arapahoe Drilling Co
5. Schalk 55-1
6. Basin Dakota
7. Rio Arriba, NM
8. 14.0 million cubic feet
9. June 12, 1979
10. Northwest Pipeline

1. 79-08409
2. 30-039-20929-0000-0
3. 108
4. Arapahoe Drilling Co
5. Schalk 52-6
6. Blanco Mesa Verde
7. Rio Arriba, NM
8. 15.4 million cubic feet
9. June 12, 1979
10. Northwest Pipeline

1. 79-08410
2. 30-039-60029-0000-0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla P #9
6. Ballard—Pictured Cliffs Gas
7. Rio Arriba, NM
8. 1.0 million cubic feet
9. Junee 12, 1979
10. El Paso Natural Gas Company

1. 79-0841
2. 30-039-05367-0000-0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla P #12
6. Ballard—Pictured Cliffs Gas
7. Rio Arriba, NM
8. 2.0 million cubic feet
9. June 12, 1979
10. El Paso Natural Gas Company

1. 79-08412
2. 30-039-06020-0000-0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla E #13
6. Blanco South—Pictured Cliffs Gas
7. Rio Arriba, NM
8. 13.9 million Cubic feet
9. June 12, 1979
10. El Paso Natural Gas Company

1. 79-08413
2. 30-039-06014-0000-0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla E #16
6. Blanco South—Pictured Cliffs Gas
7. Rio Arriba, NM
8. 13.5 million cubic feet
9. June 12, 1979
10. El Paso Natural Gas Company

1. 79-08414
2. 30-039-05982-0000-0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla E #12
6. Blanco South—Pictured Cliffs Gas
7. Rio Arriba, NM
8. 5.0 million cubic feet
9. June 12, 1979
10. El Paso Natural Gas Company

1. 79-08415
2. 30-045-11934-0000-0
3. 108
4. El Paso Natural Gas Company
5. Huerfano Unit #157
6. Basin—Dakota Gas
7. San Juan, NM
8. 16.4 million cubic feet
9. June 12, 1979
10. El Paso Natural Gas Company, Northwest Pipeline Corp

1. 79-08416
2. 30-039-209330-0000-0
3. 108
4. Arapahoe Drilling Co
5. Schalk 62-3
6. Blanco Mesa Verde
7. Rio Arriba, NM
8. .0 Million cubic feet
9. June 12, 1979
10. Northwest Pipeline

1. 79-08417
2. 30-045-21365-0000-0
3. 108
4. Arapahoe Drilling Co
5. Schalk 94-3
6. Pictured Cliffs
7. San Juan, NM
8. .0 million cubic feet
9. June 12, 1979
10. Northwest Pipeline

1. 79-08418
2. 30-045-21313-0000-0
3. 108
4. Arapahoe Drilling Co
5. Schalk 94-1
6. Basin Dakota
7. San Juan, NM
8. .0 million cubic feet
9. June 12, 1979
10. Northwest Pipeline

1. 79-08419
2. 30-039-20596-0000-0
3. 108
4. Arapahoe Drilling Co
5. Schalk 63-1
6. Basin Dakota
7. Rio Arriba County, NM
8. .0 million cubic feet
9. June 12, 1979
10. Northwest Pipeline

1. 79-08420
2. 30-039-20664-0000-0
3. 108
4. Arapahoe Drilling Co
5. Schalk 62-2
6. Undesignated Gallup
7. Rio Arriba, NM
8. .0 million cubic feet
9. June 12, 1979
10. Northwest Pipeline

1. 79-08421
2. 30-045-22443-0000-0
3. 108
4. Dugan Production Corp
5. Pet Inc #12
6. Ojo Fruitland PC
7. San Juan, NM
8. 8.5 million cubic feet
9. June 12, 1979
10. Northwest Pipeline Corp

1. 79-08422
2. 30-045-22555-0000-0
3. 108
4. Dugan Production Corp
5. Pet Inc #13
6. Ojo Fruitland PC
7. San Juan, NM
8. 14.0 million cubic feet
9. June 12, 1979
10. Northwest Pipeline Corp

1. 79-08423
2. 30-045-22558-0000-0
3. 108
4. Dugan Production Corp
5. Pet Inc #14
6. Ojo Fruitland PC
7. San Juan, NM
8. 8.0 million cubic feet
9. June 12, 1979
10. Northwest Pipeline Corp

1. 79-08424
2. 30-345-22557-0000-0
3. 108
4. Dugan Production Corp
5. Pet Inc #15
6. Ojo Fruitland PC
7. San Juan, NM
8. 7.0 million cubic feet
9. June 12, 1979
10. Northwest Pipeline Corp

1. 79-08425
2. 30-045-22552-0000-0
3. 108
4. Dugan Production Corp
5. Pet Inc #17
6. Ojo Fruitland PC
7. San Juan, NM
8. 16.0 million cubic feet
9. June 12, 1979
10. Northwest Pipeline Corp

1. 79-08426
2. 30-045-22549-0000-0
3. 108
4. Dugan Production Corp
5. Pet Inc #18
6. Ojo Fruitland PC
7. San Juan, NM
8. 6.5 million cubic feet
9. June 12, 1979
10. Northwest Pipeline Corp

1. 79-08427
2. 30-045-21852-0000-0
3. 108
4. Dugan Production Corp
5. Rachel #1
6. Waw Fruitland PC
7. San Juan, NM
8. 4.5 million cubic feet
9. June 12, 1979
10. El Paso Natural Gas Co

1. 79-08428

2. 30-039-21647-0000-0
3. 103
4. Jerome P McHugh
5. Valencia Canyon Unit #37
6. Choza Mesa Pictured Cliffs
7. Rio Arriba, NM
8. 680.0 million cubic feet
9. June 12, 1979
10. El Paso Natural Gas Co

1. 79-08429
2. 30-045-22958-0000-0
3. 103
4. Jerome P McHugh
5. Chaco Plant #19R
6. Nipp Pictured Cliffs Extension
7. San Juan, NM
8. 7.0 million cubic feet
9. June 12, 1979
10. El Paso Natural Gas Company

1. 79-08430
2. 30-045-22958-0000-0
3. 108
4. Jerome P McHugh
5. Chaco Plant #19R
6. Nipp Pictured Clifs Extention
7. San Juan, NM
8. 7.0 million cubic feet
9. June 12, 1979
10. El Paso Natural Gas Company

1. 79-08431
2. 30-039-21646-0000-0
3. 103
4. Jerome P McHugh
5. Valencia Canyon Unit #36
6. Choza Mesa Pictured Cliffs
7. Rio Arriba, NM
8. 60.0 million cubic feet
9. June 12, 1979
10. El Paso Natural Gas Company

1. 79-08434
2. 30-043-20253-0000-0
3. 103
4. Chace Oil Company Inc
5. Chace Apache 15-1
6. Chacon Dakota Associated
7. Sandoval, NM
8. 30.0 million cubic feet
9. June 12, 1979
10. El Paso Natural Gas Comapny

1. 79-08435
2. 30-043-20283-0000-0
3. 103
4. Chace Oil Comapny Inc
5. Chace Apache 15-2
6. Chacon Dakota Associated
7. Sandoval, NM
8. 9.0 million cubic feet
9. June 12, 1979
10. El Paso Natural Gas Company

1. 79-08436
2. 30-043-20279-0000-0
3. 103
4. Chace Oil Company Inc
5. Chace Apache 15-3
6. Chacon Dakota Associated
7. Sandoval, NM
8. 9.0 million cubic feet
9. June 12, 1979
10. El Paso Natural Gas Company

1. 79-08437
2. 30-043-30349-0000-0
3. 103
4. Chace Oil Company Inc
5. Chace Apache 54-1
6. Chacon Dakota Associated
7. Sandoval, NM
8. .o million cubic feet
9. June 12, 1979
10. El Paso Natural Gas Company

1. 79-08438
2. 30-039-20126-0000-0
3. 108
4. Jerome P McHugh
5. Jicarilla #6
6. Basin Dakota
7. Rio Arriba,NM
8. 13.0 million cubic feet
9. June 12, 1979
10. Northwest Pipeline Corporation

1. 79-08439
2. 30-039-20348-0000-0
3. 108
4. Jerome P. McHugh
5. Tiger #1
6. Tapacito Pictured Cliffs
7. Rio Arriba, NM
8. 17.0 million cubic feet
9. June 12, 1979
10. Northwest Pipeline Corporation

1. 79-08440
2. 30-039-20350-0000-0
3. 108
4. Jerome P. McHugh
5. Tiger #2
6. Tapacito Pictured Cliffs
7. Rio Arriba, NM
8. 10.0 million cubic feet
9. June 12, 1979
10. Northwest Pipeline Corporation

1. 79-08441
2. 30-039-20391-0000-0
3. 108
4. Jerome P. McHugh
5. Tiger #3
6. Tapacito Pictured Cliffs
7. Rio Arriba, NM
8. 8.0 million cubic feet
9. June 12, 1979
10. Northwest Pipeline Corporation

1. 79-08442
2. 30-039-20315-0000-0
3. 108
4. Jerome P. McHugh
5. Tribal #1
6. Basin Dakota
7. Rio Arriba, NM
8. 1.0 million cubic feet
9. June 12, 1979
10. Northwest Pipeline Corporation

1. 79-08443
2. 30-039-00000-0000-0
3. 108
4. Sherman F. Wagenseller
5. Mobil Apache #4
6. South Blanco PC
7. Rio Arriba, NM
8. 12.2 million cubic feet
9. June 12, 1979
10. El Paso Gas Company

1. 79-08444
2. 30-045-22067-0000-0
3. 108
4. Jerome P. McHugh
5. Chaco Plant #12
6. Gallegos Fruitland S & San Juan Und
7. San Juan, NM
8. 6.0 million cubic feet
9. June 12, 1979
10. El Paso Natural Gas Company

1. 79-08445
2. 30-015-22126-00000-0
3. 103
4. Yates Petroleum Corporation
5. Collins HS Fed #1
6. Cottonwood Creek WC West
7. Eddy, NM
8. .0 million cubic feet
9. June 12, 1979
10. Transwestern Pipeline Company

1. 79-08446
2. 30-015-22126-0000-0
3. 102
4. Yates Petroleum Corporation
5. Collins HS Fed #1
6. Cottonwood Creek Wolfe Camp West
7. Eddy, NM
8. 3.4 million cubic feet
9. June 12, 1979
10. Transwestern Pipeline Co.

1. 79-08447
2. 30-039-05310-0000-0
3. 108
4. Trans Delta Oil & Gas Co. Inc.
5. Abraham Fed 2
6. South Blanco
7. Rio Arriba, NM
8. 1.8 million cubic feet
9. June 12, 1979
10. El Paso Natural Gas Company

1. 79-08432
2. 05-067-
3. 103
4. Mesa Petroleum Co.
5. Ute Indian #1
6. Ignacio Blanco
7. Laplata, NM
8. 17.4 million cubic feet
9. June 12, 1979
10. El Paso Natural Gas Co.Q02

The application for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission within fifteen (15) days of the date of publication of this notice in the Federal Register.

Please reference the FERC control number in all correspondence related to these determination.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-20603 Filed 7-3-79; 8:45 am]

BILLING CODE 6450-01-M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

June 25, 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

1. Control Number (F.E.R.C./State)
2. API Well Number
3. Section of NGPA
4. Operator
5. Well Name
6. Field or OCS Area Name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 79-07442
2. 34-099-21127-0010-
3. 103
4. SPS Technologies Inc
5. S & S Jordan #1
6.
7. Mahoning OH
8. 27.0 million cubic feet
9. May 18, 1979
10. The East Ohio Gas Company

Wyoming Oil and Gas Conservation Commission

1. Control Number (F.E.R.C./State)
2. API Well Number
3. Section of NGPA
4. Operator
5. Well Name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 79-07901
2. 49-005-0000-
3. 103
4. Diamond Shamrock Corporation
5. Schlautman Fee 44-10
6. Harizog Draw
7. Campbell WY
8. 21.0 million cubic feet
9. May 21, 1979
10. Phillips Petroleum Company

1. 79-07902
2. 49-019-20424-
3. 103
4. Southland Royalty Company
5. Van Irvine PA
6. Holler Draw
7. Johnson WY
8. 14.7 million cubic feet
9. May 21, 1979
10. Phillips Petroleum Company, Panhandle Eastern P/L Co

1. 79-07903
2. 49-029-06109-
3. 108
4. Phillips Petroleum Company
5. State Polecat—A No. 6
6. Big Pole Cat
7. Park WY
8. 22.0 million cubic feet
9. May 21, 1979
10. Montana—Dakota Utilities Co

U.S. Geological Survey

Metairie, La.

1. Control Number (F.E.R.C./State)
2. API Well Number
3. Section of NGPA
4. Operator
5. Well Name
6. Field or OCS Area Name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 79-07441
2. 17-713-40035-0000-0
3. 102
4. Mesa Petroleum Co
5. South Pelto Blk 8 Well A-7-D
6. South Pelto
7. 8
8. 1825.0 million cubic feet
9. May 17, 1979
10. Columbia Gas Transmission Corp, Northern Natural Gas Co

1. 79-07889
2. 17-724-40112-0000-0
3. 102
4. Continental Oil Co
5. Main Pass Block 288 A-11D
6. Main Pass
7. 288
8. 56.0 million cubic feet
9. June 12, 1979
10. Southern Natural Gas Co

1. 79-07891
2. 17-724-40129-0000-0
3. 102
4. Continental Oil Co
5. Main Pass Block 288 A-13
6. Main Pass
7. 288
8. 33.0 million cubic feet
9. June 12, 1979
10. Southern Natural Gas Co

1. 79-07893
2. 17-724-40124-0000-0
3. 102
4. Continental Oil Co
5. Main Pass Block 289 A-19D
6. Main Pass
7. 289
8. 13.0 million cubic feet
9. June 12, 1979
10. Southern Natural Gas Co

1. 79-07894
2. 17-724-40125-0000-0
3. 102
4. Continental Oil Co
5. Main Pass Block 289 A-20
6. Main Pass
7. 289
8. 213.0 million cubic feet
9. June 12, 1979
10. Southern Natural Gas Co

1. 79-07895
2. 17-724-40110-0000-0
3. 102
4. Continental Oil Co
5. Main Pass Block 288 A-10
6. Main Pass
7. 288
8. 91.0 million cubic feet
9. June 12, 1979
10. Southern Natural Gas Co

1. 79-07896
2. 17-724-40107-0000-0
3. 102
4. Continental Oil Co
5. Main Pass Block 288 A-8
6. Main Pass
7. 288
8. 42.0 million cubic feet
9. June 12, 1979
10. Southern Natural Gas Co

1. 79-07897
2. 17-724-40127-0000-0
3. 102
4. Continental Oil Co
5. Main Pass Block 288 A-21
6. Main Pass
7. 289
8. 50.0 million cubic feet
9. June 12, 1979
10. Southern Natural Gas Co

1. 79-07899
2. 17-724-40101-0000-0
3. 102
4. Continental Oil Co
5. Main Pass Block 288 A-4D
6. Main Pass
7. 288
8. 45.0 million cubic feet
9. June 12, 1979
10. Southern Natural Gas Co

1. 79-07900
2. 17-724-40112-0000-0
3. 102
4. Continental Oil Co
5. Main Pass Block 288 A-11
6. Main Pass
7. 288
8. 72.0 million cubic feet
9. June 12, 1979
10. Southern Natural Gas Co

1. 79-07890
2. 42-711-40355-0000-0
3. 102
4. Exxon Corporation
5. OCS-G 2741 #A-6
6. High Island
7. A-343
8. 5500.0 million cubic feet
9. June 12, 1979
10. Columbia Gas Trans Corp, Trunkline Gas Co, Natural Gas Pipeline Co

1. 79-07892
2. 42-711-40328-0000-0
3. 102
4. Exxon Corporation
5. OCS-G 2740 #B-2
6. High Island
7. A-342
8. 1800.0 million cubic feet
9. June 12, 1979
10. Columbia Gas Trans Corp, Trunkline Gas Co, Natural Gas Pipeline Co

1. 79-07898
2. 42-711-40326-0000-0
3. 102
4. Exxon Corporation
5. OCS-G 2740 #B-3

6. High Island
7. A-342
8. 9000.0 million cubic feet
9. June 12, 1979
10. Columbia Gas Trans Corp, Trunkline Gas Co, Natural Gas Pipeline Co

1. 79-07688
2. 17-724-40107-0000-
3. 102
4. Continental Oil Co
5. Main Pass Block 288 A-8D
6. Main Pass
7. 288
8. 50.0 million cubic feet
9. June 12, 1979
10. Southern Natural Gas Co

U.S. Geological Survey

Albuquerque, N. Mex.

1. Control Number (F.E.R.C./State)
2. API Well Number
3. Section of NGPA
4. Operator
5. Well Name
6. Field or OCS Area Name
7. County, State or Block No.
8. Estimated Annual Volume
9. Date Received at FERC
10. Purchaser(s)

1. 79-07718
2. 05-067-00000-0000-0
3. 108
4. J G Merrion & R L Bayless
5. Southern Ute #14-1
6. Ignacio-Pictured Cliffs
7. La Plata, CO
8. 6.0 million cubic feet
9. June 7, 1979
10. El Paso Natural Gas Company

1. 79-07719
2. 05-067-00000-0000-0
3. 108
4. J G Merrion & R L Bayless
5. Ute #1
6. Ignacio-Mesa Verde
7. La Plata CO
8. 10.0 million cubic feet
9. June 7, 1979
10. El Paso Natural Gas Company

1. 79-07671
2. 30-045-21865-0000-0
3. 108
4. Dugan Production Corp
5. Gallegos #3
6. Kutz PC West
7. San Juan, NM
8. 14.5 million cubic feet
9. June 7, 1979
10. El Paso Natural Gas Company

1. 79-07672
2. 30-045-21864-0000-0
3. 108
4. Dugan Production Corp
5. Gallegos #4
6. Pinion Fruitland
7. San Juan, NM
8. 2.4 million cubic feet
9. June 7, 1979
10. El Paso Natural Gas Company.

1. 79-07673
2. 30-045-07023-0000-0
3. 108
4. Dugan Production Corp
5. Fullerton #1
6. Basin Dk
7. San Juan, NM
8. 11.0 million cubic feet
9. June 7, 1979
10. El Paso Natural Gas Company

1. 79-07674
2. 30-045-22082-0000-0
3. 108
4. Dugan Production Corp
5. George Washington #2
6. WAW Fruitland PC
7. San Juan, NM
8. 9.4 million cubic feet
9. June 7, 1979
10. El Paso Natural Gas Company

1. 79-07675
2. 30-045-22211-0000-0
3. 108
4. Dugan Production Corp
5. George Washington #4
6. WAW Fruitland PC
7. San Juan, NM
8. 3.0 million cubic feet
9. June 7, 1979
10. El Paso Natural Gas Company

1. 79-07676
2. 30-045-22284-0000-0
3. 103
4. Dugan Production Corp
5. Hard Deal #3
6. WAW Fruitland PC
7. San Juan, NM
8. 28.5 million cubic feet
9. June 7, 1979
10. El Paso Natural Gas Company

1. 79-07677
2. 30.039-06032-0000-0
3. 108
4. Dugan Production Corp
5. Hurt #3
6. Tapacito PC
7. Rio Arriba, NM
8. 5.0 million cubic feet
9. June 7, 1979
10. Gas Co of New Mexico

1. 79-07678
2. 30-039-06000-0000-0
3. 108
4. Dugan Production Corp
5. Hurt #4
6. Tapacito PC
7. Rio Arriba, NM
8. 1.0 million cubic feet
9. June 7, 1979
10. Gas Co of New Mexico

1. 79-07679
2. 30-045-22443-0000-0
3. 103
4. Dugan Production Corp
5. Irish #1
6. WAW Fruitland PC
7. San Juan, NM
8. 10.0 million cubic feet
9. June 7, 1979
10. El Paso Natural Gas Company

1. 79-07680
2. 30-039-05657-0000-0
3. 108
4. Dugan Production Corp
5. Jicarilla #1
6. Blanco PC South
7. Rio Arriba, NM
8. 3.0 million cubic feet
9. June 7, 1979
10. Northwest Pipeline Corp

1. 79-07681
2. 30-039-06281-0000-0
3. 103
4. Dugan Production Corp
5. Jicarilla E #2
6. Blanco Mesaverde
7. Rio Arriba, NM
8. 3.0 million cubic feet
9. June 7, 1979
10. Northwest Pipeline Corp

1. 79-07682
2. 30-045-21897-0000-0
3. 103
4. Dugan Production Corp
5. KR #2
6. WAW Fruitland PC
7. San Juan, NM
8. 1.9 million cubic feet
9. June 7, 1979
10. El Paso Natural Gas Company

1. 79-07683
2. 30-045-09083-0000-0
3. 108
4. Dugan Production Corp
5. Mayre #1
6. Twin Mounds PC
7. San Juan, NM
8. 6.5 million cubic feet
9. June 7, 1979
10. Northwest Pipeline Corp

1. 79-07684
2. 30-045-09401-0000-0
3. 108
4. Dugan Production Corp
5. McKenzie #1
6. Basin Dakota
7. San Juan, NM
8. 9.6 million cubic feet
9. June 7, 1979
10. Northwest Pipeline Corp

1. 79-07685
2. 30-039-05748-0000-0
3. 108
4. Dugan Production Corp
5. Mexico Federal H #1
6. Blanco PC South
7. Rio Arriba, NM
8. 4.9 million cubic feet
9. June 7, 1979
10. Northwest Pipeline Corp

1. 79-07686
2. 30-045-07023-0000-0
3. 108
4. Dugan Production Corp
5. Mexico Federal L
6. Basin Dakota
7. San Juan, NM
8. 6.0 million cubic feet
9. June 7, 1979
10. El Paso Natural Gas Company

1. 79-07687
2. 30-045-21738-0000-0
3. 108
4. Dugan Production Corp
5. Mike #1
6. WAW Fruitland PC
7. San Juan, NM
8. 3.0 million cubic feet
9. June 7, 1979
10. El Paso Natural Gas Company

1. 79-07689

2. 30-043-00000-0000-0
3. 108
4. J. G. Merrion
5. Bonanza #1
6. Basin Dakota
7. Sandoval, NM
8. 5.5 million cubic feet
9. June 7, 1979
10. El Paso Natural Gas Company

1. 79-07690
2. 30-039-21743-0000-0
3. 103
4. John E. Schalk
5. Schalk 29-4 Well #17
6. Choza Mesa Pictured Cliffs
7. Rio Arriba, NM
8. .0 million cubic feet
9. June 7, 1979
10. Northwest Pipeline

1. 79-07691
2. 30-039-21745-0000-0
3. 103
4. John E. Schalk
5. Schalk 29-4 Well #15
6. Choza Mesa Pictured Cliffs
7. Rio Arriba, NM
8. .0 million cubic feet
9. June 7, 1979
10. Northwest Pipeline

1. 79-07692
2. 30-039-21740-0000-0
3. 103
4. John E. Schalk
5. Schalk 29-4 Well #16
6. Choza Mesa Pictured Cliffs
7. Rio Arriba, NM
8. .0 million cubic feet
9. June 7, 1979
10. Northwest Pipeline

1. 79-07693
2. 30-039-21741-0000-0
3. 103
4. John E. Schalk
5. Schalk 29-4 Well #11
6. Choza Mesa Pictured Cliffs
7. Rio Arriba, NM
8. .0 million cubic feet
9. June 7, 1979
10. Northwest Pipeline

1. 79-07694
2. 30-039-21744-0000-0
3. 103
4. John E. Schalk
5. Schalk 29-4 Well #14
6. Choza Mesa Pictured Cliffs
7. Rio Arriba, NM
8. .0 million cubic feet
9. June 7, 1979
10. Northwest Pipeline

1. 79-07695
2. 30-045-06073-0000-0
3. 108
4. Stephen H. Kinney
5. Federal #1
6. South Blanco Pictured Cliffs
7. San Juan, NM
8. 3.3 million cubic feet
9. June 7, 1979
10. El Paso Natural Gas Co.

1. 79-07696
2. 30-025-04397-0000-0
3. 108
4. Warrior Inc.
5. Seale Federal #4
6. Eumont Yates Seven Rivers Queen
7. Lea, NM
8. 10.0 million cubic feet
9. June 7, 1979
10. Phillips Petroleum Co.

1. 79-07697
2. 30-025-00000-0000-0
3. 108
4. Warrior Inc.
5. Seale Federal #3
6. Eumont Yates Seven Rivers Queen
7. Lea, NM
8. 5.0 million cubic feet
9. June 7, 1979
10. Phillips Petroleum Co.

1. 79-07698
2. 30-025-00000-0000-0
3. 108
4. Warrior Inc.
5. Seale Federal #2
6. Eumont Yates Seven Rivers Queen
7. Lea, NM
8. 2.0 million cubic feet
9. June 7, 1979
10. Phillips Petroleum Co.

1. 79-07699
2. 30-025-00000-0000-0
3. 108
4. Warrior Inc.
5. Seale Federal #1
6. Eumont Yates Seven Rivers Queen
7. Lea, NM
8. 1.0 million cubic feet
9. June 7, 1979
10. Phillips Petroleum Co.

1. 79-07700
2. 30-025-04349-0000-0
3. 108
4. Warrior Inc.
5. Federal D Account A #5
6. Eumont Yates Seven Rivers Queen
7. Lea, NM
8. 5.0 million cubic feet
9. June 7, 1979
10. Phillips Petroleum Co.

1. 79-07701
2. 30-045-00000-0000-0
3. 108
4. Supron Energy Corporation
5. Quinn #8
6. Blanco Mesaverde
7. San Juan County, NM
8. .0 million cubic feet
9. June 7, 1979
10. Southern Union Gathering Company

1. 79-07702
2. 30-045-00000-0000-0
3. 108
4. Supron Energy Corporation
5. Seymour #1
6. Blanco Mesaverde
7. San Juan County, NM
8. .0 million cubic feet
9. June 7, 1979
10. Southern Union Gathering Company

1. 79-07703
2. 30-045-00000-0000-0
3. 108
4. Supron Energy Corporation
5. IEEL #1
6. Blanco Mesaverde
7. San Juan County, NM
8. .0 million cubic feet
9. June 7, 1979
10. Southern Gathering Company

1. 79-07704
2. 30-045-00000-0000-0
3. 108
4. Supron Energy Corporation
5. McCord B-1
6. Basin Dakota
7. San Juan County, NM
8. .0 million cubic feet
9. June 7, 1979
10. Southern Union Gathering Company

1. 79-07705
2. 30-045-00000-0000-0
3. 108
4. Supron Energy Corporation
5. Taliferro #3
6. Basin Dakota
7. San Juan County, NM
8. .0 million cubic feet
9. June 7, 1979
10. Southern Union Gathering Company

1. 79-07706
2. 30-045-00000-0000-0
3. 108
4. Supron Energy Corporation
5. Reid A-1
6. Basin Dakota
7. San Juan County, NM
8. .0 million cubic feet
9. June 7, 1979
10. Southern Union Gathering Company

1. 79-07707
2. 30-045-09870-0000-0
3. 108
4. Supron Energy Corporation
5. Reid A-2
6. Basin Dakota
7. San Juan County, NM
8. .0 million cubic feet
9. June 7, 1979
10. Southern Union Gathering Company

1. 79-07708
2. 30-045-00000-0000-0
3. 108
4. Supron Energy Corporation
5. Starr #3
6. Blanco Mesaverde
7. San Juan, NM
8. .0 million cubic feet
9. June 7, 1979
10. Northwest Pipeline Corporation

1. 79-07709
2. 30-045-00000-0000-0
3. 108
4. Supron Energy Corporation
5. Lea Federal #1
6. Basin Dakota
7. San Juan, NM
8. .0 million cubic feet
9. June 7, 1979
10. El Paso Natural Gas Company

1. 79-07710
2. 30-045-00000-0000-0
3. 108
4. Supron Energy Corporation
5. McCord #6
6. Basin Dakota
7. San Juan, NM
8. .0 million cubic feet
9. June 7, 1979
10. El Paso Natural Gas Company

1. 79-07711
2. 30-045-00000-0000-0

3. 108
4. Supron Energy Corporation
5. McCord #8
6. Basin Dakota
7. San Juan, NM
8. .0 million cubic feet
9. June 7, 1979
10. El Paso Natural Gas Company

1. 79-07712
2. 30-045-09405-0000-0
3. 108
4. Supron Energy Corporation
5. McCord #9
6. Basin Dakota
7. San Juan, NM
8. .0 million cubic feet
9. June 7, 1979
10. El Paso Natural Gas Company

1. 79-07713
2. 30-039-21497-0000-0
3. 103
4. Consolidated Oil & Gas Inc.
5. Tribal C 5-A
6. Blanco Mesaverde
7. Rio Arriba, NM
8. 65.7 million cubic feet
9. June 7, 1979
10. Northwest Pipeline Corp.

1. 79-07714
2. 30-045-00000-0000-0
3. 108
4. Energy Reserve Group Inc.
5. Gallegos Canyon Unit PC #57
6. W Kutz P C
7. San Juan, NM
8. 8.0 million cubic feet
9. June 7, 1979
10. El Paso Natural Gas Company

1. 79-07715
2. 30-005-60511-0000-0
3. 103
4. Depco Inc.
5. R & S Federal Comm #1
6. Buffalo Valley (Morrow)
7. Chaves, NM
8. 1000.0 million cubic feet
9. June 7, 1979
10.

1. 79-07716
2. 30-039-05354-0000-0
3. 108
4. Dugan Production Corp.
5. Harris #5
6. Ballard PC
7. Rio Arriba, NM
8. .5 million cubic feet
9. June 7, 1979
10. El Paso Natural Gas Company

1. 79-07717
2. 30-039-20328-0000-0
3. 108
4. El Paso Natural Gas Company
5. San Juan 28-7 Unit #149
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 19.0 million cubic feet
9. June 7, 1979
10. El Paso Natural Gas Company

1. 79-07720
2. 30-039-20803-0000-0
3. 108
4. Arapahoe Drilling Co.
5. Schalk 49-4
6. Blanco Pictured Cliffs East
7. Rio Arriba, NM
8. .0 million cubic feet
9. June 8, 1979
10. Northwest Pipeline

1. 79-07721
2. 30-039-20802-0000-0
3. 108
4. Arapahoe Drilling Co.
5. Schalk 49-3
6. Blancho Pictured Cliffs East
7. Rio Arriba, NM
8. .0 million cubic feet
9. June 8, 1979
10. Northwest Pipeline

1. 79-07722
2. 30-039-20720-0000-0
3. 108
4. Arapahoe Drilling Co
5. Schalk 49-2
6. Blanco Pictured Cliffs East
7. Rio Arriba, NM
8. .0 million cubic feet
9. June 8, 1979
10. Northwest Pipeline

1. 79-07723
2. 30-039-20595-0000-0
3. 108
4. Arapahoe Drilling Co
5. Schalk 49-1
6. Blanco Pictured Cliffs East
7. Rio Arriba, NM
8. 0. million cubic feet
9. June 8, 1979
10. Northwest Pipeline

1. 79-07724
2. 30-039-21057-0000-0
3. 108
4. John E Schalk
5. Schalk 29-4 #1
6. Blanco Mesa Verde
7. Rio Arriba County, NM
8. .0 million cubic feet
9. June 8, 1979
10. Northwest Pipeline

1. 79-07725
2. 30-039-21341-0000-0
3. 103
4. Northwest Pipeline Corporation
5. San Juan 29-5 #20A
6. Blanco MV
7. Rio Arriba, NM
8. 186.0 million cubic feet
9. June 8, 1979
10. Northwest Pipeline Corporation El Paso Natural Gas Co

1. 79-07726
2. 30-039-21570-0000-0
3. 103
4. Northwest Pipeline Corporation
5. S/J 29-6 #35A
6. Blanco MV
7. Rio Arriba, NM
8. 40.0 million cubic feet
9. June 8, 1979
10. Northwest Pipeline Corporation El Paso Natural Gas Co

1. 79-07727
2. 30-039-21342-0000-0
3. 103
4. Northwest Pipeline Corporation
5. S/J 29-5 #21A
6. Blanco MV
7. Rio Arriba, NM
8. 183.0 million cubic feet
9. June 8, 1979
10. Northwest Pipeline Corporation El Paso Natural Gas Co

1. 79-07728
2. 30-039-21572-0000-0
3. 103
4. Northwest Pipeline Corporation
5. S/J 29-6 #40A
6. Blanco MV
7. Rio Arriba, NM
8. 46.0 million cubic feet
9. June 8, 1979
10. Northwest Pipeline Corporation El Paso Natural Gas Co

1. 79-07729
2. 30-039-21566-0000-0
3. 103
4. Northwest Pipeline Corporation
5. S/J 29-6 #64A
6. Blanco MV
7. Rio Arriba, NM
8. 46.0 million cubic feet
9. June 8, 1979
10. Northwest Pipeline Corporation El Paso Natural Gas Co

1. 79-07730
2. 30-039-21423-0000-0
3. 103
4. Northwest Pipeline Corporation
5. San Juan 29-6 #32A
6. Blanco MV
7. Rio Arriba, NM
8. 169.0 million cubic feet
9. June 8, 1979
10. Northwest Pipeline Corporation El Paso Natural Gas Co

1. 79-07731
2. 30-039-21421-0000-0
3. 103
4. Northwest Pipeline Corporation
5. San Juan 29-6 #31A
6. Blanco MV
7. Rio Arriba, NM
8. 130.0 million cubic feet
9. June 8, 1979
10. Northwest Pipeline Corporation El Paso Natural Gas Co

1. 79-07732
2. 30-039-21386-0000-0
3. 103
4. Northwest Pipeline Corporation
5. San Juan 29-6 Unit #11A
6. Blanco MV
7. Rio Arriba, NM
8. .0 million cubic feet
9. June 8, 1979
10. Northwest Pipeline Corporation El Paso Natural Gas Co

1. 79-07733
2. 30-039-21576-0000-0
3. 103
4. Northwest Pipeline Corporation
5. San Juan 29-6 Unit #3A
6. Blanco Mesa Verde
7. Rio Arriba, NM
8. 72.0 million cubic feet
9. June 8, 1979
10. Northwest Pipeline Corporation El Paso Natural Gas Co

1. 79-07734
2. 30-045-21451-0000-0
3. 108
4. El Paso Natural Gas Company
5. San Jacinto 10

6. Bloomfield-Chacra Gas
7. San Juan, NM
8. 8.4 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company
1. 79-07735
2. 30-039-20541-0000-0
3. 108
4. El Paso Natural Gas Company
5. Canyon Largo Unit 176
6. Ballard-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 8.0 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company
1. 79-07736
2. 30-039-05400-0000-0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla A #1
6. Ballard-Pictured Cliffs Gas
7. Rio Arriba, NM
8. .0 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company
1. 79-07737
2. 30-045-09855-0000-0
3. 108
4. El Paso Natural Gas Company
5. Atlantic B #4
6. Blanco-Mesaverde Gas
7. San Juan, NM
8. 15.0 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company
1. 79-07738
2. 30-045-21085-0000-0
3. 108
4. El Paso Natural Gas Company
5. Hardie 8
6. Blanco-Pictured Cliffs Gas
7. San Juan, NM
8. 18.6 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company
1. 79-07739
2. 30-045-21168-0000-0
3. 108
4. El Paso Natural Gas Company
5. Hughes 22
6. Blanco-Pictured Cliffs Gas
7. San Juan, NM
8. 14.2 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company
1. 79-07740
2. 30-045-21078-0000-0
3. 108
4. El Paso Natural Gas Company
5. Howell #11
6. Blanco South-Pictured Cliffs Gas
7. San Juan, NM
8. 12.4 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company
1. 79-07741
2. 30-045-21099-0000-0
3. 108
4. El Paso Natural Gas Company
5. Heaton 30 PC
6. Aztec-Pictured Cliffs Gas
7. San Juan, NM
8. 16.4 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company
1. 79-07742
2. 30-045-20674-0000-0
3. 108
4. El Paso Natural Gas Company
5. Hubbard 3
6. Blanco-Pictured Cliffs Gas
7. San Juan, NM
8. 12.0 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company Northwest Pipeline Corp
1. 79-07743
2. 30-045-08790-0000-0
3. 108
4. El Paso Natural Gas Company
5. Murphy A Com B 3
6. Aztec-Pictured Cliffs Gas
7. San Juan, NM
8. 10.6 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company
1. 79-07744
2. 30-045-07561-0000-0
3. 108
4. El Paso Natural Gas Company
5. Reid 1
6. Blanco-Mesaverde Gas
7. San Juan, NM
8. 13.5 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company
1. 79-07745
2. 30-043-05188-0000-0
3. 108
4. El Paso Natural Gas Company
5. Stromberg #1
6. Ballard-Pictured Cliffs Gas
7. Sandoval, NM
8. 8.0 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company
1. 79-07746
2. 30-039-05919-0000-0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla E #11
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 8.0 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company
1. 79-07747
2. 30-039-05354-0000-0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla P #4
6. Ballard-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 1.0 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company
1. 79-07748
2. 30-039-05835-0000-0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla B #12
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 10.6 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company
1. 79-07749
2. 30-045-07433-0000-0
3. 108
4. El Paso Natural Gas Company
5. Hardie E 4
6. Blanco South-Pictured Cliffs Gas
7. San Juan, NM
8. 9.5 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company
1. 79-07750
2. 30-045-05898-0000-0
3. 108
4. El Paso Natural Gas Company
5. Crandell 2
6. Ballard-Pictured Cliffs Gas
7. San Juan, NM
8. 12.4 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company
1. 79-07751
2. 30-045-06331-0000-0
3. 108
4. El Paso Natural Gas Company
5. Lodewick 5
6. Fulcher Kutz—Pictured Cliffs Gas
7. San Juan, NM
8. 9.0 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company
1. 79-07752
2. 30-045-09050-0000-0
3. 108
4. El Paso Natural Gas Company
5. Murphy E1
6. Aztec—Pictured Cliffs Gas
7. San Juan, NM
8. 9.5 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company
1. 79-07753
2. 30-045-06409-0000-0
3. 108
4. El Paso Natural Gas Company
5. Cleveland 3
6. Fulcher Kutz—Pictured Cliffs Gas
7. San Juan, NM
8. 12.8 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company
1. 79-07754
2. 30-045-06486-0000-0
3. 108
4. El Paso Natural Gas Company
5. Reese Federal 1
6. Fulcher Kutz—Pictured Cliffs Gas
7. San Juan, NM
8. 3.0 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company
1. 79-07755
2. 30-045-07049-0000-0
3. 108
4. El Paso Natural Gas Company
5. Blanco 12
6. Blanco—Mesaverde Gas
7. San Juan, NM
8. 18.3 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company
1. 79-07756
2. 30-045-09161-0000-0
3. 108
4. El Paso Natural Gas Company
5. Sellers 4

6. Aztec—Pictured Cliffs Gas
7. San Juan, NM
8. 7.0 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company

1. 79-07757
2. 30-045-09112-0000-0
3. 108
4. El Paso Natural Gas Company
5. Kessler 2
6. Aztec—Pictured Cliffs Gas
7. San Juan, NM
8. 6.0 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company

1. 79-07758
2. 30-039-07508-0000-0
3. 108
4. El Paso Natural Gas Company
5. SJ 29-4 Unit NP #4
6. Choza Mesa—Pictured Cliffs Gas
7. Rio Arriba, NM
8. 4.0 million cubic feet.
9. June 8, 1979
10. El Paso Natural Gas Company

1. 79-07759
2. 30-039-05836-0000-0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla B #11
6. Blanco South—Pictured Cliffs Gas
7. Rio Arriba, NM
8. 10.6 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company

1. 79-07760
2. 30-043-05165-0000-0
3. 108
4. El Paso Natural Gas Company
5. Stromberg #7
6. Ballard—Pictured Cliffs Gas
7. Sandoval, NM
8. 2.0 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company

1. 79-07761
2. 30-043-05171-0000-0
3. 108
4. El Paso Natural Gas Company
5. Stromberg #5
6. Ballard—Pictured Cliffs Gas
7. Sandoval, NM
8. 4.0 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company

1. 79-07762
2. 30-045-06279-0000-0
3. 108
4. El Paso Natural Gas Company
5. Bolack C #2
6. Blanco South—Pictured Cliffs Gas
7. San Juan, NM
8. 4.0 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company

1. 79-07763
2. 30-045-05503-0000-0
3. 108
4. El Paso Natural Gas Company
5. Quitzau 7
6. Ballard—Pictured Cliffs Gas
7. San Juan, NM
8. 6.0 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company

1. 79-07764
2. 30-045-08383-0000-0
3. 108
4. El Paso Natural Gas Company
5. Feuille A 2
6. Aztec—Pictured Cliffs Gas
7. San Juan, NM
8. 11.0 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company

1. 79-07765
2. 30-039-06261-0000-0
3. 108
4. El Paso Natural Gas Company
5. Klein A 1
6. Blanco South—Pictured Cliffs Gas
7. Rio Arriba, NM
8. 3.0 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company

1. 79-07766
2. 30-045-09133-0000-0
3. 108
4. El Paso Natural Gas Company
5. Morris 4
6. Aztec—Pictured Cliffs Gas
7. San Juan, NM
8. 2.0 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company

1. 79-07767
2. 30-045-09327-0000-0
3. 108
4. El Paso Natural Gas Company
5. Morris A 8
6. Aztec—Pictured Cliffs Gas
7. San Juan, NM
8. 7.0 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company

1. 79-07768
2. 30-045-09348-0000-0
3. 108
4. El Paso Natural Gas Company
5. Ross 1
6. Aztec—Pictured Cliffs Gas
7. San Juan, NM
8. 12.0 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company

1. 79-07769
2. 30-039-20545-0000-0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla 67 #13
6. Otero—Chacra Gas
7. Rio Arriba, NM
8. 16.0 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company

1. 79-07770
2. 30-045-21556-0000-0
3. 108
4. El Paso Natural Gas Company
5. Hancock A #9
6. Harris Mesa—Chacra Gas
7. San Juan, NM
8. 16.4 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company

1. 79-07771
2. 30-039-60021-0000-0
3. 108
4. El Paso Natural Gas Company
5. Hill 5
6. Blanco South—Pictured Cliffs Gas
7. Rio Arriba, NM
8. 8.0 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company

1. 79-07772
2. 30-045-12033-0000-0
3. 108
4. El Paso Natural Gas Company
5. Duff 3
6. Blanco—Pictured Cliffs Gas
7. San Juan, NM
8. 16.1 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company

1. 79-07773
2. 30-045-08943-0000-0
3. 108
4. El Paso Natural Gas Company
5. Payne 2
6. Aztec—Pictured Cliffs Gas
7. San Juan, NM
8. 10.6 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company

1. 79-07774
2. 30-045-08405-0000-0
3. 108
4. El Paso Natural Gas Company
5. Hubbell 2
6. Aztec—Pictured Cliffs Gas
7. San Juan, NM
8. 14.0 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company

1. 79-07775
2. 30-039-05696-0000-0
3. 108
4. El Paso Natural Gas Company
5. Jicarillad #6
6. Blanco South—Pictured Cliffs Gas
7. Rio Arriba, NM
8. 4.0 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company

1. 79-07776
2. 30-045-13257-0000-0
3. 108
4. El Paso Natural Gas Company
5. Hancock 8 #3
6. Aztec—Pictured Cliffs Gas
7. San Juan, NM
8. 18.6 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company

1. 79-07777
2. 30-045-05568-0000-0
3. 108
4. El Paso Natural Gas Company
5. Texas Navajo 1
6. Ballard—Pictured Cliffs Gas
7. San Juan, NM
8. 3.0 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company

1. 79-07778
2. 30-039-20749-0000-0
3. 108
4. El Paso Natural Gas Company
5. Canyon Largo Unit 214
6. Ballard—Pictured Cliffs Gas

7. Rio Arriba, NM
8. 8.8 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company

1. 79-07779
2. 30-039-20678-0000-0
3. 108
4. El Paso Natural Gas Company
5. San Juan 27-5 Unit #171
6. Tapacito—Pictured Cliffs Gas
7. Rio Arriba, NM
8. 7.3 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company, Northwest Pipeline Corp

1. 79-07780
2. 30-045-20778-0000-0
3. 108
4. El Paso Natural Gas Company
5. Huerfano Unit #211
6. Basin—Dakota Gas
7. San Juan, NM
8. 12.8 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company, Northwest Pipeline Corp

1. 79-07781
2. 30-045-09459-0000-0
3. 108
4. Mesa Petroleum Co
5. Bruington Federal #1
6. Aztec Pictured Cliffs
7. San Juan NM
8. 16.8 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Co

1. 79-07782
2. 30-045-08703-0000-0
3. 108
4. Mesa Petroleum Co
5. Federal #2
6. Aztec Pictured Cliffs
7. San Juan NM
8. 5.6 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Co

1. 79-07783
2. 30-045-00000-0000-0
3. 108
4. Mesa Petroleum Co
5. Federal #3
6. Aztec Pictured Cliffs
7. San Juan NM
8. 11.7 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Co

1. 79-07784
2. 30-045-09053-0000-0
3. 108
4. Mesa Petroleum Co
5. Gage Federal #1
6. Aztec Pictured
7. San Juan NM
8. 14.2 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Co

1. 79-07785
2. 30-045-09362-0000-0
3. 108
4. Mesa Petroleum Co
5. Gage Federal #2
6. Aztec Pictured Cliffs
7. San Juan
8. 3.5 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Co

1. 79-07786
2. 30-039-05466-0000-0
3. 108
4. Mesa Petroleum Co
5. Utero Federal #1
6. Ballard Pictured Cliffs
7. Rio Arriba NM
8. 7.6 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Co

1. 79-07787
2. 30-039-00000-0000-0
3. 108
4. Mesa Petroleum Co
5. Otero Federal #2
6. Ballard Pictured Cliffs
7. Rio Arriba NM
8. 9.5 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Co

1. 79-07788
2. 30-039-20555-0000-0
3. 108
4. Mesa Petroleum Co
5. Jicarilla #1
6. South Balanco Pictured Cliffs
7. Rio Arriba NM
8. 11.5 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Co

1. 79-07789
2. 30-039-06367-0000-0
3. 108
4. Mesa Petroleum Co
5. Buttram Federal #1
6. South Blanco Pictured Cliffs
7. Rio Arriba NM
8. 15.6 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Co

1. 79-07790
2. 30-039-06426-0000-0
3. 108
4. Mesa Petroleum Co
5. Buttram Federal #3
6. South Blanco Pictured Cliffs
7. Rio Arriba NM
8. 15.5 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Co

1. 79-07791
2. 30-039-06377-0000-0
3. 108
4. Mesa Petroleum Co
5. Buttram Federal #4
6. South Blanco Pictured Cliffs
7. Rio Arriba NM
8. 16.7 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Co

1. 79-07792
2. 30-039-06375-0000-0
3. 108
4. Mesa Petroleum Co
5. Scott Federal #4
6. South Blanco Pictured Cliffs
7. Rio Arriba NM
8. 8.5 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Co

1. 79-07793
2. 30-039-20554-0000-0
3. 108
4. Mesa Petroleum Co
5. Scott Federal #
6. Otero Chacra
7. Rio Arriba NM
8. 21.9 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Co

1. 79-07794
2. 30-039-20556-0000-0
3. 108
4. Mesa Petroleum Co
5. Federal #19
6. South Blanco Pictured Cliffs
7. Rio Arriba NM
8. 16.8 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Co

1. 79-07795
2. 30-039-06449-0000-0
3. 108
4. Mesa Petroleum Co
5. Scott Federal #
6. South Blanco Pictured Cliffs
7. Rio Arriba NM
8. 6.8 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Co

1. 79-07796
2. 30-045-06970-0000-0
3. 108
4. Mesa Petroleum Co
5. McLeod Federal #1
6. Eulcher-Kutz
7. San Juan NM
8. 11.2 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Co

1. 79-07797
2. 30-045-20675-0000-0
3. 108
4. Mesa Petroleum Co
5. Federal #18
6. Fulcher-Kutz Pictured Cliffs
7. San Juan NM
8. 7.5 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Co

1. 79-07798
2. 30-045-11445-0000-0
3. 108
4. Mesa Petroleum Co
5. Suter X01
6. Blanco Mesaverde
7. San Juan NM
8. 20.4 million cubic feet
9. June 8, 1979
10. El Paso Natral Gas Co

1. 79-07799
2. 30-015-22092-0000-0
3. 103
4. General American Oil Co of Texas
5. Burch A #34
6. Grayburg Jackson
7. Eddy NM
8. 20.0 million cubic feet
9. June 8, 1979
10. Phillips Petroleum Company

1. 79-07800
2. 30-015-22093-0000-0
3. 103
4. General American Oil Co of Texas
5. Burch A #40

6. Grayburg Jackson
7. Eddy NM
8. 19.0 million cubic feet
9. June 8, 1979
10. Phillips Petroleum Company

1. 79-07801
2. 30-015-22094-0000-0
3. 103
4. General American Oil Co of Texas
5. Burch A #41
6. Grayburg Jackson
7. Eddy NM
8. 21.0 million cubic feet
9. June 8, 1979
10. Phillips Petroleum Company

1. 79-07802
2. 30-015-22572-0000-0
3. 103
4. General American Oil Co of Texas
5. Keely A #
6. Grayburg Jackson
7. Eddy NM
8. 3.0 million cubic feet
9. June 8, 1979
10. Phillips Petroleum Company

1. 79-07803
2. 30-015-22583-0000-0
3. 103
4. General American Oil Co of Texas
5. Keely C #54
6. Grayburg Jackson
7. Eddy NM
8. 20.0 million cubic feet
9. June 8, 1979
10. Phillips Petroleum Company

1. 79-07804
2. 30-015-22091-0000-0
3. 103
4. General American Oil Co of Texas
5. Burch A #33
6. Grayburg Jackson
7. Eddy NM
8. 42.0 million cubic feet
9. June 8, 1979
10. Phillips Petroleum Company

1. 79-07805
2. 30-015-22573-0000-0
3. 103
4. General American Oil Co of Texas
5. Keely C #53
6. Grayburg Jackson
7. Eddy NM
8. 7.0 million cubic feet
9. June 8, 1979
10. Phillips Petroleum Company

1. 79-07806
2. 30-045-22666-0000-0
3. 103
4. Union Texas Petroleum
5. Prichard Federal No 1-A
6. Blanco Mesaverde
7. San Juan NM
8. 217.0 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company

1. 79-07807
2. 30-045-21667-0000-0
3. 103
4. Union Texas Petroleum
5. Johnston-Federal 1-A
6. Blanco Mesaverde
7. San Juan NM
8. 292.0 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company

1. 79-07808
2. 30-045-22371-0000-0
3. 103
4. Union Texas Petroleum
5. Johnston-Federal 8-A
6. Blanco Mesaverde
7. San Juan NM
8. 301.0 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company

1. 79-07809
2. 30-045-22987-0000-0
3. 103
4. Union Texas Petroleum
5. Johnston-Federal No 12
6. Blanco Mesaverde
7. San Juan NM
8. 365.0 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company

1. 79-07810
2. 30-045-22370-0000-0
3. 103
4. Union Texas Petroleum
5. Johnston Federal 7-A
6. Blanco Mesaverde
7. San Juan NM
8. 292.0 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company

1. 79-07811
2. 30-045-22764-0000-0
3. 103
4. Dugan Production Corp
5. MS Nona #2
6. Basin DK
7. San Juan, NM
8. 20.0 million cubic feet
9. June 8, 1979
10. Northwest Pipeline Corp

1. 79-07812
2. 30-045-22570-0000-0
3. 103
4. Dugan Production Corp
5. Mucho Deal #1
6. Basin Dakota
7. San Juan, NM
8. 0.0 million cubic feet
9. June 8, 1979
10. Northwest Pipeline Corp

1. 79-07813
2. 30-045-21698-0000-0
3. 108
4. Dugan Production Corp
5. Notosowaw #1
6. Waw Fruitland PC
7. San Juan, NM
8. 8.0 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas

1. 79-07814
2. 30-045-22413-0000-0
3. 108
4. Dugan Production Corp
5. Notsowaw #2
6. Waw Fruitland PC
7. San Juan, NM
8. 1.2 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas

1. 79-07815
2. 30-045-21833-0000-0
3. 108
4. Dugan Production Corp
5. OJO-HE-HE #1
6. Waw Fruitland PC
7. San Juan, NM
8. 3.2 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas

1. 79-07816
2. 30-045-21807-0000-0
3. 108
4. Dugan Production Corp
5. Old Hickory #1
6. Waw Fruitland PC
7. San Juan, NM
8. 4.8 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas

1. 79-07817
2. 30-045-21853-0000-0
3. 108
4. Dugan Production Corp
5. Old Hickory #2
6. Waw Fruitland PC
7. San Juan, NM
8. 10.0 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas

1. 79-07818
2. 30-045-09337-0000-0
3. 108
4. Dugan Production Corp
5. Pan American Federal #1
6. Basin DK
7. San Juan, NM
8. 17.5 million cubic feet
9. June 8, 1979
10. Northwest Pipeline Corp

1. 79-07819
2. 30-045-21741-0000-0
3. 108
4. Dugan Production Corp
5. Pet Inc #2A
6. Ojo Fruitland PC
7. San Juan, NM
8. 4.7 million cubic feet
9. June 8, 1979
10. Northwest Pipeline Corp

1. 79-07820
2. 30-045-20735-0000-0
3. 108
4. Dugan Production Corp
5. Pet Inc #2
6. Ojo Fruitland PC
7. San Juan, NM
8. 1.7 million cubic feet
9. June 8, 1979
10. Northwest Pipeline Corp

1. 79-07821
2. 30-045-20940-0000-0
3. 108
4. Dugan Production Corp
5. Pet Inc #3
6. Ojo Fruitland PC
7. San Juan, NM
8. 14.0 million cubic feet
9. June 8, 1979
10. Northwest Pipeline Corp

1. 79-07822
2. 30-045-21060-0000-0
3. 108
4. Dugan Production Corp
5. Pet Inc #5
6. Ojo Fruitland PC

7. San Juan, NM
8. 12.5 million cubic feet
9. June 8, 1979
10. Northwest Pipeline Corp

1. 79-07823
2. 30-045-21061-0000-0
3. 108
4. Dugan Production Corp
5. Pet Inc #6
6. Ojo Fruitland PC
7. San Juan, NM
8. 5.7 million cubic feet
9. June 8, 1979
10. Northwest Pipeline Corp

1. 79-07824
2. 30-045-21062-0000-0
3. 108
4. Dugan Production Corp
5. Pet Inc #7
6. Ojo Fruitland PC
7. San Juan, NM
8. 2.0 million cubic feet
9. June 8, 1979
10. Northwest Pipeline Corp

1. 79-07825
2. 30-045-21740-0000-0
3. 108
4. Dugan Production Corp
5. Pet Inc #9
6. Ojo Fruitland PC
7. San Juan, NM
8. 8.0 million cubic feet
9. June 8, 1979
10. Northwest Pipeline Corp

1. 79-07826
2. 30-045-22551-0000-0
3. 108
4. Dugan Production Corp
5. Pet Inc #10
6. Ojo Fruitland PC
7. San Juan, NM
8. 6.8 million cubic feet
9. June 8, 1979
10. Northwest Pipeline Corp

1. 79-07827
2. 30-045-22553-0000-0
3. 108
4. Dugan Production Corp
5. Pet Inc #11
6. Ojo Fruitland PC
7. San Juan, NM
8. 4.8 million cubic feet
9. June 8, 1979
10. Northwest Pipeline Corp

1. 79-07828
2. 30-045-07931-0000-0
3. 108
4. Energy Reserves Group Inc
5. Gallegos Canyon Unit PC #28
6. W Kutz PC
7. San Juan, NM
8. 14.0 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company

1. 79-07829
2. 30-045-07100-0000-0
3. 108
4. Energy Reserves Group Inc
5. Gallegos Canyon Unit PC #13
6. W Kutz PC
7. San Juan, NM
8. 11.0 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company

1. 79-07830
2. 30-045-07003-0000-0
3. 108
4. Energy Reserves Group Inc
5. Gallegos Canyon Unit PC #24
6. W Kutz PC
7. San Juan, NM
8. 14.0 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company

1. 79-07831
2. 30-045-07419-0000-0
3. 108
4. Energy Reserves Group Inc
5. Gallegos Canyon Unit PC #20
6. W Kutz PC
7. San Juan, NM
8. 9.0 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company

1. 79-07832
2. 30-045-06978-0000-0
3. 108
4. Energy Reserves Group Inc
5. Gallegos Canyon Unit PC #58
6. W Kutz PC
7. San Juan, NM
8. 8.0 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company

1. 79-07833
2. 30-045-07144-0000-0
3. 108
4. Energy Reserves Group Inc
5. Gallegos Canyon Unit PC #34
6. W Kutz PC
7. San Juan, NM
8. 15.0 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company

1. 79-07834
2. 30-045-07006-0000-0
3. 108
4. Energy Reserves Group Inc
5. Gallegos Canyon Unit PC #9
6. W Kutz PC
7. San Juan, NM
8. 18.0 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company

1. 79-07835
2. 30-045-06975-0000-0
3. 108
4. Energy Reserves Group Inc
5. Gallegos Canyon Unit PC #59
6. W Kutz PC
7. San Juan, NM
8. 16.0 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company

1. 79-07836
2. 30-045-06729-0000-0
3. 108
4. Energy Reserves Group Inc
5. Gallegos Canyon Unit PC #79
6. W Kutz PC
7. San Juan, NM
8. 19.0 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company

1. 79-07837
2. 30-045-07287-0000-0
3. 108
4. Energy Reserves Group Inc
5. Gallegos Canyon Unit PC #8
6. W Kutz PC
7. San Juan, NM
8. 16.0 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company

1. 79-07838
2. 30-045-07044-0000-0
3. 108
4. Energy Reserves Group Inc
5. Gallegos Canyon Unit PC #55
6. W Kutz PC
7. San Juan, NM
8. 13.0 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company

1. 79-07839
2. 30-045-07558-0000-0
3. 108
4. Energy Reserves Group Inc
5. Gallegos Canyon Unit PC #32
6. W Kutz PC
7. San Juan, NM
8. 5.0 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company

1. 79-07840
2. 30-045-07415-0000-0
3. 108
4. Energy Reserves Group Inc
5. Gallegos Canyon Unit PC #39
6. W Kutz PC
7. San Juan, NM
8. 6.0 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company

1. 79-07841
2. 30-039-20563-0000-0
3. 108
4. Dave M. Thomas Jr.
5. Chacon Jicarilla #3
6. Ballard Pictured Cliffs
7. Rio Arriba, NM
8. 13.2 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company

1. 79-07842
2. 30-043-20108-0000-0
3. 108
4. Dave M. Thomas Jr.
5. Chacon Jicarilla #4
6. Ballard Pictured Cliffs
7. Sandoval, NM
8. 19.2 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company

1. 79-07843
2. 30-043-20125-0000-0
3. 108
4. Dave M. Thomas Jr.
5. Chacon Jicarilla #5
6. Ballard Pictured Cliffs
7. Sandoval, NM
8. 17.0 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company

1. 79-07844
2. 30-045-07359-0000-0
3. 108
4. Energy Reserves Groupl Inc.
5. Gallegos Canyon Unit P C #67
6. W Kutz P C
7. San Juan, NM
8. 10.0 million cubic feet

9. June 8, 1979
10. El Paso Natural Gas Company

1. 79-07845
2. 30-045-07076-0000-0
3. 108
4. Energy Reserves Group Inc.
5. Gallegos Canyon Unit P C #49
6. W Kutz P C
7. San Juan, NM
8. 14.0 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company

1. 79-07846
2. 30-045-07221-0000-0
3. 108
4. Energy Reserves Group Inc.
5. Gallegos Canyon Unit P C #16
6. W Kutz P C
7. San Juan, NM
8. 13.0 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company

1. 79-07847
2. 30-039-21567-0000-0
3. 103
4. Nortwest Pipeline Corporation
5. S/J 29-6 #21A
6. Blancu MV
7. Rio Arriba, NM
8. 51.0 million cubic feet
9. June 8, 1979
10. Northwest Pipeline Corporation El Paso Natural Gas Co

1. 79-07848
2. 30-039-21420-0000-0
3. 103
4. Northwest Pipeline Corporation
5. San Juan 29-6 #66A
6. Blancu Mesa Verde
7. Rio Arriba, NM
8. 159.0 million cubic feet
9. June 8, 1979
10. Northwest Pipeline Corporation El Paso Natural Gas Co

1. 79-07849
2. 30-039-21343-0000-0
3. 103
4. Northwest Pipeline Corporation
5. S J 29-5 #22A
6. Blanco MV
7. Rio Arriba, NM
8. 217.0 million cubic feet
9. June 8, 1979
10. Northwest Pipeline Corporation El Paso Natural Gas Co

1. 79-07850
2. 30-039-21344-0000-0
3. 103
4. Northwest Pipeline Corporation
5. San Juan 29-6 #72A
6. Blanco MV
7. Rio Arriba, NM
8. 69.0 million cubic feet
9. June 8, 1979
10. Northwest Pipeline Corporation El Paso Natural Gas Co

1. 79-07851
2. 30-039-21338-0000-0
3. 103
4. Northwest Pipeline Corporation
5. San Juan 29-5 #19A
6. Blanco MV
7. Rio Arriba, NM
8. 199.0 million cubic feet
9. June 8, 1979
10. Northwest Pipeline Corporation El Paso Natural Gas Co

1. 79-07852
2. 30-039-21558-0000-0
3. 103
4. Northwest Pipeline Corporation
5. San Juan 29-5 #27A
6. Blanco Mesa Verde
7. Rio Arriba, NM
8. 67.0 million cubic feet
9. June 8, 1979
10. Northwest Pipeline Corporation El Paso Natural Gas Co

1. 79-07853
2. 30-039-21424-0000-0
3. 103
4. Northwest Pipeline Corporation
5. San Juan 29-6 #23A
6. Blanco MV
7. Rio Arriba, NM
8. 96.0 million cubic feet
9. June 8, 1979
10. Northwest Pipeline Corporation El Paso Natural Gas Co

1. 79-07854
2. 30-039-21419-0000-0
3. 103
4. Northwest Pipeline Corporation
5. San Juan 29-6 #19A
6. Blanco Messa Verde
7. Rio Arriba, NM
8. 233.0 million cubic feet
9. June 8, 1979
10. Northwest Pipeline Corporation El Paso Natural Gas Co

1. 79-07855
2. 30-039-60053-0000-0
3. 108
4. El Paso Natural Gas Company
5. Canyon Largo Unit #81
6. Ballard-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 13.5 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company

1. 79-07856
2. 30-039-05609-0000-0
3. 108
4. El Paso Natural Gas Company
5. Canyon Largo Unit #73
6. Ballard-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 6.0 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company

1. 79-07857
2. 30-045-20902-0000-0
3. 108
4. El Paso Natural Gas Company
5. Blanco 19
6. Blanco South-Pictured Cliffs Gas
7. San Juan, NM
8. 15.0 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company

1. 79-07858
2. 30-045-21130-0000-0
3. 108
4. El Paso Natural Gas Company
5. Blanco South-Pictured Cliffs Gas
6. San Juan, NM
7. 14.6 million cubic feet
8.
9. June 8, 1979
10. El Paso Natural Gas Company

1. 79-07859
2. 30-039-20950-0000-0
3. 103
4. El Paso Natural Gas Company
5. Canyon Largo Unit #258
6. Ballard-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 6.0 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company

1. 79-07860
2. 30-045-06376-0000-0
3. 103
4. El Paso Natural Gas Company
5. Florance D #4
6. Blanco-Mesaverde Gas
7. San Juan, NM
8. 18.0 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company

1. 79-07861
2. 30-039-06093-0000-0
3. 103
4. El Paso Natural Gas Company
5. Canyon Largo Unit #39
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 14.0 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company

1. 79-07862
2. 30-045-11781-0000-0
3. 103
4. El Paso Natural Gas Company
5. Huerfano Unit §148
6. Basin-Dakota Gas
7. San Juan, NM
8. 8.0 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company Northwest P/L Corp

1. 79-07863
2. 30-045-21403-0000-0
3. 103
4. El Paso Natural Gas Company
5. Huerfano Unit #249
6. Angels Peak-Gallup Gas
7. San Juan, NM
8. 14.0 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company

1. 79-07864
2. 30-039-20748-0000-0
3. 103
4. El Paso Natural Gas Company
5. Canyon Largo Unit #213
6. Ballard-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 4.0 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company

1. 79-07865
2. 30-039-20750-0000-0
3. 103
4. El Paso Natural Gas Company
5. Canyon-Pictured Cliffs Gas
6. Rio Arriba, NM
7. 17.0 million cubic feet
8.
9. June 8, 1979
10. El Paso Natural Gas Company

1. 79-07866
2. 30-039-20751-0000-0
3. 108
4. El Paso Natural Gas Company
5. Canyon Largo Unit #217
6. Ballard-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 9.5 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company

1. 79-07867
2. 30-039-20753-0000-0
3. 108
4. El Paso Natural Gas Company
5. Canyon Largo Unit #222
6. Ballard-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 9.5 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company

1. 79-07868
2. 30-039-20959-0000-0
3. 108
4. El Paso Natural Gas Company
5. San Juan 28-7 #117
6. Largo-Chacra Gas
7. Rio Arriba, NM
8. 5.0 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company

1. 79-07869
2. 30-045-05870-0000-0
3. 108
4. El Paso Natural Gas Company
5. DE-NA-HAZ-ZA #1
6. Ballard-Pictured Cliffs Gas
7. San Juan, NM
8. 12.8 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company

1. 79-07870
2. 30-045-05907-0000-0
3. 108
4. El Paso Natural Gas Company
5. GE-ELE-GU-LITH-E #1
6. Ballard-Pictured Cliffs Gas
7. San Juan, NM
8. 15.0 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company

1. 79-07871
2. 30-045-07134-0000-0
3. 108
4. El Paso Natural Gas Company
5. Umler 5
6. Fulcher Kutz-Pictured Cliffs Gas
7. San Juan, NM
8. 15.0 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company

1. 79-07872
2. 30-039-20765-0000-0
3. 108
4. El Paso Natural Gas Company
5. Canyon Largo Unit 212
6. Ballard-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 12.8 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company

1. 79-07873
2. 30-039-20862-0000-0
3. 108
4. El Paso Natural Gas Company
5. San Juan 28-7 Unit 215
6. Basin-Dakota Gas
7. Rio Arriba, NM
8. 19.7 Million Cubic Feet
9. June 8, 1979
10. El Paso Natural Gas Company Northwest P/L Corp

1. 79-07874
2. 30-025-11708-0000-0
3. 108
4. El Paso Natural Gas Company
5. Carlsun Federal 3
6. Langlie-Mattix (Seven Rivers)
7. Lea, NM
8. 1.0 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company

1. 79-07875
2. 30-025-11805-0000-0
3. 108
4. El Paso Natural Gas Company
5. Harrison 1
6. Jalmat-Yates Gas
7. Lea, NM
8. 15.0 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company

1. 79-07876
2. 30-045-11489-0000-0
3. 108
4. El Paso Natural Gas Company
5. Brown 1
6. Blanco-Mesaverde Gas
7. San Juan, NM
8. 16.0 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company

1. 79-07877
2. 30-045-07698-0000-0
3. 108
4. El Paso Natural Gas Company
5. Neudecker 2
6. Aztec-Pictured Cliffs Gas
7. San Juan, NM
8. 15.3 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company

1. 79-07878
2. 30-039-21019-0000-0
3. 108
4. El Paso Natural Gas Company
5. San Juan 28-7 211
6. Largo-Chacra Gas
7. Rio Arriba, NM
8. 11.0 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company

1. 79-07879
2. 30-039-05960-0000-0
3. 108
4. El Paso Natural Gas Company
5. Canyon Largo Unit #79
6. Ballard-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 15.7 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company

1. 79-07880
2. 30-039-21559-0000-0
3. 103
4. Northwest Pipeline Corporation
5. San Juan 29-5 Unit #12A
6. Blanco Mesa Verde
7. Rio Arriba, NM
8. 136.0 million cubic feet
9. June 8, 1979
10. Northwest Pipeline Corporation, El Paso Natural Gas Co

1. 79-07881
2. 30-039-21415-0000-0
3. 103
4. Northwest Pipeline Corporation
5. San Juan 29-6 #17A
6. Blanco MV
7. Rio Arriba, NM
8. 209.0 million cubic feet
9. June 8, 1979
10. Northwest Pipeline Corporation, El Paso Natural Gas Co

1. 79-07882
2. 30-039-21455-0000-0
3. 108
4. Dave M Thomas Jr
5. Chacon Jicarilla #11
6. Ballard-Pictured Cliff
7. Rio Arriba, NM
8. 15.4 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company

1. 79-07883
2. 30-045-22759-0000-0
3. 103
4. R & G Drilling Company
5. Hammond #47-R
6. Blanco Mesa Verde
7. San Juan, NM
8. 61.4 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company

1. 79-07884
2. 30-045-06979-0000-0
3. 108
4. Energy Reserves Group Inc
5. Gallegos Canyon Unit PC #53
6. W. Kutz PC
7. San Juan, NM
8. 4.0 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company

1. 79-07885
2. 30-045-07001-0000-0
3. 108
4. Energy Reserves Group Inc
5. Gallegos Canyon Unit PC #30
6. W. Kutz PC
7. San Juan, NM
8. 11.0 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company

1. 79-07886
2. 30-045-07338-0000-0
3. 108
4. Energy Reserves Group Inc
5. Gallegos Canyon Unit PC #18
6. W. Kutz PC
7. San Juan, NM
8. 10.0 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company

1. 79-07887
2. 30-450-73000-0000-0
3. 108
4. Energy Reserves Group Inc
5. Gallegos Canyon Unit PC #3
6. W. Kutz PC
7. San Juan, NM
8. 13.0 million cubic feet
9. June 8, 1979

10. El Paso Natural Gas Company
1. 79-07904
2. 30-039-05805-0000-0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla D #5
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 3.0 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company
1. 79-07905
2. 30-039-05890-0000-0
3. 108
4. El Paso Natural Gas Company
5. Hill 2
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 3.0 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company
1. 79-07906
2. 30-015-20751-0013-0
3. 108
4. El Paso Natural Gas Company
5. Mobil Federal #1
6. Sand Dunes West-Morrow Gas
7. Eddy, NM
8. 8.0 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company
1. 79-07907
2. 30-039-05843-0000-0
3. 108
4. El Paso Natural Gas Company
5. Gilcrease 3
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 6.0 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company
1. 79-07908
2. 30-045-21270-0000-0
3. 108
4. El Paso Natural Gas Company
5. Riddle C #5
6. Blanco-Pictured Cliffs Gas
7. San Juan, NM
8. 15.3 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company
1. 79-07909
2. 30-045-21444-0000-0
3. 108
4. El Paso Natural Gas Company
5. Sullivan #2
6. Aztec-Pictured Cliffs Gas
7. San Juan, NM
8. 11.3 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company
1. 79-07911
2. 30-039-82328-0000-0
3. 108
4. Mesa Petroleum Co
5. Otero Federal #4
6. Ballard-Pictured Cliffs
7. Rio Arriba, NM
8. 3.3 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Co
1. 79-07912
2. 30-045-06657-0000-0
3. 108
4. El Paso Natural Gas Company
5. Thompson C #6
6. Kutz West-Pictured Cliffs Gas
7. San Juan, NM
8. 6.0 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company
1. 79-07913
2. 30-025-24985-0013-0
3. 108
4. El Paso Natural Gas Company
5. Lineberry 1
6. Rhodes Yates 7 Rivers
7. Lea, NM
8. 4.0 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company
1. 79-07914
2. 30-045-06491-0000-0
3. 108
4. El Paso Natural Gas Company
5. Rowley 5
6. Fulcher Kutz-Pictured Cliffs Gas
7. San Juan, NM
8. 4.4 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company
1. 79-07915
2. 30-045-22751-0000-0
3. 108
4. El Paso Natural Gas company
5. San Juan 23
6. Blanco-Mesaverde Gas
7. San Juan, NM
8. 19.0 million cubic Feet
9. June 8, 1979
10. El Paso Natural Gas Company
1. 79-07916
2. 30-039-06310-0000-0
3. 108
4. Northwest Production Corporation
5. Jicarilla 117 E 7 PC
6. Tapacito-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 16.0 million cubic feet
9. June 8, 1979
10. Northwest Pipeline Corporation
1. 79-07917
2. 30-039-21556-0000-0
3. 103
4. Northwest Pipeline Corporation
5. San Juan 29-5 #25A
6. Blanco Mesa Verde
7. Rio Arriba, NM
8. 30.0 million cubic feet
9. June 8, 1979
10. Northwest Pipeline Corporation El Paso Natural Gas Co
1. 79-07918
2. 30-039-21560-0000-0
3. 103
4. Northwest Pipeline Corporation
5. SJ 29-5 #13A
6. Blanco, NM
7. Rio Arriba, NM
8. 45.0 million cubic feet
9. June 8, 1979
10. Northwest Pipeline Corporation El Paso Natural Gas Corp.
1. 79-07919
2. 30-039-21336-0000-0
3. 103
4. Northwest Pipeline Corporation
5. San Juan 29-5 #17A
6. Blanco, MV
7. Rio Arriba, NM
8. 167.0 million cubic feet
9. June 8, 1979
10. Northwest Pipeline Corporation El Paso Natural Gas Corp.
1. 79-07920
2. 30-039-21555-0000-0
3. 103
4. Northwest Pipeline Corporation
5. San Juan 29-5 #28A
6. Blanco, Mesa Verde
7. Rio Arriba, NM
8. 125.0 million cubic feet
9. June 8, 1979
10. Northwest Pipeline Corporation El Paso Natural Gas Corp.
1. 79-07921
2. 30-039-21557-0000-0
3. 103
4. Northwest Pipeline Corporation
5. San Juan 29-5 #11A
6. Blanco, MV
7. Rio Arriba, NM
8. 186.0 million cubic feet
9. June 8, 1979
10. Northwest Pipeline Corporation El Paso Natural Gas Corp.
1. 79-07922
2. 30-039-21340-0000-0
3. 103
4. Northwest Pipeline Corporation
5. S J 29-5 #7A
6. Blanco, MV1257. Rio Arriba, NM
8. 193.0 million cubic feet
9. June 8, 1979
10. Northwest Pipeline Corporation El Paso Natural Gas Corp.
1. 79-07923
2. 30-039-21422-0000-0
3. 103
4. Northwest Pipeline Corporation
5. San Juan 29-6 #30A
6. Blanco, MV
7. Rio Arriba, NM
8. 283.0 million cubic feet
9. June 8, 1979
10. Northwest Pipeline Corporation El Paso Natural Gas Corp.
1. 79-07924
2. 30-039-21569-0000-0
3. 103
4. Northwest Pipeline Corporation
5. S/J 29-6 Unit #33A
6. Blanco, MV
7. Rio Arriba, NM
8. 78.0 million cubic feet
9. June 8, 1979
10. Northwest Pipeline Corporation El Paso Natural Gas Corp.
1. 79-07925
2. 30-039-21337-0000-0
3. 103
4. Northwest Pipeline Corporation
5. San Juan 29-5 #18A
6. Blanco, MV
7. Rio Arriba, NM
8. 107.0 million cubic feet
9. June 8, 1979
10. Northwest Pipeline Corporation El Paso Natural Gas Corp.
1. 79-07926
2. 30-045-06106-0000-0

3. 108
4. El Paso Natural Gas Company
5. San Jacinto 4
6. Aztec-Pictured Cliffs Gas
7. San Juan, NM
8. 16.0 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company

1. 79-07927
2. 30-025-11460-0000-0
3. 108
4. El Paso Natural Gas Company
5. Well B-5 1
6. Jalmat-Yates Gas
7. Lea, NM
8. 10.0 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company

1. 79-07928
2. 30-045-08129-0000-0
3. 108
4. El Paso Natural Gas Company
5. San Jacinto 3
6. Aztec-Pictured Cliffs Gas
7. San Juan, NM
8. 12.8 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company

1. 79-07929
2. 30-045-10182-0000-0
3. 108
4. El Paso Natural Gas Company
5. Flood 1
6. Aztec-Pictured Cliffs Gas
7. San Juan, NM
8. 6.0 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company

1. 79-07930
2. 30-045-10162-0000-0
3. 108
4. El Paso Natural Gas Company
5. Heaton 12
6. Aztec-Pictured Cliffs Gas
7. San Juan, NM
8. 11.0 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company

1. 79-07931
2. 30-045-07136-0000-0
3. 108
4. El Paso Natural Gas Company
5. Heaton 12
6. Aztec-Pictured Cliffs Gas
7. San Juan, NM
8. 11.0 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company

1. 79-07931
2. 30-045-07136-0000-0
3. 108
4. El Paso Natural Gas Company
5. Hancock B #7
6. Aztec-Pictured Cliffs Gas
7. San Juan, NM
8. 15.0 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company

1. 79-07932
2. 30-045-06799-0000-0
3. 108
4. El Paso Natural Gas Company
5. Hargrave #1
6. Fulcher Kutz-Pictured Cliffs Gas
7. San Juan, NM
8. 4.0 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company

1. 79-07933
2. 30-045-06718-0000-0
3. 108
4. El Paso Natural Gas Company
5. Pipkin #1
6. Fulcher Kutz-Pictured Cliffs Gas
7. San Juan, NM
8. 5.0 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company

1. 79-07934
2. 30-045-21557-0000-0
3. 108
4. El Paso Natural Gas Company
5. Hancock A #8
6. Harris Mesa-Chacra Gas
7. San Juan, NM
8. 13.5 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company

1. 79-07935
2. 30-045-11768-0000-0
3. 108
4. El Paso Natural Gas Company
5. Florance #5
6. Blanco-Pictured Cliffs Gas
7. San Juan, NM
8. 10.2 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company

1. 79-07936
2. 30-045-21443-0000-0
3. 108
4. El Paso Natural Gas Company
5. Sullivan E #3
6. Aztec-Pictured Cliffs Gas
7. San Juan, NM
8. 12.0 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company

1. 79-07937
2. 30-043-05180-0000-0
3. 108
4. El Paso Natural Gas Company
5. Stromberg #2
6. Ballard-Pictured Cliffs Gas
7. Sandoval, NM
8. 6.0 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company

1. 79-07938
2. 30-039-07895-0000-0
3. 108
4. El Paso Natural Gas Company
5. San Juan 30-6 Unit #37
6. Blanco-Mesaverde Gas
7. Rio Arriba, NM
8. 11.0 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company

1. 79-07939
2. 30-039-20815-0000-0
3. 108
4. El Paso Natural Gas Company
5. San Juan 27-5 Unit #182
6. Tapaciio-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 8.0 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company, Northwest Pipeline Corp

1. 79-07940
2. 30-045-03306-0000-0
3. 108
4. El Paso Natural Gas Company
5. Quitzau 8
6. Ballard-Pictured Cliffs Gas
7. San Juan, NM
8. 3.0 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company

1. 79-07941
2. 30-039-21018-0000-0
3. 108
4. El Paso Natural Gas Company
5. San Juan 28-7 210
6. Largo-Chacra Gas
7. Rio Arriba, NM
8. 12.4 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company

1. 79-07942
2. 30-039-21021-0000-0
3. 108
4. El Paso Natural Gas Company
5. San Juan 28-7 208
6. Largo-Chacra Gas
7. Rio Arriba, NM
8. 8.0 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company

1. 79-07943
2. 30-039-20908-0000-0
3. 108
4. El Paso Natural Gas Company
5. Canyon Largo Unit 249
6. Basin-Dakota Gas
7. Rio Arriba, NM
8. 11.7 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company, Southern Union Gathering Co

1. 79-07944
2. 30-045-09305-0000-0
3. 108
4. El Paso Natural Gas Company
5. Lloyd D 1
6. Aztec-Pictured Cliffs Gas
7. San Juan, NM
8. 7.0 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company

1. 79-07945
2. 30-045-21431-0000-0
3. 108
4. El Paso Natural Gas Company
5. Forrest 2
6. Aztec-Pictured Cliffs Gas
7. San Juan, NM
8. 6.9 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company

1. 79-07946
2. 30-045-07202-0000-0
3. 108
4. El Paso Natural Gas Company
5. Hancock B #8
6. Aztec-Pictured Cliffs Gas
7. San Juan, NM
8. 13.5 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company

1. 79-07947
2. 30-045-07113-0000-0
3. 108
4. El Paso Natural Gas Company
5. Hancock B #9
6. Aztec-Pictured Cliffs Gas
7. San Juan, NM
8. 16.0 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company

1. 79-07948
2. 30-045-07154-0000-0
3. 108
4. El Paso Natural Gas Company
5. Hancock #6
6. Basin-Dakota Gas
7. San Juan, NM
8. 12.8 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company

1. 79-07949
2. 30-039-20981-0000-0
3. 108
4. El Paso Natural Gas Company
5. Canyon Largo Unit NP #263
6. Ballard-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 2.0 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company

1. 79-07950
2. 30-039-05894-0000-0
3. 108
4. El Paso Natural Gas Company
5. Gardner #2
6. Tapcito-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 8.0 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company

1. 79-07951
2. 30-039-05413-0000-0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla A #3
6. Ballard-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 5.1 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company

1. 79-07952
2. 30-039-60046-0000-0
3. 108
4. El Paso Natural Gas Company
5. Largo #1
6. Ballard-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 11.0 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company

1. 79-07953
2. 30-045-11705-0000-0
3. 108
4. El Paso Natural Gas Company
5. Schwerdifeger A #23
6. Blanco South-Pictured Cliffs Gas
7. San Juan, NM
8. 16.4 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company

1. 79-07954
2. 30-015-21006-0000-0
3. 108
4. El Paso Natural Gas Company
5. Rocky Arroyo D #1
6. RockY Arroyo-Morrow Gas
7. Eddy, NM
8. 4.0 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company

1. 79-07955
2. 30-045-08701-0000-0
3: 108
4. El Paso Natural Gas Company
5. Lloyd B #2
6. Aztec-Pictured Cliffs Gas
7. San Juan, NM
8. 11.0 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company

1. 79-07956
2. 30-039-82350-0000-0
3. 108
4. El Paso Natural Gas Company
5. Vaughm #6
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 8.0 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company

1. 79-07957
2. 30-045-06996-0000-0
3. 108
4. El Paso Natural Gas Company
5. Feasel A #1
6. Fulcher Kutz-Pictured Cliffs Gas
7. San Juan, NM
8. 1.0 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company

1. 79-07958
2. 30-045-07071-0000-0
3. 108
4. El Paso Natural Gas Company
5. Feasel A #3
6. Fulcher Kutz-Pictured Cliffs Gas
7. San Juan, NM
8. 5.0 million cubic feet
9. June 8, 1979
10. El Paso Natural Gas Company

1. 79-07688
2. 30-045-22084-0000-0
3. 103 Denied
4. Dugan Production Corp.
5. Molly Pitcher #1
6. Basin Dakota
7. San Juan, NM
8. 40.0 million cubic feet
9. June 7, 1979
10. Northwest Pipeline Corp.

United States Geological Survey

Tulsa, Oklahoma

1. Control number (F.E.R.C./State)
2. API Well Number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block no.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 79-07910
2. 30-043-20947-0000-0
3. 103
4. Hoover & Bracken Energies Inc.
5. Big Boddie #1-23
6. Northwest Canton
7. Dewey, OK
8. 14.6 million cubic feet
9. May 21, 1979
10. Phillips Petroleum Company

The application for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission within fifteen (15) days of the date of publication of this notice in the Federal Register.

Please reference the FERC control number in all correspondence related to these determination.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-20666 Filed 7-3-79; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[Docket Nos. ECAO-HA-79-1, ECAO-HA-79-2, ECAO-HA-79-3, and ECAO-HA-79-4; FRL 1264-1]

Health Assessment Documents for Chlorinated Hydrocarbons; Call for Information and Data

The Environmental Criteria and Assessment Office of the U.S. Environmental Protection Agency is assessing the health effects associated with the ambient air exposures to the following chlorinated hydrocarbons:

trichloroethylene
methyl chloroform (1, 1, 1-tricloroethane)
methylene chloride (1, 1-dichloromethane)
Freon-113 (CCl_2FCClF_2)

Interested parties are invited to assist EPA in developing and refining a health information base for these chemicals. To be considered for inclusion in health assessment documents, all submitted data and information must be limited to published material, although information that has been accepted for publication or is in a form for presentation at scientific meetings will be reviewed and considered for inclusion.

All communicaitons and information should be submitted by August 20, 1979

and addressed to Mark M. Greenberg, Environmental Criteria and Assessment Office (MD-52), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711.

Dated: June 21, 1979.

William T. Sayers,

Acting Assistant Administrator for Research and Development.

[FR Doc. 79-20728 Filed 7-3-79; 8:45 am]

BILLING CODE 6560-01-M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Litigation Under the Equal Pay Act and the Age Discrimination in Employment Act; Memorandum of Understanding, Delegations of Authority

Notice is hereby given that on June 27, 1979, at a duly constituted meeting, the Equal Employment Opportunity Commission approved a memorandum of understanding entered into between the Acting General Counsel, Equal Employment Opportunity Commission, and the Solicitor of Labor dated June 6, 1979, regarding the transfer of litigation responsibilities and related matters covering Equal Pay Act and Age Discrimination in Employment Act enforcement. This memorandum of understanding is set forth below in Appendix A.

Additionally, at the same meeting, the Commission approved a delegation of authority to the Solicitor of Labor to represent the Commission in those Equal Pay Act and Age Discrimination in Employment Act cases identified pursuant to paragraphs A.6.a. and B.3 of the aforementioned memorandum of understanding of June 6, 1979, subject to the condition that such representation will be under the supervision and control of the General Counsel of the Equal Employment Opportunity Commission.

Signed this 29th day of June 1979 at Washington, D.C.

For the Commission.

Eleanor Holmes Norton,

Chair.

Appendix A—Memorandum of Understanding Concerning Transfer of Equal Pay and Age Discrimination Enforcement to EEOC

This Memorandum of Understanding between the Office of General Counsel, Equal Employment Opportunity Commission ("EEOC") and the Office of the Solicitor, Department of Labor ("DOL"), is being implemented to further the objectives of the President's Reorganization Plan No. 1 of 1978. The Equal Pay Act ("EPA") and the Age Discrimination in Employment Act ("ADEA") are currently enforced by the Wage and Hour Division of the Department of Labor. The Reorganization Plan transfers the enforcement responsibility for these laws to the EEOC effective July 1, 1979. This memorandum addresses the transfer of litigation responsibilities and related matters.

The parties to this memorandum agree as follows:

A. Trial Litigation

1. A training program on court enforcement of EPA and ADEA for senior attorneys in the Office of General Counsel, EEOC, will be planned and held prior to the transfer; the Office of the Solicitor and Office of General Counsel will jointly plan such program, and it will be conducted by the Solicitor and senior level legal staff from field and headquarters offices of the Solicitor. (This program was held during the week of April 16-20.)

2. At least thirty (30) days prior to the effective date of the transfer, meetings of appropriate legal staff from both DOL and EEOC will be held to discuss cases to be transferred to EEOC in order to assure a smooth coordination and orderly transfer of litigation.

3. No EPA and ADEA cases referred to the Office of the Solicitor* by Wage and Hour for litigation review prior to March 1, 1979, will be transferred to EEOC without a full written legal analysis of the case and a draft complaint if litigation is recommended.

4. EPA and ADEA cases referred to the Office of the Solicitor* for litigation review during the period of March 1 through June 30, 1979, will be immediately reviewed to determine whether they involve statute of limitation problems. Where statute of limitation problems are noted, the Office of the Solicitor* will take necessary steps to protect the government's interest.

5. Any suits filed under EPA and ADEA in cases involving non-routine issues requiring the Solicitor's approval which are referred to the Office of the Solicitor* after March 1, 1979, will be closely coordinated with the Office of General Counsel.

6. On July 1, 1979, responsibility for all litigation under EPA and ADEA will be transferred to the Office of General Counsel but the EEOC and DOL agree to cooperate in the following manner:

a. Cases which would be impracticable to transfer to EEOC (e.g., cases in which a trial date or other major action has been, or is likely to be, scheduled within sixty (60) days of the transfer of authority, and in which the attorney assigned to the case is not transferring to EEOC), will generally continue to be handled by the Office of the Solicitor* under the supervision of the Office of General Counsel. The Office of the Solicitor and the Office of the General Counsel will jointly review each such case and EEOC will make a determination on a case by case basis.

b. Upon request, the Solicitor, where feasible, will make available one or more attorneys to assist in the handling of designated EPA or ADEA cases, where it is determined that the experience or expertise of DOL is needed.

7. Personnel compensation, travel costs, witness fees, court costs, and other expenses incurred incident to handling ADEA and EPA cases by the Office of the Solicitor* after July 1, 1979, will be reimbursed by EEOC. On or before September 30, 1979, the Office of General Counsel, EEOC and the Office of the Solicitor will review all EPA and ADEA cases remaining with the Office of the Solicitor* to further determine which of these cases should immediately be transferred to EEOC. Thereafter, the remaining cases will be reviwed on a six month basis until all remaining cases have been resolved or gradually absorbed by EEOC. It is expected that by July 1, 1981, all EPA and ADEA cases not transferred from the Department of Labor on July 1, 1979, will either be resolved or in a position to be transferred to EEOC. In connection with those EPA and ADEA cases remaining at DOL after July 1, 1979, the EEOC will provide any field staff work that may be appropriate to assist in preparing the cases for trial (examination of records, interviewing witnesses, etc.).

B. Appellate Litigation

1. The Office of General Counsel will participate in the evaluation of and the litigation decision regarding all new EPA and ADEA appellate matters received by the Solicitor after April 1, 1979, including questions as to amicus participation.

2. In cases where only inconsequential or preliminary work (e.g., filing notice of appeal or responding to simple motions) has been done by staff of the Office of the Solicitor and/or it appears that no substantive work will be necessary prior to July 1, 1979, transfer should take place as soon as practicable.

3. In cases where the main brief has been filed by July 1, 1979, and the attorney to whom the case is assigned remains with the Office of the Solicitor, the Office of the Solicitor will continue to handle the case until completion of the appellate process under the supervision and control of the EEOC. In such cases a moot court will be held at EEOC prior to oral argument.

4. Except at noted above, all EPA and ADEA appellate matters pending with the Office of the Solicitor as of July 1, 1979, will be transferred to EEOC on that date.

C. Other Matters

1. By June 1, 1979, DOL will furnish the EEOC with copies of the following:

a. All opinions (and any indices thereto) interpreting EPA or ADEA;

b. All appellate briefs dealing with EPA or ADEA matters;

c. Legislative history (together with summeries and indices thereto) related to ADEA and EPA;

d. A list of all DOL records in archives, relating to ADEA and EPA, and an index of all such records more than three years old; and

e. Any other related material of significance.

2. With respect of mixed litigation which is ongoing as of July 1, 1979, including appellate

* References to the Office of Solicitor includes Offices of the Regional Solicitors.

work (e.g., suits enforcing both EPA and other provisions of the Fair Labor Standards Act), the Office of the Solicitor* and the Office of General Counsel will jointly litigate the matter. Such cases will be identified on or before May 15, 1979.

3. The Solicitor and the General Counsel will establish a permanent liaison committee as an ongoing coordination mechanism to handle common legal problems which arise during litigation (both trial and appellate) and to assure consistency in interpreting the provisions of the Fair Labor Standards Act, of which the Equal Pay Act is a part. In this regard, on or before May 15, 1979, the Solicitor will designate an attorney in the Office of the Solicitor* to be responsible for day-to-day communications on any questions of procedure or substance between EEOC and DOL.

4. Prior to July 1, 1979, the Office of the Solicitor and the Office of General Counsel will update the ADEA and EPA regulations and interpretative bulletins to reflect amendments made to those Acts through June, 1979.

5. A response to all requests for opinions to the Office of the Solicitor* received prior to June 1, 1979, on EPA and ADEA, will be prepared and transmitted to the requestor prior to July 1, 1979. Requests received after June 1, 1979, which cannot be responded to within thirty (30) days, will be forwarded to the Office of the General Counsel for response. With respect to opinions involving employee benefit plans under the ADEA, the EEOC will consult and coordinate with the Department of Labor officials.

Dated: June 6, 1979.

Carin Ann Clauss,

Solicitor, Department of Labor.

Issie L. Jenkings,

Acting General Counsel, Equal Employment Opportunity Commission.

[FR Doc. 79-20742 Filed 7-3-79; 8:45 am]

BILLING CODE 6570-06-M

FEDERAL COMMUNICATIONS COMMISSION

[CC Docket No. 79-138; Transmittal Nos. 13125 and 13140; FCC 79-330]

American Telephone & Telegraph Co.; Memorandum Opinion and Order Instituting Investigation

Adopted: May 31, 1979.

Released: June 28, 1979.

By the Commission: Chairman Ferris concurring in the result; Commissioner Fogarty concurring and issuing a statement.

In the matter of American Telephone and Telegraph Company, revisions to Tariff F.C.C. No. 260, increased rates relating to common control switching arrangements (CCSA).

1. We here consider the subject revisions to AT&T's Tariff F.C.C. No. 260 filed under Transmittal No. 13125 [1] to become effective June 1, 1979; the Petition For Suspension and Investigation filed by the General Services Administration on behalf of the Executive Agencies of the United States (GSA); the Petition to Reject or Suspend the revisions filed by the Ad Hoc Telecommunications Users Committee (Committee); [2] and the AT&T responses.

2. The tariff revisions are designed to raise the earnings level of CCSA service from 4.44 percent to a level which more nearly approximates AT&T's authorized rate of return (currently 9.5 percent) as required by our holding in the *Docket No. 18128* Decision, 61 FCC 2d 587 (1976); *recon. denied,* 64 FCC 2d 971 (1977); *further recon.* 67 FCC 2d 1441 (1978). AT&T expects to achieve this higher rate of return in part by generating an additional $5.7 million in net operating earnings as a result of the proposed 29 percent rate increase and in part through a reduction in size of the CCSA rate base as CCSA investment is shifted to other services.

Contentions of the Parties

3. GSA, citing the *Docket No. 20814* proceedings,[3] requests the suspension of these revisions until the Commission has had time to settle the existing issues surrounding AT&T's implementation of the FDC-7 costing methodology and the rate changes which have occurred using this method. GSA also argues that until such time as a determination is made by the Commission as to whether AT&T is currently earning in excess of its authorized rate of return, rate increases should not be permitted without corresponding rate reductions in the services which appear to have above-average earnings. In addition, GSA questions the specific elements of AT&T's cost support data and its revenue projections as follows: (1) the use of a 48 percent federal income tax rate for 1979 and beyond; (2) the use of a 45 percent debt ratio without differentiating the source of remaining capital and assignment of the reduction in investment; (3) the use of Bell System accounting and marketing managers to forecast CCSA related revenue; and (4) excessive net operating earnings of $2.5 million for the three year projection period.

4. In its response AT&T asserts that the pending review of its implementation of the *Docket No. 18128* FDC-7 cost allocation methodology does not form a proper basis for suspension and investigation of this tariff filing and that GSA does not allege specific inconsistencies between the *Docket No. 18128* requirements and the cost data developed for this filing. Moreover, citing *AT&T, SCAN Reconsideration* Order, 69 FCC 2d 717 (1978), it claims GSA has previously raised this issue in protesting other AT&T attempts to correct earnings deficiencies, and the Commission has properly rejected it. AT&T further notes that GSA is an active participant in the *Docket No. 20814* proceedings, *supra,* which are investigating these and other questions, and that the creation of another investigation to explore this rate increase is unnecessary. With regard to the question of excessive earnings, AT&T states that it has fully responded to the Commission's inquiry concerning its alleged excessive earnings and that suspension of the present revisions to CCSA's rates on these grounds is inappropriate. According to AT&T, this earnings deficiency should be remedied without regard to the individual rates of return of its other services.

5. AT&T contends that GSA's additional arguments concerning its cost support data do not require the suspension and investigation of the filing for the following reasons: (1) Its use of a 48 percent income tax rate was proper at the time since the 46 percent rate did not become law until after AT&T had developed its cost support material for this filing; and in any case, the 2 percent reduction in the tax rate has a minimal affect on its forecasts (less than 1 percent of both annual costs and annual revenues); [4] (2) the fact that it uses a debt ratio of 45 percent has been addressed in other Commission

[1] On January 10, 1979, AT&T filed an additional Transmittal No. 13140 to correct a textual error in Transmittal No. 13125. The effective date of this revision is also June 1, 1979.

[2] The Committee first sent a Telex notice of its intent to file on January 15, 1979, which briefly stated its general objection to the tariff change. It later filed its petition with a motion to accept its late-filed pleading. In its motion it stated that it had received late notice of the filing and that the geographic diversity of its members, who must review it submissions, caused the delay. AT&T interposed no objection in its comments except to point out that it had supplied a copy to the Committee's duplicating contractor on a timely basis. Although it appears that the delay was not the fault of AT&T, we will nonetheless, consider this petition in conjunction with the GSA's timely filed petition. However we also note, as does AT&T, that this filing combines requests for Commission and Bureau action in a single document contrary to § 1.44(a) of the Rules. While we are not inclined to dismiss the petition on this technical ground, the petitioner should be cognizant of our rules in future filings.

[3] *AT&T,* 59 FCC 2d 428 (1976); *Cf* 62 FCC 2d 35 (1976), 65 FCC 2d 295 (1976), 67 FCC 2d 693 (1978); FCC 78-410 released June 7, 1978, and Initial Decision (FCC 790-8), released March 19, 1979.

[4] The Bureau staff requested further evidence of the nature of this impact in an information request dated March 1, 1979. AT&T's response reiterated its position and quantified the impact, by showing an average change of approximately .25 percent in the projected CCSA rate of return in each of the three future years using the lower rate. This equates to approximately $250,000 each year.

decisions and does not raise a discernible issue here; (3) AT&T states that GSA's other unsupported allegations concerning the allocation of investment, excess switching capacity and use of AT&T marketing people in its forecasting do not present any substantial questions which require further Commission action. Finally GSA's limited reference to an excess recovery of $2.5 million over the three year projection is in error according to AT&T, since GSA has confused increased revenue with increased earnings flow. The higher earnings flow is required, AT&T alleges, in order for it to earn the targeted 9.5 percent return range over time because of projected customer migration, cost changes and other demand factors. In short AT&T states that GSA presents no proper grounds to initiate an investigation of this tariff filing or to warrant suspension of the rate increases proposed.

6. The petition filed by the Committee requests the rejection and suspension of AT&T's proposal because the filing appears to violate the Commission's prescription order in *Docket No. 20376, AT&T* 57 FCC 2d 960 (1976), and the President's anti-inflation price guidelines. In addition the Committee contends that such a drastic change in prices for cross-elastic services, without giving users adequate time to rearrange their communications practices, violates sound business and regulatory policy.

Discussion

7. GSA and the Committee argue, in effect, that the rate increase proposed for CCSA will unlawfully impact the overall interstate AT&T rate of return. GSA also argues that the proposed increase will result in excessive earnings for CCSA service in violation of our *Docket No. 18128* Decision, *supra*. Initially, it will be useful to reiterate our basic rate of return requirements for AT&T overall and for its various services. In *Docket No. 20376, supra*, the Commission prescribed an overall rate of return of 9.5 percent for AT&T's interstate operations. As an incentive to increase efficiency and productivity, AT&T was permitted to earn an overall rate of return of up to 10.0 percent, provided it did so on rates designed to yield 9.5 percent. 57 FCC 2d at 973. Thus, our rate of return prescription focused primarily on the needs of the company as a whole rather than on the earnings of individual services or inter-service rate relationships.

8. On the other hand, our prescription of a costing methodology in the *Docket No. 18128* Decision was intended to facilitate the comparison of individual AT&T services and to reveal inter-service cross-subsidization. After a full and accurate disclosure of AT&T's costs, we would be in a position to monitor the individual rates and to undertake remedial action, particularly to protect monopoly MTS ratepayers from unlawful cross-subsidization and to prevent AT&T from having an unfair advantage with respect to its competitors. Emphasizing the importance of carrier accountability in the ratemaking area, we required AT&T to target the rates for each tariffed service category to yield an expected return level equal to its authorized overall return (currently 9.5 percent). The carrier may be relieved from this requirement only if it can make a proper showing under the general provisions of the waiver process designed to recognize instances in which the public interest might be served by a departure from full cost rates. 64 FCC 2d at 978. The prescribed FDC-7 costing methodology, if properly implemented by AT&T, should enable us to determine what each of the carrier's services is truly earning, and to ascertain the likely consequences of a proposed rate change, including its impact on both monopoly and competitive services.

9. Transmittal Nos. 13125 and 13140 were filed purportedly in compliance with our *Docket No. 18128* Decision requirement that AT&T revise rate levels for its services in accordance with the policies, costing guidelines and methodologies specified therein. 61 FCC 2d at 668. As described by AT&T, "CCSA consists of telephone company central office based switching machines which provide a means for customers with large private line communications requirements to interconnect channels for the purpose of interstate communications." (Filing), Vol. I. AT&T characterizes CCSA as a declining service, but to the extent it is used by very large customers the pricing of the service has important competitive implications.[5] Its FDC-7 analysis indicates a 1977 rate of return of approximately 4.44 percent for CCSA. To raise the expected return level for which the service, AT&T proposes this 29 percent rate increase, which, if implemented in conjunction with planned shifts of CCSA investment to other services, yields a forecasted rate of return somewhat above 9.5 percent through 1981.[6] AT&T's analysis shows that an additional $5.7 million in net operating earnings for CCSA is needed to achieve the desired rate of return. This gain would be accomplished only in part by the proposed rate increase. The improved earnings performance for CCSA which AT&T projects for 1980 and 1981 would result primarily from the contemplated net reduction in total investment through 1981 of some $99.3 million, as a part of its "investment management plan" and in response to an alleged diminution in demand for the service. In the following paragraphs we discussed specifically the various issues raised.

AT&T's Overall Rate of Return

10. With respect to the petitioners' claim that to approve the proposed rate increase would be to sanction a violation of our *Docket No. 20376* prescription, it is true that the Common Carrier Bureau and others recently expressed a concern that AT&T may have exceeded its authorized rate of return.[7] In response to these events and to the petition to increase its rate of return subsequently filed by AT&T, we plan to initiate procedures to investigate AT&T's rate of return and to review our *Docket No. 20376* prescription order. Thus, these overall rate of return questions will be addressed in other proceedings.

11. Moreover, the fact that AT&T's interstate services in the aggregate may be earning a rate of return above the prescribed level is not a valid ground for precluding every proposed rate change designed to provide additional revenues for a single service. Since individual rate increases may be warranted by dynamic market conditions, changing technologies, or our own regulatory requirements, we are reluctant to freeze rates for all services at existing levels solely because an increase could have a slight impact upon the company's overall earnings. We would, nonetheless, weigh that factor in determining the reasonableness of such

[5] In several recent orders, we have noted AT&T's repeated failure to justify rate structural and other pricing devices which favor large customers to the apparent detriment of smaller users of similar services. *See, e.g., AT&T, WATS Rejection* Order, 66 FCC 2d 9 (1977), *recon. denied*, 69 FCC 2d 1672 (1978); Final Decision and Order in Docket No. 21402 (*MTS–WATS Like Services* Order), 70 FCC 2d 593 (1978), *recon. pending; AT&T Series 7000 Rejection* Order, 67 FCC 2d 1134 (1978), *recon. denied*, 70 FCC 2d 2031 (1979).

[6] Assuming the effectiveness of the proposed rate increase and the implementation of planned investment shifts, AT&T projects the following earnings picture for CCSA: 1979, 9.67 percent rate of return; 1980, 11.37 percent; 1981, 9.63 percent. Using the current Federal income tax rate of 46 percent rather than the former rate of 48 percent (as reflected in the above figures), AT&T has revised these rates of return in accordance with staff request as follows: 1979, 9.87 percent; 1980, 11.64 percent; 1981, 10.08 percent.

[7] See letter of the Chief, Common Carrier Bureau to AT&T, dated December 20, 1978. On that same date, GSA also filed a Petition for an Order to Show Cause, requesting action by the Commission on AT&T's allegedly excessive earnings.

an increase. The rate increase proposed for CCSA would have an insubstantial effect upon overall AT&T interstate earnings. Significantly, the CCSA rate increase proposed is not for the purpose of improving AT&T's overall earnings performance, but to ensure that all services contribute fairly and proportionately to AT&T's earnings requirements through the charging of full cost rates as we generally required in our *Docket No. 18128* decision, *See* 61 FCC 2d at 661.

Cost Allocation Methodology

12. GSA also cites existing uncertainty over the lawfulness of AT&T's chosen method of implementing FDC-7 as a ground for suspension and investigation of rates derived through this methodology. We agree that AT&T's FDC-7 cost allocation techniques and its allocation of costs to CCSA in particular have never been approved by the Commission and that the materials filed in support of these revisions do not provide an independent basis for validation. However, as pointed out in our *AT&T SCAN Reconsideration* Order, *supra*, we are investigating AT&T's revised FDC-7 procedures and specific allocations in several other proceedings and fully intend to apply our findings therein to all AT&T services, including CCSA.[8] Therefore, we see no need to duplicate that effort in connection with these filings.

Investment Shifts

13. The relevant question then becomes whether, given the uncertainty surrounding AT&T's costing methodology, we can find with reasonable assuredness that the proposed rate increase will more nearly achieve our full cost objectives and will not result in an excessive rate of return for the service. *See AT&T SCAN Reconsideration, supra* at 720 and 723. As stated above, AT&T's program for improving the rather poor earnings performance of this allegedly declining service consists of both an immediate rate increase and a gradual shift of investment away from CCSA, presumably to other services. Indeed, it appears likely that the higher projected rates of return could result more from the reduction in size of the CCSA rate base due to investment shifts than from the rate increase. Thus, our evaluation of the planned investment shifts is likely to be more critical in determining whether these rates are properly targeted than the 29 percent rate increase.

14. We view these proposed investment shifts with some concern. In the *Docket No. 18128* Decision, we prescribed a methodology by which the carrier's rate base investment is distributed to a facilties datum by service category on the basis of both current and projected use. *See* 64 FCC 2d at 979. We envisioned the fixity of the datum as a mainstay of carrier accountability and equity among users. We therefore provided that future adjustments to the datum could be implemented only upon a showing of the effects of facility reassignments upon the service in question, as well as upon related service offerings. 61 FCC 2d at 666. We elaborated on the requisite showing in our *AT&T Series 7000* Order, 67 FCC 2d 1134 (1978), in which we rejected AT&T's most recent tariff revisions for its video transmission service, and in our *AT&T Series 7000 Reconsideration* Order, 70 FCC 2d 593 (1979), stating there that:

We believe the original service should bear responsibility for the revenue requirement of facilities used to provide it until another service can be shown to have an immediate or near term application for these surplus assets. To implement the *Docket 18128* Decision, we find necessary a complete understanding of how and when the transferred assets will be useful to the service receiving them and the impact of this investment on that service's rate of return. *Id* at para. 38.

15. We believe AT&T's support materials fall short of our requirements in this regard.[9] The filing indicates a total net reduction in investment through 1981 of $99.3 million. This can be broken down into $33.6 million in non-fungible investment and approximately $65.7 million in fungible investment. AT&T provides no description of the services to which it intends to reassign this latter amount. In Volume 5 of its filing, AT&T merely states that: "When CCSA investment is removed from a switch due to consolidation or customer migration although other services may remain, investment which cannot be received by other services will continue to be carried by CCSA as unaccrued depreciation." (Filing, p. 3.2). We cannot approve an adjustment to the fixed facilities datum on the basis of these vague references to proposed reassignments in the CCSA tariff filing. Our prior orders are clear on the need for a detailed showing of the implications of any investment shift, particularly its impact on the service to which the facilities will be assigned. AT&T is therefore obligated to come forward with the requisite data and other information before we can approve any adjustment to the datum.[10] This requirement was devised in part to protect ratepayers of AT&T services from the possible adverse effects of resource mismanagement. For example, a situation could arise in which AT&T management invests heavily in facilities for a new competitive service offering, which for some reason never realizes the expected demand. If AT&T could then reassign this original investment to other services, particularly its monoploy services, without regard to the ability of the recipient services to properly utilize the facilities, ratepayers of the recipient services would unfairly be required to absorb additional costs.

Revenue/Cost Analysis

16. GSA also maintains that AT&T's revenue forecasts in Volume 4 of the filing are suspect because they are based solely on the responses of AT&T marketing people. Moreover, GSA claims these rates would produce excess revenues of some $2.5 million over the three year projection period. We are not inclined to rely on AT&T's revenue/cost analysis to any significant degree because of apparent internal inconsistencies and the general unreliability of the methods used. For example, AT&T's market analysis relies on a survey of customer reaction, by years, at various increased CCSA test rates: 5 percent, 10 percent, 20 percent, 25 percent, and 50 percent. The final choice of a 29 percent rate increase

[8] We recognize, of course, that until AT&T takes appropriate steps to comply with our *Docket No. 18128* and related orders such that we can finally evaluate and implement the proper cost allocation methodology, we will not be able to determine the ultimate lawfulness of AT&T's rates for CCSA. Our experience with CCSA is no different from our experience with AT&T's other services in this regard. Until we are reasonably assured by AT&T regarding its compliance with *Docket No. 18128*, our goal must be, to the best of our ability, to bring AT&T's rates for its various services toward reasonable levels, considering both AT&T's customers (particularly MTS customers) and its competitors, and to eliminate unreasonably discriminatory rates, terms, and conditions. In attempting to achieve this goal, we believe we may draw reasonable inferences and conclusions and take appropriate actions based upon the best data and information available, our own analyses and studies, our considerable experience with AT&T tariff filings, and our observations of how such filings impact the marketplace in general, as well as specific customer classes and competitors. When we finally rule on the lawfulness of AT&T's FDC-7 methodology and its consistency with our *Docket No. 18128* requirements, we will be in a position to review the rates for all AT&T's services, including CCSA, in light of our conclusions.

[9] See n. 8, above.

[10] For example, if AT&T is required to maintain cost responsibility for the $17.5 million in investment which it would like to shift to other services in 1979 because of declining demand for CCSA, the rate of return would be 8.5 percent instead of 9.7 percent under the analysis made by AT&T.

appears arbitrary, since no test studies were conducted at that rate. Moreover, certain of the figures used in the revenue/cost analysis appear to be inconsistent with the remainder of the filing. Illustratively, CCSA net investment amounts for Accts. 77C and 47C (Filing) Volume 5, Table 2–1, do not equal the figures used in the revenue/cost analysis (Volume 3 at 3–23). Thus, the extent to which Volume 5 was actually employed as input into the revenue/cost analysis is uncertain.

CCSA Rate of Return

17. As noted above AT&T projects CCSA rates of return through 1981 which are somewhat above the 9.5 percent prescribed level to which rates must be targeted absent a *Docket No. 18128* waiver.[10] While we are normally troubled by the filing of rates targeted to earn in excess of 9.5 percent, we recognize that these projected earnings figures depend upon both the accuracy of AT&T's revenue/cost analysis, which is at best questionable, and the successful implementation of the proposed investment shifts and adjustment to the facilities datum. Since AT&T has not provided the requisite justification for a present adjustment to the facilities datum, it is precluded from assuming, for purposes of its revenue/cost analysis, that the intended shifts will actually take place. Thus, until AT&T properly justifies the investment shifts, the projected CCSA rate base should be increased by an amount which represents the proposed investment shifts in each of the three forecast years. Using the same revenue figures which AT&T projects in its analysis, the CCSA of return on these enlarged rate bases would then be below 9.5 perent.[11] Nonetheless, we also recognize that the planned shifting of CCSA plant to other services could be reasonable if properly justified. Under such circumstances, the customers of CCSA may not have to bear the burden of unnecessary facility investments which can be efficiently utilized by other services.

Debt/Equity Ratio

18. As to GSA's other major contention, namely the use of a 45 percent debt ratio, we believe such an issue is more appropriately addressed on an overall company basis as we have done in the past,[12] rather than in connection with the individual service rates. As indicated above, we are initiating proceedings to look into all facets of AT&T's rate of return. Its debt-equity ratio will be one of the factors addressed therein.

Wage/Price Guidelines

19. One further contention has been raised by the Committee's petition i.e., whether the rate increase is in violation of the President's wage/price guidelines. We note that AT&T has formally pledged itself to complying with the President's guidelines. However, we do not believe that strict compliance with wage price guidelines is in and of itself dispositive of any of the issues presented by this filing. AT&T is compelled by our *Docket No. 18128* Decision to raise its rates for this service category. To restrict the level of rates for an individual service to any level below the full cost requirements set forth in that decision would be to undermine the decision and allow the potential for monopoly-based services to subsidize competitive offerings. In that regard we believe this decision is in complete accord with the President's anti-inflation program.

Conclusion

20. In summary, a number of legitimate questions have been raised with respect to this filing. However, as we have pointed out, some issues, such as the ultimate adequacy and lawfulness of AT&T's FDC–7 cost allocation methodology and the possible violation of its perscribed rate of return, can best be addressed in other proceedings. Of the remaining unresolved issues, our primary concern is with the proposed investment shifts and their compliance with our *Docket No. 18128* Decision.[13] If all of the proposed investment shifts can be adequately justified, then the CCSA rates could be too high following the proposed increase, since by AT&T's figures they would seem to yield returns somewhat in excess of the currently prescribed 9.5 percent. On the other hand, if all or a major portion of these investment shifts are not reasonably justified, then the rates may be too low in violation of our *Docket No. 18128* Decision. Related to these questions are our general concerns with the accuracy of AT&T's cost support data in several areas, as indicated above.

21. While these infirmities would perhaps be sufficient to justify rejection of this tariff, we believe that such a course is not advisable here. As a result or our *Docket No. 18128* Decision, AT&T has an affirmative obligation to bring the earnings of all of its major service categories to about the same percentage level (presumably at its overall authorized rate of return) so that its non-competitive service will not, in effect, be cross-subsidizing its competitive services to the disadvantage of its competitors and the customers of its noncompetitive services. Since CCSA is generally a competitive service for large users, and given our experience with AT&T's recent filings in DDS, Series 7000 and WATS[14], we are necessarily concerned that the current low rate of return AT&T shows it to be earning does not continue. As indicated above, based upon our experience with other competitive AT&T filings and the current information available, we are inclined to believe that the proposed rates will not be excessve.

22. Therefore, under these circumstances, we believe the best course of action would be to allow the filing to go into effect and initiate a limited investigation, addressing primarily the proposed investment shifts and certain of AT&T's support information. With positive findings on these points, we believe we can make a reasonable determination as to the current lawfulness of the proposed rates pending AT&T's full compliance with *Docket No. 18128. See* fns. 5 and 7, *supra.* However, in order to protect the rights of CCSA customers, we will suspend this CCSA tariff filing for one day and institute and accounting order. If we find as a result of the investigation that the rates are unlawfully high, we can order customer refunds if appropriate.

23. Due to the limited nature of the questions involved and the pendency of other proceedings involving *Docket No. 18128* we do not believe it is necesary to conduct this investigation in the context of a formal evidentiary hearing. Rather,

[10] See n. 8, above.

[11] For example, if AT&T is required to maintain cost responsibility for the $17.5 million in investment which it would like to shift to other services in 1979 because of declining demand for CCSA, the rate of return would be 8.5 percent instead of 9.7 percent under the analysis made by AT&T.

[12] See, *e.g., Docket No. 19129,* Phase II, 64 FCC 2d 1 (1977), and *Docket No. 20376, supra.*

[13] We single out this issue because its resolution is critical to the "datum fixity" principle which lies at the heart of our *Docket No. 18128* Decision. While we could probably single out for full analysis herein other aspects of AT&T's *Docket No. 18128* implementation, as reflected in this filing, e.g., its revenue/cost analysis, we believe that the investment shift may have the most pronounced impact on the current lawfulness of CCSA. Moreover, by bringing more direct attention on the question of AT&T's compliance with this important fixity principle we believe we will accelerate the proper implementation of our *Docket No. 18128* Decision.

[14] *See* 67 FCC 2d 1195 (1978); *recon. denied,* 70 FCC 2d 2031 (1979); n. 5, *supra.* These filings all raised serious questions of possible unlawful cross-subsidization of competitive services by monopoly service revenues in light of AT&T's failure to demonstrate compliance with *Docket No. 18128* policies and principles.

the most efficient approach, we believe, will be to conduct a "paper" proceeding.[15] Initially, we shall require AT&T to submit, as part of its direct case, the following information: (1) a complete justification of its proposed investment shifts;[16] (2) revised revenue projections (based on the current 46% tax rate), and support data, for the 12, 24, and 36 month periods following the effective date of the tariff; and (3) a market forecast analysis at the increased rate, including all support data. The focus of this proceeding will be primarily on determining the validity of the planned investment shifts and, secondarily, on analyzing the revenue/cost projections. Based on these factors, we will determine what, if any, adjustments should be made to CCSA rates.[17]

24. Accordingly, it is ordered, pursuant to Sections 1, 2, 3, 4 (i)-(j), 201-203, 204, 205, 403, and 409 (e)-(h) of the Communications Act, that an investigation is commenced in accordance with the foregoing discussion. The issues in this investigation shall be:

(1) To what extent can AT&T justify shifts of investment in unneeded facilities from CCSA to other services consistent with the standards established in *Docket No. 18128?*

(2) What is a reasonable projection of customer demand and revenues at the proposed rate levels for the next three years?

(3) Based on Issues (1) and (2) above, are the CCSA rates unlawful on the basis that AT&T's projected rates of return for years 1, 2 and 3 are too high or too low?

(4) If the rates are found under Issue (3) above to be too high or too low, what adjustments in rates should be prescribed?

25. It is further ordered that AT&T shall submit its direct case on the above issues within 30 days of the release of this order; other parties shall file their reply cases or comments within 20 days thereafter; and AT&T may file its response within 10 days thereafter.

26. It is further ordered That the Chief, Common Carrier Bureau is delegated authority to require the submission of additional information, make further inquiries, and modify dates and procedures, if necessary, to provide for a fuller record and more efficient proceeding.

27. It is further ordered, Pursuant to Section 204 of the Act, 47 U.S.C. 204 that the effectiveness of the revisions to AT&T, Tariff FCC No. 260 filed under Transmittal Nos. 13125 and 13140 are hereby suspended for one day and the carrier shall keep an accurate account of all amounts received by reason of the tariff rate increase during the pendency of this investigation.

28. It is further ordered That the Petitions to Reject the tariff revisions filed by the General Services Administration, on behalf of the Executive Agencies of the United States, and the Ad Hoc Telecommunications Users Committee are hereby denied.

29. It is further ordered, That the Petitions to Suspend the tariff revisions filed by GSA and the Committee are hereby granted, in part, consistent with the foregoing opinion, but are otherwise denied.

Federal Communications Commission.[1]

William J. Tricarico,

Secretary.

Concurring Statement of Commissioner Joseph R. Fogarty

In Re: Revisions to American Telephone and Telegraph Company's Tariff F.C.C. No. 260, Increasing Rates for Common Control Switching Arrangements (CCSA)

The Commission's decision in Docket No. 18128, 61 FCC 2d 587 (1976), has as a basic tenet the concept of a fixed datum. In order that the Commission can track AT&T's costs and revenues for each service, the total investment must be allocated among its services. When a shift occurs to or from a given service, the datum as a whole must be updated to reflect changes in investment in other services, and resultant changes in earnings ratios. This is the only way, under the current accounting procedures which are based upon plant, not service, categories, that we can track earnings ratios and any cross-subsidizations among AT&T's services.

In this case, AT&T's tariff filing shifted investment away from CCSA, but never updated the datum to reflect the resulting reallocations to other services. Furthermore, an increase of this magnitude in one service will have cross-elastic fallouts to other services which could impact on earnings projections from those other services. Therefore, I would have preferred the Commission to suspend the tariff for the full statutory five month period and required Bell to file a revised datum during that period. Should AT&T fail to file the datum within the suspension period, the Commission should then instruct the staff to reject the tariff for violation of Docket No. 18128.

One additional consideration should be noted here. The Docket No. 18128 decision requires that each service *category* earn within the range of rate of return prescribed for AT&T as a whole. Since the Commission has not prescribed a manual or procedures to implement 18128, we have not specified service categories. However, AT&T's own implementation manual, which was developed after consultations with the Commission staff, places CCSA in the service category Private Line Telephone—Other, *along with some other services.* Yet, AT&T proposes raising CCSA rates because that service is earning a low return. While it may not be unreasonable for Bell to seek to have each service within a category earn approximately the same return, AT&T should be bound to follow its own manual, unless the Commission prescribes otherwise. Therefore, the Bell filing should reflect the overall rate of return for the service category and demonstrate how this filing will raise the return for that category to a reasonable level.

Accordingly, I concur in the Commission's decision to suspend the tariff with an accounting order, and set it for investigation, but I would have preferred a longer suspension to ensure compliance with our Docket No. 18128 decision.

[FR Doc. 79-20723 Filed 7-3-79; 8:45 am]

BILLING CODE 6712-01-M

[15] We would, however, consider possible oral cross-examination before an administrative law judge if it could be shown that there is a substantial dispute over facts which are critical to the resolution of the issues involved. Any party seeking such an oral examination would be expected to make a substantial showing in this regard. Should critical factual issues arise, we would consider the need for separated trial staff participation in any hearing stage of the proceeding. We see no need at this time for Bureau personnel to participate in this limited investigation in any capacity other than that of decision-maker and therefore shall not presently designate a separate trial staff.

[16] Since we have previously indicated the requisite showing for our approval of facilities reassignment in *Docket No. 18128*, 61 FCC 2d 663-666, and discussed the criteria fully in our *Series 7000 Reconsideration Order*, 67 FCC 2d 1184-1187, we refer AT&T to those orders for guidance in preparing its submission on this issue.

[17] It appears that AT&T heretofore has not treated CCSA as a "major" category of service as that term was used in our *Docket No. 181828* Decision. Rather in its August 1978 Manual, on which it claims the CCSA filing was based, AT&T describes CCSA as one of the services which makes up the "Private Line Telephone-Other" category of service. The other services in this category are SCAN and EPSCS, as well as certain minor offerings. The return, competitive, and other impact of the instant CCSA rate charge and proposed investment shifts on these other services, particularly EPSCS, and on the category overall, is not fully explained in the CCSA filing. Accordingly, AT&T should also provide this information in its submission.

[1] See attached Concurring Statement of Commissioner Joseph R. Fogarty.

FEDERAL EMERGENCY MANAGEMENT AGENCY

U.S. Fire Administration

Board of Visitors for the National Academy for Fire Prevention and Control; Open Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following committee meeting:

Name: Board of Visitors for the National Acacemy for Fire Prevention and Control.

Dates of Meeting: July 31-August 1, 1979. This meeting had originally been scheduled for July 10-12, 1979.

Place: Conference Room, Administration Building (Building E), National Fire Academy, Emmitsburg, Maryland.
Time: 9 a.m. to 5 p.m.
Proposed Agenda:
July 31, 1979: Introductory remarks; Academy budget 1980 and 1981; Overview of Academy progress; Report of Planning Task Force; Report on curriculum delivery and delivery systems; Review of Open University; Review of Outreach programs.
August 1, 1979: Tour of Academy facilities; Briefing on Opening Symposium; Administrative items.

The meeting will be open to the public, with approximately 20 seats available on a first-come, first-served basis. Members of the general public who plan to attend the meeting should contact Ms. Jane Sornberger, National Fire Academy, Route 1, Box 10A, Emmitsburg, Maryland 21727 (Phone 301-447-6117) on or before July 24, 1979.

Minutes of the meeting will be prepared by the Board and will be available for public viewing in the Superintendent's Office, Administration Building, National Fire Academy, Emmitsburg, Maryland. Copies of the minutes will be available upon request 30 days after the meeting.

Dated: June 26, 1979.

Gordon Vickery,

Administrator, U.S. Fire Administration.

[FR Doc. 79-20686 Filed 7-3-79; 8:45 am]

BILLING CODE 4210-23-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health

Cancellation of Clinical Trials Committee Meeting

Notice is hereby given of the cancellation of the meeting of the Clinical Trials Committee, National Cancer Institute, National Institutes of Health, July 10, 1979, Building 31C, Conference Room 4, Bethesda, Maryland, which was published in the Federal Register on June 14, 1979 (44 FR 34200). For further information, please contact Dr. Gerald U. Liddell, Executive Secretary, Westwood Building, Room 826, National Institutes of Health, Bethesda, Maryland 20205, (301/496-7575).

Dated: June 26, 1979.

Suzanne L. Freemeau,

Committee Management Officer, NIH.

[FR Doc. 79-20677 Filed 7-3-79; 8:45 am]

BILLING CODE 4110-08-M

National Arthritis Advisory Board; Amended Notice of Meeting

Notice is hereby given of cancellation of the Education and Training Work Group, National Arthritis Advisory Board, which was to have met on July 11, as published in the Federal Register on May 23, 1979, 44 FR 29973.

The full Board meeting July 12 and the previously published Work Groups meeting on July 11 remain the same; that is, 9:00 a.m. to 5:00 p.m. on July 12, the Board meets at the Sheraton National Motor Hotel, Columbia Pike and Washington Boulevard, Arlington, Virginia. The times and meeting locations for the Work Groups may be obtained by contacting Mr. William Plunkett, Executive Director, National Arthritis Advisory Board, P.O. Box 30286, Bethesda, Maryland, (301) 496-1991.

The entire meeting remains open to the public. Attendance is limited to space available.

Dated: June 26, 1979.

Suzanne L. Fremeau,

Committee Management Officer, NIH.

[FR Doc. 79-20678 Filed 7-3-79; 8:45 am]

BILLING CODE 4110-08-M

Office of Human Development Services

[Program Announcement No. 13634-791]

AOA National Aging Organization Projects Program

AGENCY: Office of Human Development Services, DHEW.

SUBJECT: Annoucement of Availability of Funds for the National Aging Organization Projects Program.

SUMMARY: The Administration on Aging (AoA) announces that applications are being accepted for cooperative agreements with the AoA for the National Aging Organization Projects Program. This program is authorized by Section 424 and Section 206 of the Older Americans Act of 1965, as amended (42 USC Sec. 3001, et. seq.).

DATES: Closing date for receipt of applications is: September 4, 1979.

Program Purpose

The purpose of the National Aging Organization Projects Program is to enhance at the national level the capacities of State, substate and local aging network agencies to plan and administer programs in aging. The program is also designed to support national level efforts to assess the needs of minority and other underserved populations and to develop and implement strategies to maximize the benefits reaped by these populations under the Older Americans Act (OAA) and other programs.

Goals and Objectives

Goals of the National Aging Organization Projects program are to:

1. Provide assistance to the aging network which will equip them to better deal with problems of underserved populations and to respond to the 1978 Amendments to the Older Americans Act;

2. Further develop the administrative, planning and program management capabilities of the aging network to carry out the purposes of the Older Americans Act; and

3. Further develop the capacity of national organizations representing underserved populations to assist the aging network, States, and the AoA to implement the Older Americans Act.

To these ends the specific objectives of these cooperative agreements are to:

1. Provide public information, advocacy and outreach efforts to increase awareness of individuals, agencies, and organizations, about programs, services, etc. available to meet needs of elderly persons.

2. Increase the use of services and entitlements of the OAA and other public programs by underserved populations.

3. Increase the use of resources from State and local jurisdictions, and from voluntary organizations and other private sources.

4. Develop and provide data to public and private agencies for implementation of the OAa relative to needs of the elderly and ways to improve accessibility and appropriateness of services.

5. Encourage collaboration with other organizations to increase benefits to older Americans.

Eligible applicants

Organizations eligible to apply for this program must be non-profit, private agencies or organizations which meet the following criteria:

1. Are national in scope and/or membership.

2. Focus on the administration of programs and services to meet the needs and interests of older Americans.

3. Are heavily committed to helping their members and/or constituents carry out the purposes or participate appropriately in the benefits of the Older Americans Act.

4. Have a record of leadership in the development of nation-wide efforts in aging.

Organizations representing elderly persons of minority groups must, in addition:

1. Be national-level representatives of elderly persons in one of the following minority groups: American Indian and Alaskan Native, Asian/Pacific, Black, Hispanic.

2. Have previously provided national leadership in:

(1) Developing service needs data and services for their constituency; or

(2) Developing service needs data and have demonstrated capability for development of services for their constituency.

3. Have developed working relationships with, and an intimate knowledge of services and benefits available to their constituents from the AoA, its Regional Offices, State aencies on aging, area agencies on aging and other federal or federally supported programs.

Applications from two categories of organizations are encouraged:

(a) National associations of officers of state, substate or municipal offices responsible for programs supported under the Older Americans Act, and (b) National organizations representing elederly members of the following minority groups: American Indian/ Alaskan Native, Asian/Pacific, Black, and Hispanic.

Available Funds and Number of Projects

The Administration on Aging expects to make up to five (5) awards to non-minority aging organizations and up to five (5) awards to minority aging organizations. It is expected that a total of $1.8 million will be available for the first year; these awards will average approximately $200,000 per year. The project period may not exceed three (3) years.

Method of Support

Support of all National Aging Organization Projects will be awarded using cooperative agreements. Cooperative agreements are a form of financial assistance, similar to grants, but which differ from grants in that substantial involvement is anticipated between the Administration on Aging, its Regional Offices and the recipient during the development of the project workplan and performance of project activities. The level and type of AoA involvement is discussed in the draft guidelines.

Grantee Share of Project

Grantees are expected to provide at least 10 percent of total project cost or 50 percent of indirect cost whichever is greater. The grantee share must be project related and allowable under the Department's applicable cost principles in 45 CFR Part 74 (see 45 FR 26274. September 19, 1973).

Pre-aplication Meting. A pre-application meeting will be held July 20, 1979 at 10:00 a.m. in room 303A-339A, Hubert H. Humphrey Building, 200 Independence Aenue, S.W., Washington, D.C. for representatives of organizations who believe themselves to meet the eligibility requirements and who wish additional information. Draft guidelines may be obtained upon request from the AoA (see address and telephone number in next paragraph) prior to the meeting. Final guidelines may incorporate recommendations from the meeting and will be available upon request after July 25. Guidelines may be obtained by writing or calling the AoA National Aging Organization Projects Program at the same address.

Application Forms. An application for a grant under the AoA National Aging Organization Projects Program must be on standard form 424 and other forms provided for this purpose. Application kits which include the prescribed forms and instructions may be obtained by writing: AoA National Aging Organization Projects Program, Room 4273, HEW North Building, 330 Independence Avenue, S.W., Washington, D.C. 20201. Telephone: (202) 245-2143.

Application Submission. One (1) signed original and five (5) copies of the application including all attachments must be submitted to the address indicated in the application instructions.

Application Consideration. The Commissioner on Aging will make the final decision on each application for this program. Unsuccessful applicants will be notified in writing. Successful applicants will be invited by letter from the Commissioner to enter into negotiations with the Administration on Aging for the development of workplans. The actual award will be made through issuance of a Notice of Grant Awarded from the Office of Human Development Services. This Notice sets forth the amount of funds awarded, the terms and conditions of the cooperative agreement, the budget period for which support is given, the total recipient share expected, and the total period for which project support is given.

A-95 Notification Process

As these are projects of national scope, cearances required by OMB Circular A-95 are necessary only if the proposed activity affects State, areawide or local planning or programs. Applicants should contact the appropriate State clearinghouse (listed at 42 FR 2210, January 10, 1977) for information on how they can meet the A-95 requirements. If the application is for a statewide project which does not affect areawide or local planning and programs, onl the State clearinghouse need be notified.

Review Criteria

Applications are reviewed to determine that the application is related to the objectives of the National Aging Organization Projects Program, to assure that the elements required for a complete review are included, and that the application complies with all pertinent Federal statutes and regulations.

Competing application will be evaluated against the following criteria:

A. Promise of adding to or improving knowledge or practice which contributes to the implementation of the Older Americans Act by state, substate or municipal offices responsible for programs supported under the Act.

B. Relevance to the needs addressed by this announcement with appropriate consideration for proposals which concentrate on problems relevant to the very old and impaired, isolated or with low income and minority status.

C. Feasibility of proposed project plan.

D. Adequacy of the conceptualization of the problem(s) and approaches to deal therewith.

E. Capability of proposed staff adequacy of facilities and resources of applicant (and cooperating) organizations.

F. Experience of applicant organization in conducting related activities.

G. Feasibility of proposed budget; justification of costs, and cost sharing by the applicant or other organizations.

H. Likelihood of completion of project activities within the proposed time schedule.

I. Plans for implementation and dissemination of results of project, including any products for use by others.

J. Plans for continuance of services to older persons which will be generated by the proposed project, if any, beyond the termination of financial support under this Program.

K. Commitment from other agencies and organizations (or plans therefor) when they are expected to contribute to the value or success of the project.

L. Adequancy of plans for data gathering and evaluation.

Closing Date for Receipt of Applications

The closing data for receipt of applications under this announcement is September 4, 1979. Applications may be mailed or hand delivered. Hand delivered applications will be accepted Monday through Friday (except Federal holidays) from 9:00 a.m. to 5:00 p.m. through September 4, 1979. A mailed application received after the closing date will be accepted only if it is postmarked by U.S. Postal Service or shows a U.S. Postal Service mail receipt of no later than the established closing date of September 4, 1979.

(Catalog of Federal Domestic Assistance Number 13.634, Model Projects on Aging).

Dated: June 28, 1979.

Robert Benedict,

Commissioner on Aging.

Approved: June 29, 1979.

Arabella Martinez,

Assistant Secretary for Human Development Services.

[FR Doc. 79-20705 Filed 7-3-79; 8:45 am]

BILLING CODE 4110-92-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Prineville District Grazing Advisory Board Meeting

Notice is hereby given in accordance with Pub. L. 92-463 that a meeting of the newly formed Prineville District Grazing Advisory Board will be held July 10, 1979.

The meeting will begin at 1:00 p.m. in the conference room of the Bureau of Land Management office at 185 East 4th Street, P.O. Box 550, Prineville, Oregon 97754.

The agenda will include: (1) Expenditure of range betterment funds for range improvements in fiscal year 1980 (2) A discussion of the ongoing Soil and Vegetation Inventory as it relates to future allotment management plans.

The meeting is open to the public. Anyone wishing to make oral or written statements to the board is requested to do so through the office of the District Manager, at the above named address, at least 5 days prior to the meeting date.

Summary minutes of the board meeting will be maintained in the District Office and be made available for public inspection and reproduction (during regular business hours) within 30 days following the meeting.

Paul W. Arrasmith,

District Manager.

May 25, 1979.

[FR Doc. 79-20688 Filed 7-3-79; 8:45 am]

BILLING CODE 4310-84-M

[C-0107432 Amended; C-0119902 A and C-079629 Amended]

R/W Applications for Pipeline

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 U.S.C. 185), Western Slope Gas Company, P. O. Box 840, Denver, Colorado 80201, has applied for a rights-of-way for approximately 5.60 miles of natural gas pipeline for collection and delivery of gas in the North and West Douglas Gathering Systems on the following public land:

Sixth Principal Meridian, Rio Blanco County, Colo.

T. 1 S., R. 101 W.
Sec. 18.
T. 2 S., R. 102 W.
Sec. 19: S½;
Sec. 26: S½, SW¼NW¼;
Sec. 27: E½;
Sec. 35: NE¼, NE¼SE¼;
Sec. 36: SW¼.
T. 2 S., R. 103 W.
Sec. 13: SE¼SE¼;
Sec. 24: SW¼.

The above-named gathering system will enable the applicant to collect and deliver natural gas. The purposes for this notice are: (1) To inform the public that the Bureau of Land Management is proceeding with the preparation of environmental and other analytic reports, necessary for determining whether or not the application should be approved and if approved under what terms and conditions; (2) to give all interested parties the opportunity to comment on the application; (3) to allow any party asserting a claim to the lands involved or having bona fide objections to the proposed natural gas gathering system to file its claim or objections in the Colorado State Office. Any party so filing must include evidence that a copy thereof has been served on Western Slope Gas Company.

Any comment, claim, or objections must be filed with the Chief, Branch of Adjudication, Bureau of Land Management, Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202, as promptly as possible after publication of this notice.

Andrew W. Heard, Jr.,

Leader, Craig Team Branch of Adjudication.

[FR Doc. 79-20687 Filed 7-3-79; 8:45 am]

BILLING CODE 4310-84-M

[Wyoming 68296]

Wyoming; Application

June 25, 1979.

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Colorado Interstate Gas Company of Colorado Springs, Colorado filed an application for a right-of-way to construct a 6⅝" O.D. pipeline, a 4' by 6' meter house and related metering and dehydration facilities for the purpose of transporting natural gas across the following described public lands:

Sixth Principal Meridian, Wyoming

T. 39 N., R. 90 W.,
Sec. 29, E½SW¼ and SW¼SW¼;
Sec. 31, N½N½;
Sec. 32, NW¼NW¼.
T. 39 N., R. 91 W.,
Sec. 34, S½NE¼ and SE¼NW¼;
Sec. 35, N½NW¼ and SW¼NW¼.

The proposed pipeline will transport natural gas from the #1-34 Quincy Well located in the SE¼NW¼ of section 34, T. 39 N., R. 91 W., to a point of connection with an existing pipeline located in the NE¼SW¼ of section 29, T. 39 N., R. 90 W., all within Fremont County. The proposed 4' by 6' meter house and related metering and dehydration facilities are to be located entirely within the proposed 50' right-of-way in the SE¼NW¼ of section 34, T. 39 N., R. 91 W., Fremont County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, 1300 Third Street, P.O. Box 670, Rawlins, Wyoming 82301.

Harold G. Stinchcomb,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 79-20689 Filed 7-3-79; 8:45 am]

BILLING CODE 4310-84-M

[W-65316 Amendment]

Wyoming; Application

June 26, 1979.

Notice is hereby given that pursuant to Sec. 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Northwest Pipeline Corporation of Salt Lake City, Utah filed an amendment to their pending right-of-way application to reroute a portion of the originally proposed pipelines and to construct eight additional 4½ inch O.D. buried pipelines for the purpose of transporting natural gas across the following described public lands:

Sixth Principal Meridian, Wyoming

T. 24 N., R. 110 W.,
Sec. 9.
T. 25 N., R. 110 W.,
Secs. 3, 10, 14, 15, 22, 23, and 34.
T. 26 N., R. 110 W.,
Secs. 33 and 34.

The proposed pipelines will transport natural gas from the Energetics-Federal No. 32-3, 32-9, 32-10, 32-14, 32-15, 32-23, 32-33 and 32-34 wells to points of connection with Northwest Pipeline Corporation's proposed Lateral B-2 extension all located within Tps. 24, 25 and 26 N., R. 110 W., Sweetwater County, Wyoming and are an addition to Northwest Pipeline Corporation's Lincoln Road Gathering System.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, Highway 187 North, P.O. Box 1869, Rock Springs, Wyoming 82901.

Harold G. Stinchcomb,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 79-20699 Filed 7-3-79; 8:45 am]
BILLING CODE 4310-84-M

National Park Service

[INT FES 79-26]

Availability of Final Environmental Statement on Proposed Master Plan for Everglades National Park, Fla.

National Environmental Policy Act of 1969, the Department of the Interior has prepared a Final Environmental Statement on the proposed Master Plan for Everglades National Park, Florida.

The statement considers the future management and development of Everglades National Park.

Copies of the Environmental Statement and Master Plan will be available for public review at the addresses given below for a period of 30 days following publication of this notice.

Regional Director, Southeast Region, National Park Service, 1895 Phoenix Boulevard, Atlanta, Georgia 30349.
Park Manager, Big Cypress National Preserve, P.O. Box 1515, Naples, Florida 33939.
Superintendent, Everglades National Park, P.O. Box 279, Homestead, Florida 33030.

The U.S. Department of the Interior has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Dated: June 28, 1979.

Larry E. Meierotto,
Secretary of the Interior.

[FR Doc. 79-20691 Filed 7-3-79; 8:45 am]
BILLING CODE 4310-70-M

Indiana Dunes National Lakeshore Advisory Commission; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Indiana Dunes National Lakeshore Advisory Commission will be held at 10:00 a.m., CDT, on Friday, July 27, 1979, at the Westchester Public Library, Chesterton Branch, 200 W. Indiana, Chesterton, Indiana.

The Commission was established by Public Law 89-761 to meet and consult with the Secretary of the Interior on matters related to the administration and development of the Indiana Dunes National Lakeshore.

The Members of the Commission are as follows:

Mr. Neil P. Frankel (Chairman)
Dr. Lynton K. Caldwell
Mrs. Anna R. Carlson
Mr. John A. Hillenbrand II
Mrs. Barbara R. Johnson
Mr. James L. Kintzele
Mr. William L. Lieber
Dr. Albert Sawyer
Mr. John R. Schnurlein
Mr. Norman E. Tofford
Mr. George H. Williams

Matters to be discussed at this meeting include:

1. Status of land acquisition.
2. Presentation of all aspects of the General Management Plan for public participation.

The meeting will be open to the public. Any member of the public may file with the Commission prior to the meeting a written statement concerning the matters to be discussed. Persons wishing further information concerning the meeting, or who wish to submit written statements, may contact James R. Whitehouse, Superintendent, Indiana Dunes National Lakeshore, 1100 North Mineral Springs Road, Porter, Indiana 46304, telephone 219-926-7561.

Minutes of the meeting will be available for public inspection four weeks after the meeting at the office of the Indiana Dunes National Lakeshore located at 1100 North Mineral Springs Road, Porter, Indiana.

Dated: June 25, 1979.

Randall R. Pope,
Acting Regional Director, Midwest Region.

[FR Doc. 79-20684 Filed 7-3-79; 8:45 am]
BILLING CODE 4310-70-M

Office of the Secretary

[INT DES 79-36]

Proposed Snake River Birds of Prey National Conservation Area; Boise, Idaho; Availability of Draft Environmental Statement (DES) and Hearing

In accordance with Section 102(2)(C) of the National Environmental Policy Act of 1969, the Bureau of Land Management (BLM) has prepared a draft environmental statement (DES) on a proposed program to protect and manage habitat for golden eagles, prairie falcons, red-tailed hawks, and 12 other species of birds of prey (raptors), on certain lands in Idaho, under a multiple-use and sustained-yield management plan.

The statement addresses protection and management of raptors along an 81 mile stretch of the Snake River in southwestern Idaho, which provides nesting habitat for more than 1,000 birds of prey each year. This area constitutes

the densest nesting population of raptors in the world, and is an area of both national and international significance. The proposed action includes: designation, by Congress, of 515,257 acres of public land in Ada, Canyon, Elmore, and Owyhee Counties, Idaho, as the Snake River Birds of Prey National Conservation Area; exploration and extraction of minerals governed by the 1872 Mining Law only under a leasing procedure, except for valid existing rights; removal of the lands involved from application under the Desert Land, Carey, and State of Idaho Admissions Acts; mineral leasing under the Mineral Leasing or Geothermal Steam Acts only as provided in a land-use plan developed under the authority of the Federal Land Policy and Management Act of 1976; and continuation of National Guard use of a portion of the area. Management of the area would be continued under the existing management plan which would be revised or updated as new data warrants.

Copies of the statement are available from or for inspection at the BLM District Office, 230 Collins Road, Boise, Idaho, and the BLM State Office, Room 398, Federal Building, Boise, Idaho. Copies may also be viewed at the public and/or university libraries in Boise, Mountain Home, and Twin Falls, Idaho; and in Washington, D.C. at the BLM's Office of Public Affaris (Room 5625) located in the Interior Building, 18th and E Streets, N.W.

Public hearings will be held in Boise at the Rodeway Inn at 7:30 p.m., on August 2, 1979, and at the Department of the Interior Auditorium, 18th and C Streets, N.W., Washington, D.C., at 2:00 p.m., on August 9, 1979.

The hearings will provide the BLM, under Section 102(2)(C) of the National Environmental Policy Act of 1969, with the opportunity to receive additional comments and views of interested officials of State and local agencies and the public.

Interested individuals, representatives of organizations, and public officials wishing to testify at either hearing are requested to contact Michele Hudson, Office of Public Affairs, at the BLM District Office in Boise by August 1, 1979, telephone (208) 384-1582. Written requests to testify should identify the organization represented, be signed by the prospective witness, and state a telephone number for contact purposes. Because of time constraints, oral testimony will be limited to 10 minutes unless additonal time is requested in advance.

Oral testimony can be supplemented with written statements at the time oral testimony is presented. Also, speakers with prepared speeches may file their text with the presiding officer whether or not they have been able to finish oral delivery in the allotted time. If time permits, following oral testimony by those who have given advance notice, the hearings officer will give others an opportunity to be heard.

Dated: June 29, 1979.

Larry E. Meierotto,

Assistant Secretary of the Interior.

[FR Doc. 79-20682 Filed 7-3-79; 8:45 am]

BILLING CODE 4310-84-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-67]

Certain Inclined-Field Acceleration Tubes and Components Thereof; Order

Pursuant to my authority as Chief Administrative Law Judge of this Commission, I hereby designate Administrative Law Judge Janet D. Saxon as Presiding Officer in this investigation.

The Secretary shall serve a copy of this order upon all parties of record and shall publish it in the Federal Register.

Issued: June 26, 1979.

Donald K. Duvall,

Chief Administrative Law Judge.

[FR Doc. 79-20731 Filed 7-3-79; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-54]

Certain Multicellular Plastic Film; Commission Determination, Order, and Opinion

The United States International Trade Commission conducted an investigation under the authority of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and 19 U.S.C. 1337a ("section 337") of alleged unfair methods of competition and unfair acts in the unauthorized importation into the United States of certain multicellular plastic film by reason of the alleged coverage of such film during manufacture in a foreign country by claims 1 and 2 of U.S. Letters Patent 3,416,984, or in such film's subsequent sale by the owner, importer, consignee, or agent of either, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States. On June 12, 1979, the Commission determined that there is a violation of section 337 and ordered that multicellular plastic film manufactured abroad in accordance with the process disclosed by claims 1 and 2 of U.S. Letters Patent 3,416,984 be excluded from entry into the United States for the remaining term of that patent (until December 17, 1985) unless the importation is licensed by the patent owner.

The purpose of this Commission Determination, Order, and Opinion is to provide for the final disposition of the Commission's investigation of certain multicellular plastic film. The Commission's determination and order follow immediately and are followed by the Commission opinion in support thereof.

Determination

Having reviewed the record compiled in this investigation, including (1) the submissions filed by the parties, (2) the transcript of the evidentiary hearing and the exhibits which were accepted into evidence in the course of that hearing, (3) the recommended determination of the administrative law judge, and (4) the public hearing before the Commission on May 17, 1979, the Commission, on June 12, 1979, determined—

1. That with respect to all respondents in investigation No. 337-TA-54 except Tong Seae Industrial Co., Ltd., there is a violation of section 337 of the Tariff Act of 1930, as amended, in the importation into and sale in the United States of certain multicellular plastic film by the owner, importer, consignee, or agent of either, the tendency of which is to substantially injure an industry, efficiently and economically operated, in the United States; with respect to Tong Seae Industrial Co., Ltd., there is no violation of section 337 of the Tariff Act of 1930, as amended;

2. That the appropriate remedy for such violation is to direct that multicellular plastic film manufactured abroad in accordance with the process disclosed by claims 1 and 2 of the U.S. Letters Patent 3,416,984 be excluded from entry into the United States for the remaining term of said patent, except under license of the patent owner;

3. That after considering the effect of such exclusion upon the public health and welfare, competitive conditions in the U.S. economy, the production of like or directly competitive articles in the United States, and U.S. consumers, such film should be excluded from entry; and

4. That the bond provided for in subsection (g)(3) of section 337 of the Tariff Act of 1930 be in the amount of 3.5 cents per square foot of multicellular plastic film.

Order

Accordingly, it is hereby ordered that—

1. Multicellular plastic film manufactured abroad in accordance with the process disclosed by claims 1 and 2 of U.S. Letters Patent 3,416,984 is excluded from entry into the United States for the remaining term of said patent except (1) as provided in paragraph 2 of this order, infra, or (2) as such importation is licensed by the owner of U.S. Letters Patent 3,416,984;

2. That the multicellular plastic film ordered to be excluded from entry is entitled to entry into the United States under bond in the amount of 3.5 cents per square foot from the day after the day this order is received by the President pursuant to section 337(g) of the Tariff Act of 1930, as amended, until such time as the President notifies the Commission that he approves this action or disapproves this action, but, in any event, not later than sixty (60) days after such day of receipt;

3. That persons desiring to import multicellular plastic film into the United States may petition the Commission to institute such further proceedings as may be appropriate in order to determine whether the multicellular plastic film sought to be imported should be allowed entry into the United States;

4. That this order be published in the Federal Register and served upon each party of record in this investigation and upon the U.S. Department of Health, Education, and Welfare, the U.S. Department of Justice, the Federal Trade Commission, and the Secretary of the Treasury; and

5. That the Commission may amend this order at any time.

By order of the Commission.

Issued: June 29, 1979.

Kenneth R. Mason,

Secretary.

[FR Doc. 79-20735 Filed 7-3-79; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-68]

Certain Surveying Devices; Notice of Investigation

Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on May 17, 1979, and amended on June 4, 1979, under section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), on behalf of Gammon Reel, Inc., San Francisco, California, alleging that unfair methods of competition and unfair acts exist in the importation into the United States of certain surveying devices, or in their sale, by reason of the alleged unfair acts, specified in the complaint, as follows: (1) coverage of such surveying devices by the claim of U.S. Letters Patent No. 3,172,205, (2) inducement to infringe the claim of said patent, (3) infringement of complainant's registered trademark (Registration No. 1,019,865), (4) false designation of origin, including country of origin, (5) appropriation of trade dress, (6) use of know-how, and (7) passing off.

The complaint, as amended, alleges that the effect or tendency of the unfair methods of competition and unfair acts is to substantially injure an industry, efficiently and economically operated, in the United States. Complainant requests permanent exclusion from entry into the United States of the imports in question after a full investigation.

Having considered the complaint, as amended, the Commission, on June 12, 1979, *Ordered That*—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), an investigation be instituted to determine whether there is a violation of subsection (a) of this section in the unlawful importation of certain surveying devices into the United States, or in their sale, by reason of the alleged (1) coverage of such surveying devices by the claim of U.S. Letters Patent No. 3,172,205, (2) inducement to infringe the claim of said patent, (3) infringement of complainant's registered trademark (Registration No. 1,019,865), (4) false designation of origin, including country of origin, (5) appropriation of trade dress, and (6) passing off, the effect or tendency of which is to substantially injure an industry, efficiently and economically operated, in the United States.

(2) For the purpose of this investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is—Gammon Reel, Inc., 2733 Geary Boulevard, San Francisco, California 94118.

(b) The respondent is the following company, alleged to be involved in the unauthorized importation of such devices into the United States, or in their sale, and is the party upon which the complaint and the amendment to the complaint are to be served: John Woods Survey Equipment, Ltd., 2380 Midland Avenue, Scarborough, Ontario, Canada, MIS 1P8.

(c) David J. Dir, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, is hereby named Commission investigative attorney, a party to this investigation; and

(3) For the investigation so instituted, Chief Administrative Law Judge Donald K. Duvall, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, shall designate the presiding officer.

The response must be submitted by the named respondent in accordance with § 210.21 of the Commission's Rules of Practice and Procedure (19 CFR 210.21). Pursuant to §§ 201.16(d) and 210.21(a) of the rules, such response will be considered by the Commission if received not later than 20 days after the date of service of the amended complaint. Extensions of time for submitting the response will not be granted unless good and sufficient cause therefor is shown.

Failure of the respondent to file a timely response to each allegation in the amended complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the amended complaint and this notice, and to authorize to the presiding officer and the Commission, without further notice to the respondent, to find the facts to be as alleged in the amended complaint and this notice and to enter both a recommended determination and a final determination containing such findings.

The complaint, as amended, is available for inspection by interested persons at the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, and in the Commission's New York City office, 6 World Trade Center, New York, New York 10048.

By order of the Commission.

Issued: June 25, 1979.

Kenneth R. Mason,

Secretary.

[FR Doc. 79-20733 Filed 7-3-79; 8:45 am]

BILLING CODE 7020-02-M.

[332-106]

Identification of Chemicals for the New Tariff Nomenclature for Certain Benzenoid Chemicals

AGENCY: United States International Trade Commission.

ACTION: Notice is hereby given that the United States International Trade Commission, following receipt on June 11, 1979, of a request from the Special Representative for Trade Negotiations, has instituted an investigation under Section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)) with respect to the

identification of chemicals for the new tariff nomenclature for certain benzenoid chemicals.

EFFECTIVE DATE: June 27, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. D. F. McCarthy, Office of Industries, or Mr. Holm Kappler, Office of Nomenclature, Valuation, and Related Activities, United States International Trade Commission, 701 E Street NW., Washington, DC 20436 ((202) 523-0492 or (202) 523-0362, respectively).

SUPPLEMENTARY INFORMATION: The legislative proposals that are being considered by the Congress to implement agreements negotiated in the Multilateral Trade Negotiations (MTN) contain a new tariff nomenclature for benzenoid chemicals with rates of duty adjusted to reflect the adoption by the United States of a revised system of customs valuation based principally upon transaction value. The Commission has been requested to prepare a list of those benzenoid chemicals and benzenoid derived products imported into the United States prior to January 1, 1978, or produced in the United States prior to May 1, 1978. This list will be used in implementing U.S. tariff concessions on benzenoid chemicals and products. A preliminary list of these chemicals will be issued for public comment on or about September 25, 1979. At that time, interested persons may propose modifications to the list.

COMPLETION DATE: The Commission plans to complete its study and report its findings to the Special Representative for Trade Negotiations not later than January 15, 1980.

Issued: June 28, 1979.

Kenneth R. Mason,

Secretary.

[FR Doc. 79-20734 Filed 7-3-79; 8:45 am]

BILLING CODE 7020-02-M

[TA-201-39]

Nonelectric Cooking Ware; Expansion of Scope of Investigation and Change of Hearing Date

Notice is hereby given that the United States International Trade Commission, on June 25, 1979, amended the scope of its investigation No. TA-201-39, Porcelain-on-Steel Cooking Ware, being conducted under section 201(b) of the Trade Act of 1974, by adding to the scope of the investigation nonelectric cooking ware, provided for in items 533.77, 546.38, 546.56, 546.59, 653.85, 653.93, 653.94, 654.05, 654.10, and 654.15 of the Tariff Schedules of the United States (TSUS). The investigation, redesignated the Nonelectric Cooking Ware investigation, is being conducted to determine whether nonelectric cooking ware, provided for in items 533.77, 546.38, 546.56, 546.59, 653.85, 653.93, 653.94, 653.97, 654.05, 654.10, 654.15 of the TSUS, is being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing an article like or directly competitive with the imported article. Notwithstanding the broadening of the scope of this investigation, the Commission may find that imports are affecting only more narrowly defined product classes.

A public hearing in connection with this investigation originally scheduled for July 12, 1979, is rescheduled on Tuesday, August 14, 1979, in the Hearing Room, U.S. International Trade Commission Building, 701 E Street, N.W., Washington, D.C., at 10:00 a.m., e.d.t. Requests for appearances at the hearing should be received in writing by the Secretary of the Commission at his office in Washington not later than noon, Thursday, August 9, 1979.

Notice of the Commission's institution of the investigation and hearing was published in the Federal Register of May 22, 1979 (44 FR 29740).

By order of the Commission.

Issued: June 25, 1979.

Kenneth R. Mason,

Secretary.

[FR Doc. 79-20732 Filed 7-3-79; 8:45 am]

BILLING CODE 7020-02-M

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration

National Coalition for Children's Justice on Denial of LEAA Grant; Hearing

Notice is hereby given that the Administrative Appeal of the National Coalition for Children's Justice on the denial of an LEAA grant will be heard on July 12, 1979, commencing at 9:30 a.m. The location of the hearing will be 633 Indiana Avenue, NW., Washington, D.C., Room 358a. Administrative Law Judge Paul N. Pfeiffer of the Consumer Product Safety Commission will preside and the hearing will be open to the public.

For further information, contract Jay A. Brozost, Office of General Counsel, LEAA at 202-724-7795.

Charles A. Lauer,

Deputy General Counsel.

[FR Doc. 79-20692 Filed 7-3-79; 8:45 am]

BILLING CODE 4410-18-M

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

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 Monday and Tuesday, July 16-17, 1979. The meeting 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 18 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:

Monday, July 16, 1979

9 a.m.-10:30 a.m.—Plenary session.
- Opening Remarks—Acting Chairman, NACOA.
- Meeting Plans—Acting Chairman, NACOA.
- Marine Programs at the University of Rhode Island.
- An Overview—Dr. John Knauss, Provost for Marine Affairs.
- Examples of Ongoing Programs.
- Research.
- Chemical Aspects of Ocean Dumping—Dr. Dana Kester, Professor of Oceanography.
- Economic Impact of the Amoco Cadiz Oil Spill—Dr. Thomas Grigalunas, Chairman, Resource Economics.
- Public Service/Education.

Marine Advisory Services—Ms. Sarah Callaghan, Coordinator, MAS.
Marine Affairs Program—Dr. Lewis Alexander, Chairman, Geography and Marine Affairs.
10:30 a.m.–12 noon—NOAAA Organic Act—Mr. Martin Belsky, Deputy General Counsel, NOAA.
12 p.m.–1 p.m.—Lunch.
1 p.m.–5 p.m.—Panel Sessions.
Ocean Uses/R&D Panels.
Ocean Dumping.
Coast Guard R&D.
Ocean Engineering & Technology.
(Ad Hoc Fisheries Group).
Atmospheric Affairs Panel.
Weather Services.
Agricultural Weather Plan.
AFOS Implementation.
Climate Program Plan.
5 p.m.–6 p.m.—Tour of Selected Facilities.
Nuclear Research Reactor—Dr. Frank DiMeglio, Director.
Phytoplankton Laboratory—Dr. Ted Smayda, Professor of Oceanography.
Marine Ecosystems Research Laboratory—Dr. Michael Pilson, Chief Scientist.
6 p.m.–8:30 p.m.—Rhode Island Clambake—Bakemaster, Mr. Jeff Howe, Seafood Specialist.

Tuesday, July 17, 1979

9 a.m.–11:30 a.m.—Plenary session.
Remarks by RADM Ross N. Williams, Director, Naval Oceanography Division, Oceanographer of the Navy.
Report of July Houston Intersessional Meeting—Mr. Michael Naess, NACOA.
NOAA Organic Act—Mr. Marne Dubs, NACOA.
Panel Reports—Panel Chairmen.
Plans for August Intersessional Meeting—Mr. Otto Klima, NACOA.
National Contingency Plan—International Aspects.
11:30 a.m.–2:30 p.m.—State Efforts in Coastal Zone Management (Tour of Narragansett Bay)—Mr. Stephen Olsen, Coordinator, Coastal Resources Center.
2:30 p.m.—Adjourn.

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 perogative 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, 3300 Whitehaven Street, NW, (Suite 434, Page Building I), Washington, D.C. 20235. The telephone number is 202-254-8418.

Samuel H. Walinsky,
Executive Officer.

[FR Doc. 79-20712 Filed 7-3-79; 8:45 am]
BILLING CODE 3510-12-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (79-63)]

NASA Advisory Council (NAC) Space and Terrestrial Applications Advisory Committee (STAAC); Meeting

The *Ad Hoc* Informal Advisory Subcommittee on Geodynamics and Geology of the NAC-STAAC will meet on July 23 and 24, 1979 at NASA Headquarters, Room 226A, Federal Office Building 10B, 600 Independence Avenue, SW., Washington, D.C. 20546. The meeting is open to the public. Members of the public will be admitted to the meeting at 8:30 a.m. on both days on a first-come, first-served basis and will be required to sign a visitors' register. The seating capacity of the meeting room is for 35 persons.

This Subcommittee, chaired by Dr. Michael A. Chinnery, is comprised of nine members of the NAC-STAAC and will review and discuss the Integrated Five-Year Plan for the Geosciences, the current status, the program strategy and the Stereosat mission.

The approved agenda for the meeting is as follows:

July 23, 1979

Time and topic

8:30 a.m.—Chairperson's Remarks.
9 a.m.—NASA Response to Subcommittee's Concerns and Recommendations.
9:45 a.m.—FY 1981 Program Strategy, Budget and Recommendations.
10:15 a.m.—NASA Five-Year Plan for the Geosciences.
1 p.m.—Research Strategy for the Geosciences.
2:30 p.m.—Specific Issues and Program Strategy for Stereosat.
4 p.m.—Multispectral Resource Sampler (MRS) Briefing.
5 p.m.—Summary of Strengths, Weaknesses and Recommendations on the Geosciences Program.
5:30 p.m.—Adjourn.

July 24, 1979

8:30 a.m.—Status of the Geodynamics Program.
10 a.m.—Visual Observations from Space.
1 p.m.—Goedynamics and Geology Subcommittee Membership and Tenure.
2 p.m.—Summary Remarks by Subcommittee Chairperson.
3 p.m.—Adjourn.

For further information regarding the meeting, please contact Louis B. C. Fong, Executive Secretary of the Subcommittee, Washington, D.C. (202) 755-7450.

Russell Ritchie,
Deputy Associate Administrator for External Relations.

June 28, 1979.

[FR Doc 79-20572 Filed 7-3-79; 8:45 am]
BILLING CODE 7510-01-M

[Notice (79-62)]

Space and Terrestrial Applications Steering Committee (STASC) Proposal Evaluation Advisory Subcommittee; Meeting

The Renewable Resources Panel of the STASC, Proposal Evaluation Advisory Subcommittee, will meet on July 10 through 13, 1979, from 8:00 am to 4:30 pm each day at NASA Headquarters, Room 226A and B, Federal Office Building 10B, 600 Independence Avenue, S.W., Washington, D.C. 20546. The Subcommittee will discuss, evaluate and categorize the proposals submitted to NASA in response to the NASA Call for Research and Technology Operating Plans from NASA Centers to conduct research and Application Pilot Tests in the Renewable Resources discipline.

Public discussion of the professional qualifications of the proposers and their potential scientific contributions to the OSTA programs would invade the privacy of the proposers and the other individuals involved. Since the Subcommittee sessions will be concerned throughout with matters listed in 5 U.S.C. 552b(c), (6), as described above, it has been determined that the sessions should be closed to the public.

Since the subject proposals must be evaluated and categorized by a peer review panel prior to an in-depth internal NASA review and the entire Renewable Resources program formulated and approved before September 1, 1979, it is imperative that the meeting be held at this time.

For further information, please contact Ms. Ruth Whitman, NASA Headquarters, Washington, D.C. (202) 755-4450.

Russell Ritchie,
Deputy Associate Administrator for External Relations.

June 28, 1979.

[FR Doc. 79-20573 Filed 7-3-79; 8:45 am]
BILLING CODE 7501-01-M

NATIONAL ALCOHOL FUELS COMMISSION

Open Meeting

NAME: National Alcohol Fuels Commission.

DATE: July 18, 1979.

TIME: 2 p.m.

PLACE: Room 154, Russell Senate Office Building, Washington, D.C. 20510.

TYPE OF MEETING: Open.

CONTACT PERSON: Dr. Edward J. Bentz, Jr., Executive Director, (202–254–7453).

WRITTEN STATEMENTS: Dr. Edward J. Bentz, Jr., Executive Director, c/o Senator Birch Bayh, Chairman NAFC, 363 Russell Senate Office Building, Washington, D.C 20510.

PURPOSE OF THE COMMISSION: The National Alcohol Fluels Commission was established under Section 170 of the Surface Transportation Assistance Act of 1978 (PL 95–599) to make a full and complete investigation and study of the long-and short-term potential for alcohol fuels from biomass (including municipal and industrial waste, sewage sludge and oceanic and terrestrial crops) and coal to contribute to meeting the nation's energy needs. Based on such study it shall recommend those policies and their attendant costs and benefits most likely to minimize our dependence on petroleum.

TENTATIVE AGENDA: Commission Rules, Commission Work Plan, Commission Hearing Schedule, Open.

Date: July 2, 1979.

Edward J. Bentz, Jr.,

Executive Director.

[FR Doc. 79-20913 Filed 7-3-79; 8:45 am]

BILLING CODE 6820-AN-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Advisory Committee; Humanities Panel; Notice of Correction

June 28, 1979.

This is to correct the notice of the Humanities Panel meeting announced in the Federal Register on June 21, 1979, Vol. 44, page 36271, item No. 5. The meeting to review Law School Teacher seminar applications will be held on July 9, 1979 instead of July 16, 1979.

Stephen J. McCleary,

Advisory Committee, Management Officer, National Endowment for the Humanities.

[FR Doc. 79-20721 Filed 7-3-79; 8:45 am]

BILLING CODE 7536-01-M

Advisory Committee; Humanities Panel; Notice of Correction

June 28, 1979.

This is to correct the notice of the Humanities Panel meeting announced in the Federal Register on June 21, 1979, Vol. 44, page 36271, item #2. The meeting to review Medical School Teacher seminar applications will be held on July 13, 1979 instead of July 11, 1979.

Stephen J. McCleary,

Advisory Committee, Management Officer, National Endowment for the Humanities.

[FR Doc. 79-20722 Filed 7-3-79; 8:45 am]

BILLING CODE 7536-01-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Revised Notice of Meeting

Regarding the previous Federal Register Notice (published on June 26, 1979, Volume 44, p. 37350) for the meeting of the Advisory Committee on Reactor Safeguards to be held on July 12–14, 1979, in Washington, DC, an additional item is being discussed on Saturday, July 14, 1979 as indicated below.

Saturday, July 14, 1979

8:30 a.m.–4:00 p.m.: Executive Session (Open)— The Committee will discuss proposed ACRS comments and recommendations regarding the implications of the accident which occurred at TMI–2 on March 28, 1979; and the proposed change in piling configuration at the Bailly Generating Station Unit 1.

The Committee will discuss its proposed annual report regarding the adequacy of the NRC Safety Research Program.

The Committee will discuss its schedule for future activities and the activities of ACRS consultants.

Portions of this session will be closed as necessary to discuss Proprietary Information and to protect information the release of which would represent an unwarranted invasion of personal privacy.

I have determined in accordance with Subsection 10(d) Pub. L. 92–463 that it is necessary to close portions of this meeting as noted above to protect Proprietary Information (5 U.S.C. 552b(c)(4)) and to protect information the release of which would represent an unwarranted invasion of personal privacy (5 U.S.C. 552b(c)(6)).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the ACRS Executive Director, Mr. Raymond F. Fraley (telephone 202/634–1371), between 8:15 a.m. and 5:00 p.m. EDT.

Dated: July 2, 1979.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 79-20762 Filed 7-3-79; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on Extreme External Phenomena; Change of Location

The ACRS Subcommittee on Extreme External Phenomena will meet in Room 1167, 1717 H St., NW, Washington, DC 20555 at 8:30 a.m. on Wednesday, July 11, 1979 to hold an open meeting which was announced in the Federal Register on June 26, 1979 (44 FR 37349.)

All other items pertaining to this meeting remain the same as noted in the above cited Federal Register notice.

Dated: June 28, 1979.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 79-20681 Filed 7-3-79; 8:45 am]

BILLING CODE 7590-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 79-27]

Accident Reports, Safety Recommendations, and Responses; Availability

Marine Accident Report

M/V Anco Sceptre Collision with the Crown Central Petroleum Corporation Pier, Houston Ship Channel, Houston, Texas, February 9, 1978 (NTSB-MAR-79-8).—The National Transportation Safety Board on June 26 released its formal report on this accident investigation, conducted by the U.S. Coast Guard at the request of the Safety Board under provisions of the Independent Safety Board Act of 1974. The report is based on factural information and testimony provided by the Coast Guard and additional information developed by the Safety Board.

Investigation showed the accident occurred when the inbound tanker *Anco Sceptre* passed the outbound tanker *Post Charger* near Crown Point bend on

the Houston Ship Channel. Immediately after the vessels passed, the 556-foot *Anco Sceptre* veered into the Crown Central Petroleum Corporation loading facility which collapsed. The pilots of the two vessels had arranged via radio to pass each other below Crown Point bend. The passing location was predicated on the anticipated speeds of the two vessels. However, the *Post Charger* had to make a 180-degree turn after leaving its berth before it could proceed and consequently the added time for the turning maneuver resulted in the vessels passing each other closer to Crown Point than planned.

The Safety Board determined that the probable cause of the accident was the combination of bank effects and crosscurrents in the wake of a passing vessel at Crown Point bend which affected the maneuvering of the *Anco Sceptre*, causing the ship to veer unexpectedly across the channel. Contributing to the extensive loading facility damage—more then $1 million—was its physical location which made it susceptible to damage from ship collision.

As a result of this investigation, the Safety Board on June 15 issued eight recommendations, Nos. M-79-59 through 66, to the Coast Guard. These included mandatory participation in the Vessel Traffic Service offered on the Houston Ship Channel, the designation of Crown Point bend as a Vessel Traffic Service precautionary area and restriction of vessels passing at the bend, and the development of vessel maneuvering guidelines for Vessel Traffic Service and ship pilot use on the Houston Ship Channel, and the initiation of action with the National Oceanic and Atmospheric Administration to survey currents in the Houston Ship Channel and make this information available to mariners using the channel. (See also 44 FR 36272, June 21, 1979.)

Railroad Accident Report

Derailment of Southern Railway Company Train No. 2, The Crescent, Elma, Virginia, December 3, 1978 (NTSB-RAR-79-4).—Also released on June 26 was the formal report of the Safety Board's investigation of the derailment which killed six persons and injured 41; property damage was estimated to be $557,500. The accident occurred at 5:38 a.m. as The Crescent was passing through a curve at excessive speed. The four locomotive units and all eight cars derailed.

The Safety Board determined that the probable cause of this accident was the failure of the engineer to observe the track ahead because he was unnecessarily distracted by a transition problem, which led to his operation of the train into a 5°15' curve at a high speed. The high speed produced excessive lateral forces which caused the wheels of either the fourth locomotive unit or the first car to climb out of the gage, cross the head of the rail, and derail. The Safety Board made no recommendations as a result of the investigation of this accident.

Safety Recommendation Letters

Aviation

A-79-52.—A third "Class I, Urgent Action" recommendation has been issued to the Federal Aviation Administration by the Safety Board as a result of the ongoing investigation into the crash of American Airlines DC-10, N110AA, on May 25 at Chicago's O'Hare International Airport.

The Board finds that data obtained during the investigation of service problems of all model DC-10 aircraft indicate that structural damage in the form of cracks and buckles may develop in engine pylon spar webs whenever an engine fails in a catastrophic manner. Failures involving significant imbalance conditions and severe side loads are especially suspected of precipitating such damage. Accordingly, on June 22, the Safety Board recommended that FAA:

Issue a Maintenance Alert Bulletin to U.S. certificated air carriers, and notify States that have regulatory responsibilities over foreign air carriers operating DC-10 aircraft, to require appropriate structural inspections of the engine pylons following engine failures involving significant imbalance conditions or server side loads. (A-79-52)

The first two urgent recommendations made by the Safety Board in connection with the investigation of the O'Hare accident were issued by telephone on Saturday, June 2, and confirmed by letter on June 4. (See 44 FR 34222, June 14, 1979.)

A-79-53 and 54.—Since July 1977, the Safety Board has investigated two accidents involving Hiller UH-12EJ3 helicopters in which the mechanical flight control system malfunctioned. The first investigation revealed a fatigue failure in the shank area of a cyclic isolation link rod end bearing assembly. Metallurgical examination revealed that the failed rod end had a hollow shank. The total time on the cyclic isolation link was not a casual factor; however, it was noted that the rod end had a hollow shank.

A review of manufacturing specifications indicated that hollow shank rod ends do not meet the design requirements for installation with cyclic isolation link PN 3001-35. It was also found that the hollow shank rod ends could be obtained from various bearing supply houses and that they had the identical part number (HPP-RE-65) as the required solid shank ones. As a result of this information, Hiller Aviation issued Service Letter 30-2 on October 2, 1978, which recommended that all owners/operators (1) inspect their aircraft to verify that solid shank rod end assemblies were installed and (2) remove all hollow shank rod ends from the spare parts inventory.

The Safety Board is concerned that the Service Letter may not reach aircraft operators because of changes in aircraft ownerships, leasing arrangements, and the remote operating locations of these utility helicopters. Also, since the turboshaft engine conversions now available will extend the useful life of these helicopters, the Board believes that FAA should establish a retirement time for those components of the mechanical flight control system which are subjected to constant vibratory stresses. The cyclic isolation link is one of these components. Accordingly, on June 27 the Safety Board recommended that FAA:

Issue an Airworthiness Directive requiring compliance with Hiller Service Letter 30-2, dated October 2, 1978. (A-79-53)

Establish a retirement time for components of the UH-12 model helicopter's mechanical flight control system which are subjected to constant vibratory stresses. (A-79-54)

Both of these recommendations are designated "Class II—Priority Action."

Marine

M-79-67 through 69.—Investigation of the capsizing and sinking of the clam dredge *Patti-B* in the Atlantic Ocean has been completed. Two crewmen were trapped and drowned when the *Patti-B* sank about 1,500 yards east of Ocean City, Md., on May 9, 1978. One crewman was rescued by a Coast Guard 44-foot motor lifeboat which was standing by, and one crewman was rescued by another fishing boat which had been called to the scene after the capsizing. The *Patti-B* has been salvaged and will be put back into service.

Investigation showed that the *Patti-B* had run aground and jammed its propeller several hours earlier while attempting to reach Ocean City Inlet. The captain radioed the Coast Guard for help, and a Coast Guard lifeboat towed the *Patti-B* out of the surf and requested the boat to anchor until there was sufficient water to tow the *Patti-B* into Ocean City Inlet.

After the *Patti-B* anchored, the Coast Guard did not ascertain what survival equipment was aboard the clam dredge, nor did the Coast Guard advise the crew to put on their survival suits or lifejackets. None of the crewmen did put on their survival suits, and the captain and two crewmen removed their lifejackets after anchoring. At least one of the crewmen was asleep when the *Patti-B* capsized. The Board stated that if the crewmen had been prepared for evacuation, all of them might have been saved. The Coast Guard should establish procedures to insure that persons aboard disabled vessels are wearing approved personal flotation devices.

Investigation also showed that the captain of the *Patti-B* anchored by the stern, using the boat's dredge. This permitted waves to wash over the boat's stern and water to accumulate on deck. Any accumlation of water reduced the boat's intact stability. The Board stated that the Coast Guard should publish, in a form understandable to commerical fishermen, information concerning dangers of anchoring by the stern, the adverse effects of water on deck, and the effective loss of stability due to a boat's being mometarily poised on a wave.

Although not required to meet any stability standards, the *Patti-B* as loaded on May 9, 1978, met the intact stability requirements of U.S. Coast Guard Weather Criteria, the Intergovernmental Maritime Consultative Organization's Criteria for Fishing Vessels, and the stability criteria of the Torremolinos International Convention for the Safety of Fishing Vessels, 1977. However, the *Patti-B* still capsized, and there may be a need to modify the above criteria in view of this accident. Accordingly, on June 25 the Safety Board recommended that the Coast Guard:

Establish procedures to insure that persons aboard disabled vessels are wearing approved personal flotation devices during rescue operations. (M-79-67)

Publish information aimed at commercial fishermen concerning the adverse effects of anchoring by the stern, the adverse effects of water on deck, and the effective loss of stability due to a boat's being momentarily poised on a wave. (M-79-68)

Conduct a design study to determine if current published intact stability criteria are adequate for vessels similar in design to the *Patti-B*. (M-79-69)

M-79-70 and 71.—The investigation of another marine accident has been completed. Investigation showed that the M/V *Sabine Seahorse* sank in the Gulf of Mexico when its hull was breached by a support structure for an oil platform docking bumper. The sinking occurred January 31, 1978, and while no persons died, the vessel which was valued at $220,000 was lost.

After loading a cargo of pipe, tools, drill water, diesel fuel oil, and various other supplies, the offshore supply vessel *Sabine Seahorse* departed Intracoastal City, La., about 2200 on January 29, 1978, for South Marsh Island block 128 in the Gulf of Mexico. By 0030 on January 31, the vessel was secured starboard side to Pennzoil's Platform A in block 128. The vessel was docked at the platform's east side boat landing, which was fitted with four docking bumpers. The fenders were missing from the bumper near the vessel's engineroom, and the bumper was not attached to its underwater support. The *Sabine Seahorse* struck the bumper hard while redocking after a mooring line broke. The vessel's wing compartments, engineroom, and forward passageway flooded, and the *Sabine Seahorse* sank about 0600.

The Safety Board has determined that the probable cause of the accident was the breaching of the vessel's hull by a damaged docking bumper's lower support, which led to flooding of the vessel's engineroom, wing compartments, and forward passageway due to the failure of the crew to secure the engineroom's watertight doors and to take damage control action. Contributing to the accident was the apparent malfunction of the high bilge water alarm.

As a result of the investigation of this accident, the Safety Board on June 25 recommended that Seahorse, Inc.:

Instruct Seahorse, Inc.'s offshore supply vessel crews to keep all watertight doors closed at all times except when actually being transited. (M-79-70)

Instruct Seahorse, Inc.'s offshore supply vessel engineers to test the operation of high bilge water alarms before each voyage. (M-79-71)

All of the above marine safety recommendations are designated "Class II—Priority Action." Copies of the formal investigation reports on both the *Patti-B* and the *Sabine Seahorse* accidents are being prepared for distribution and will be released in the near future.

Responses to Safety Recommendations

Aviation

A-79-9 and 10.—The Federal Aviation Administration on June 14 responded to recommendations issued March 16 based on investigation into the crash of a National Airlines B-727 into Escambia Bay May 8, 1978. (See 44 FR 17606, March 22, 1979.) FAA states that its preliminary conclusion is that these recommendations should not be adopted but this decision must be confirmed by a human factors evaluation.

Recommendation A-79-9 asked FAA to revise Air Traffic Control Handbook 7110.65, paragraph 1190, to require controllers to provide recommended altitudes to pilots on airport surveillance radar (ASR) approaches without pilot request; also, revise the Airman's Information Manual, Pilot/Controller Glossary, and other operating and training documents that describe ASR approaches to reflect the revised controller procedures.

In response, FAA reports that on February 8, 1977, Proposal AAT-322-77-1 was issued. The proposal called for a revision of FAA Handbook 7110.65-1190, "Altitude Information (Surveillance Approaches)." Comments were solicited from industry, FAA regions and headquarters, and from the Controllers' Operations/Procedures Committee. The proposal offered options of deleting paragraph 1190 entirely, requiring recommended altitudes with each ASR approach that is conducted, or leaving the procedures as they were. FAA notes that although the Safety Board was included among those solicited for comments on the proposal, no response was recorded. The overwhelming majority of comments favored leaving the procedures as established in paragraph 1190, calling for the controller to provide recommended altitudes on final approach if the pilot requests such assistance. On October 13, 1977, FAA finally disposed of the proposal in favor of leaving the procedures as they are.

FAA finds nothing in the Escambia Bay accident report, NTSB-AAR-78-13, or the background information furnished by the Safety Board with recommendations A-79-9 and 10, or information obtained by FAA concerning the National Airlines crash of May 8, 1978, to suggest an essential need to change these procedures, since, FAA states, "* * * we do not agree that 'no critical altitude information' was available to the crew of N4744NA, nor that controller-recommended altitudes would likely have altered the outcome any more than did the visual cues and aural alarms that were available to the pilot." FAA states that NTSB-AAR-78-13 indicates that the ground proximity warning system was disregarded and then disconnected because "the loudness of the aural warning made verbal communications between crewmembers difficult." According to FAA, the minimum descent altitude (the

critical altitude) was provided to the pilot along with position advisories during the approach, which is essentially the same information (except position advisories) available in other nonprecision approaches, such as the VOR/DME referenced in the Board's recommendation. FAA notes that the VOR/DME approach charts do not usually provide recommended altitudes for each mile of the final approach. Most user responses to FAA's proposal for mandating altitudes (airline and general aviation included) indicated that the added communications of recommended altitudes are generally "unwanted and unnecessary for normal usage." Further, FAA states:

Recommended altitudes provided by controllers upon a pilot's request are not minimum safe altitudes as implied in the NTSB recommendation. The recommended altitudes represent a descent gradient based on the altitude that must be lost in a prescribed distance during the approach. We are aware of at least one case wherein it was alleged that the accident was caused by the issuance of an admittedly erroneous altitude, resulting in a missed approach attempt and resultant accident. Also, it would delay the transition to an altitude at or above the MDA where actual visual conditions exist. Thus, it is possible that other accident causing conditions could be introduced by the recommendation for change.

Recommendation A-79-10 asked FAA to develop, with industry, requirements for depicting final approach fixes and minimum altitudes for each mile on final approaches on ASR instrument approach procedures. FAA reports that this action was considered in conjunction with FAA's Proposal AAT-322-77-1. The consensus was to leave the procedures unchanged, and no new data has surfaced to change these findings. FAA states that pilots are aware that ASR procedures now provide for recommended altitudes each mile on final approach, if requested. Published tabular information and the controller instructions provide the pilot the guidance necessary to safely fly the ASR approach. According to FAA, use of a graphic presentation could delay a pilot's transition to a suitable backup approach in the event of radar or communication failure.

While FAA believes that existing ASR procedures are safe and effective if followed by both the pilot and the controller, a study will be initiated to develop information from which an analysis, considering human factor concerns, can be made. FAA invites Safety Board assistance.

Highway

H-78-40 and 41.—Federal Highway Administration on June 25 responded to the Safety Board's May 15 comments concerning FHWA's previous response dated April 17 (44 FR 28898, May 17, 1979.) The recommendations, issued following investigation of a truck-trailer/van collision near Marion, N.C., May 12, 1977, called on FHWA to establish a procedure to identify all carriers, vehicles, and drivers under FHWA jurisdiction and to inform all carriers and drivers of their responsibilities regarding Federal Motor Carrier Safety Regulations.

In response to the Board's request to receive on a yearly basis the net total number of motor carriers who have been identified and who operate in interstate or foreign commerce in an effort to calculate the average yearly growth, FHWA supplies the following net total (additions less deletions) of known carriers of record on file at the end of each year since 1967:

1967	130,971
1968	137,061
1969	141,457
1970	146,878
1971	150,499
1972	157,149 (mail carriers added)
1973	154,693
1974	156,537
1975	168,858
1976	140,176 (files purged of carriers reflecting no activity and assumed to be inactive)
1977	141,502
1978	150,922
1979	156,734 (May 31, 1979)

FHWA said that at the close of this fiscal year, a current picture of carriers' growth comparing FY '78 and FY '79 will be provided.

Railroad

R-78-32 and 33.—Letter of June 6 from the Federal Railroad Administration responds to the Safety Board's comments of February 22 on FRA's initial response dated January 16 (44 FR 6538, February 1, 1979). These recommendations evolved from the Safety Board's en banc hearings held in April 1978 on the hazardous materials derailment problem and sought to have the Department of Transportation regulate or fund a hazardous materials track improvement priority system to insure adequate protection of the public in urban corridors against accident risks.

In its February 22 letter, the Safety Board said its principal area of concern is whether FRA's Hazard Analysis and Priority Determination System will provide timely information of component failure trends. Aside from this consideration, the process of providing track improvement funding to routes of high-density traffic of hazardous materials is a logical means to offer substantial protection to the general public. In keeping with section 307 of Pub. L. 93-633, the Safety Board asked the FRA's advice concerning the proposed timetable of completion of the accident study and when remedial track rehabilitation will commence. The Board's comments related to recommendation R-78-32. In response, FRA says it is scheduled to receive final study results of the "Network-Related Risk Attributes in the Rail Transportation of Hazardous Materials" by the close of FY '79. During FY '80, FRA plans to conduct a series of railroad industry workshops in order to assist in the reduction of the risks involved in the transportation of hazardous materials.

Recommendation R-78-33 asked DOT to provide sufficient funding for research to assess the safety effects of heavier cars and trains on present track facilities and safest positioning of hazardous materials tank cars and others in train consists, and to issue regulations resulting from the research findings. The Safety Board commented that FRA's prompt involvement in Train Operation Simulation (TOS) model activities is most creditable. The Board noted that section 10(a)(1) of Public Law 95-574 requires that the study and evaluation of the relationship of the size, weight, and length of railroad cars to safety and efficiency of rail transportation be completed by November 2, 1979. The Board requested preliminary results of the train makeup and train handling study, particularly applicable information on train placement of hazardous materials.

FRA reports that it is currently utilizing the TOS model to analyze train makeup and train handling procedures. Data on two hazardous materials accidents is being coded for input into TOS and the results are now being analyzed. FRA states that the research to determine the safest positioning of hazardous materials cars cannot be expedited nor can a regulation be promptly promulgated for adequate braking and placement of hazardous materials cars in freight trains.

Note.—Single copies of the Board's accident reports are available without charge, as long as limited supplies last. Copies of recommendation letters issued by the Board, response letters and related correspondence are also available free of charge. All requests for copies must be in writing, identified by report or recommendation number. Address inquiries

to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

Multiple copies of accident reports may be purchased by mail from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151.

(Secs. 304(a)(2) and 307 of the Independent Safety Board Act of 1974 (Pub. L. 93-633, 88 Stat. 2196, 2172 (49 U.S.C. 1903, 1906)).)

Margaret L. Fisher,

Federal Register Liaison Officer.

June 29, 1979.

[FR Doc. 79-20700 Filed 7-3-79; 8:45 am]

BILLING CODE 4910-58-M

POSTAL SERVICE

Mail to Ireland (EIRE); Revocation of Suspension of Private Express Statutes

In the May 17, 1979, issue of the Federal Register, 44 FR 28903, the Postal Service announced, in view of a strike by postal workers in Ireland (EIRE), a suspension of 39 U.S.C. 601 (a)(1) through (6) and 39 CFR 310.2(b) (1) through (6) so as to permit the carriage of letters destined for delivery in Ireland (EIRE) out of the mails without paying postage or meeting any of the other conditions in these provisions of law and regulation. Letters intended for destinations in Northern Ireland (counties of Antrim, Down, Londonderry, Armagh, Tyrone, and Fermanagh) were *not* affected by the suspension.

The postal strike having ended in Ireland (EIRE), the suspension of the provisions of law and regulation referred to above is revoked effective July 5, 1979.

(39 U.S.C. 401, 404, 601)

William F. Bolger,

Postmaster General.

[FR Doc. 79-20583 Filed 6-29-79; 2:38 pm]

BILLING CODE 7710-12-M

SECURITIES AND EXCHANGE COMMISSION

[File No. 81-491]

First Surety Corp.; Application and Opportunity for Hearing

June 28, 1979.

Notice is hereby given that First Surety Corporation ("Applicant") has filed an application pursuant to Section 12(h) of the Securities Exchange Act of 1934, as amended (the "1934 Act") for an order granting Applicant an exemption from the provisions of Sections 13 and 15(d) of the 1934 Act.

The Applicant states, in part:

(1) On December 29, 1978 the Applicant made a cash sale of all its assets to Southern California Savings and Loan Association. As a result the Applicant holds assets consisting solely of the cash received from the sale of its wholly-owned subsidiary, Surety Savings and Loan Association, and certain other small assets;

The Applicant has been, since the sale of its assets, engaged in the winding up of its affairs and distributing its assets to its shareholders pursuant to a Plan of Liquidation. The Applicant's stock transfer books were closed as of the close of business on December 29, 1978 and will not be reopened;

(3) Such final dissolution was completed on April 4, 1979; and

(4) Applicant believes that its request for an order exempting it from the reporting provisions of Sections 13 and 15(d) of the 1934 Act is appropriate in view of the fact that it is no longer an operating entity.

For a more detailed statement of the information presented, all persons are referred to said application which is on file in the offices of the Commission at 1100 L Street, N.W., Washington, D.C.

Notice is further given that any interested persons not later than July 23, 1979 may submit to the Commission in writing his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street, N.W., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for the request, and the issues of fact and law raised by the application which such person desires to controvert. At any time, after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-20585 Filed 7-3-79; 8:45 am]

BILLING CODE 8010-01-M

[File No. 81-532]

First Texas Financial Corp.; Application and Opportunity for Hearing

June 28, 1979.

Notice is hereby given that First Texas Financial Corporation ("Applicant") has filed an application pursuant to Section 12(h) of the Securities Exchange Act of 1934, as amended, (the "1934 Act") for an order exempting Applicant from the provisions of Section 15(d) of that Act.

The Application states, in part:

1. On April 6, 1979 Applicant became a wholly-owned subsidiary of Beneficial Corporation. As a result of the merger, Applicant no longer has any public stockholders.

2. On May 8, 1979 Applicant's registration under Section 12(g) of the 1934 Act was terminated.

In the absence of an exemption, Applicant would be required to file periodic reports for the year ending December 31, 1979. Applicant believes that its request for an order exempting it from the reporting provisions of Section 15(d) of the 1934 Act is appropriate inasmuch as it is now a wholly owned subsidiary and has no publicly held common stock.

For a more detailed statement of the information presented, all persons are referred to the application which is on file in the offices of the Commission at 1100 L St., N.W., Washington, D.C. 20549.

Notice is further given that any interested person, not later than July 23, 1979, may submit to the Commission in writing his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed to Secretary, Securities and Exchange Commission, 500 North Capitol Street, N.W., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof. At any time after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporate Finance, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-20586 Filed 7-3-79; 8:45 am]

BILLING CODE 8010-01-M

[Administrative Proceeding File No. 3-5757; File No. 81-521]

Meyercord Co.; Application and Opportunity for Hearing

June 28, 1979.

Notice is hereby given that the Meyercord Co. ("Applicant") has filed an application pursuant to Section 12(h) of the Securities Exchange Act of 1934, as amended (the "1934 Act") for an order granting Applicant an exemption from the provisions of Sections 13 and 15(d) of the 1934 Act.

The Applicant states, in part:

1. As a result of a tender offer made by Johnson Matthey Investments Co., Ltd. between January and March of 1979, the Applicant's number of shareholders was reduced from 394 to 67 as of April 1, 1979.

2. On March 19, 1979 the Applicant adopted a new fiscal year ending March 31, 1979 (previously had a September 30 year end) in order to correspond with the fiscal year of the new corporate parent. The Applicant filed its Annual Report on Form 10-K for September 30, 1978 and its quarterly report on form 10-Q for December 31, 1978 on January 2, 1979 and February 16, 1979, respectively. Further all stockholders received copies of the annual report of the Applicant and a quarterly report of earnings for the quarter ending December 31, 1978.

3. In the absence of an exemption, Applicant is required to file an annual report on Form 10-K for the six month period beginning April 1, 1979. Applicant believes that its request for an order exempting it from the reporting provisions of Sections 13 and 15(d) of the 1934 Act is appropriate, in view of the fact that the time, effort and expense involved in the preparation of additional periodic reports will be disproportionate to any benefit to its remaining stockholders.

For a more detailed statement of the information presented, all persons are referred to said application which is on file in the offices of the Commission at 1100 L Street, NW., Washington, D.C.

Notice is further given that any interested persons not later than July 23, 1979 may submit to the Commission in writing his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street, NW., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for the request, and the issues of fact and law raised by the application which such person desires to controvert. At any time, after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-20704 Filed 7-3-79; 8:45 am]

BILLING CODE 8010-01-M

[File No. 81-500]

Northern Telecom Computers, Inc.; Application and Opportunity for Hearing

June 28, 1979.

Notice is hereby given that Northern Telecom Computers, Inc. (the "Applicant") has filed an application pursuant to Section 12(h) of the Securities Exchange Act of 1934, as amended (the "1934 Act"), for an order exempting Applicant from the provisions of Section 15(d) of the 1934 Act.

The Applicant, a wholly-owned subsidiary of Northern Telecom Limited, states that its only outstanding securities are $1.2 million of Instalment Notes guaranteed on a subordinated basis by Northern Telecom Limited and held by fifty-six persons. If the Applicant is granted the requested exemption, Northern Telecom Limited would mail to the holders of these notes its annual reports on Form 10-K, its annual reports to shareholders, and its quarterly reports to shareholders until such time as the Instalment Notes have matured.

The Applicant submits that the requested exemption is consistent with the public interest and the protection of investors for the following reasons:

1. The guarantee of the Instalment Notes by Northern Telecom Limited represent the real security behind these notes;

2. There are no investment decisions which a holder of the Instalment Notes can make, since they are non-transferable and may not be redeemed prior to their maturity;

3. Due to the limited number of security holders, the Applicant would be relieved from the periodic reporting requirements of the 1934 Act after 1978 pursuant to the provisions of Section 15(d) of the 1934 Act.

For a more detailed statement of the information presented, all persons are referred to said application which is on file in the offices of the Commission at 1100 L Street, N.W., Washington, D.C. 20549.

Notice is further given that any interested person not later than July 23, 1979 may submit to the Commission in writing his views on any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 1100 L Street, Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert. At any time after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-20687 Filed 7-3-79; 8:45 am]

BILLING CODE 8010-01-M

[File No. 81-534]

Old West Rail Corp. (Formerly The Western Pacific Railroad Co.); Application and Opportunity for Hearing

June 28, 1979.

Notice is hereby given that Old West Rail Corp., formerly The Western Pacific Railroad Company (the "Applicant") has filed an application pursuant to Section 12(h) of the Securities Exchange Act of 1934, as amended (the "1934 Act") for an exemption from the filing requirements of Sections 13 and 15(d) of the 1934 Act.

The Application states, in part:

1. The Applicant is a California corporation subject to the reporting provisions of Sections 13 and 15(d) of the 1934 Act, and is a wholly-owned subsidiary of Western Pacific Industries, Inc.

2. All of Applicant's liabilities (including debt securities sold during 1979 pursuant to a public offering) were assumed by Newrail Company, Inc. (which has change its name to the Western Pacific Railroad Company), and certain subsidiaries of Newrail Company, Inc.

3. On May 14, 1979 Applicant filed a notice of suspension pursuant to Rule 15d-6.

4. There is no public trading in Applicant's securities.

In the absence of an exemption, Applicant would be required to file certain periodic reports with the Commission pursuant to Sections 13 and 15(d) of the 1934 Act, including the annual report on Form 10-K for the fiscal year ended December 31, 1979. The Applicant argues that no useful purpose would be served in filing the required periodic reports.

For a more detailed statement of the information presented, all persons are referred to said application which is on file in the offices of the Commission at 1100 L Street, N.W., Washington, D.C. 20549.

Notice is further given that any interested person not later than July 23, 1979 may submit to the commission in writing his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street, N.W., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert.

Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof. At any time after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-20563 Filed 7-3-79; 8:45 am]

BILLING CODE 8010-01-M

[File No. 81-480]

Pet Inc.; Application and Opportunity for Hearing

June 28, 1979.

NOTICE IS HEREBY GIVEN that Pet Incorporated ("Applicant") has filed an application pursuant to Section 12(h) of the Securities Exchange Act of 1934, as amended (the "1934 Act") for an order granting Applicant an exemption from the provisions of Sections 13 and 15(d) of the 1934 Act.

The Applicant states, in part:

1. On November 20, 1978 Applicant became a wholly-owned subsidiary of IC Industries. As a result of the merger, Applicant no longer has any publicly owned common stock.

2. Applicant has three issues of sinking fund debentures outstanding, each of which is held by less than 300 persons.

3. The common stock of IC Industries is registered with the Commission pursuant to Section 12(b) of the 1934 Act, and is publicly traded on the New York Stock Exchange.

4. The results of the Applicant's operations for the fiscal year ended December 31, 1978 will be reflected in the Form 10-K and annual report to shareholders of IC Industries for the same period. Results of operations for fiscal 1979 will likewise be reflected in the consolidated financial statements of IC Industries.

In the absence of an exemption, Applicant is required to file reports pursuant to Sections 13 and 15(d) of the 1934 Act and the rules and regulations thereunder for the fiscal year ended December 31, 1978 and for the fiscal year ending December 31, 1979. Applicant believes that its request for an order exempting it from the reporting provisions of the Sections 13 and 15(d) of the 1934 Act is appropriate in view of the fact that the Applicant believes that the time, effort and expense involved in the preparation of additional periodic reports will be disproportionate to any benefit to the public.

For a more detailed statement of the information presented, all persons are referred to said application which is on file at the offices of the Commission at 1100 L Street, N.W., Washington, D.C.

Notice is further given that any interested person no later than July 23, 1979 may submit to the Commission in writing his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street, N.W., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for the request, and the issues of fact and law raised by the application which such person desires to controvert. At any time, after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-20569 Filed 7-3-79; 8:45 am]

BILLING CODE 8010-01-M

[File No. 81-512]

Silver Bell Industries, Inc.; Application and Opportunity for Hearing

June 28, 1979.

Notice is hereby given that Silver Bell Industries, Inc. ("Applicant") has filed an application pursuant to Section 12(h) of the Securities and Exchange Act of 1934, as amended (the "1934 Act"), seeking an exemption from the requirement to file reports pursuant to Sections 13 and 15(d) of the 1934 Act.

The Applicant states in part:

1. The Applicant is a publicly-held company with a class of securities registered pursuant to Section 12(g) of the 1934 Act, and is thus subject to the reporting provisions of Section 13 of the 1934 Act.

2. On December 5, 1978, the Applicant consummated a sale of all its assets to Minerals Exploration Company, Inc., a wholly-owned subsidiary of Union Oil Company of California ("Union") pursuant to an Agreement and Plan of Liquidation dated May 15, 1978.

3. As a result of the sale, all the issued and outstanding shares of common stock of the Applicant are now exchangeable for common shares of Union.

In the absence of an exemption, Applicant will be required to file certain periodic reports with the Commission, including an annual report on Form 10-K for the fiscal year ended March 31, 1979, pursuant to Section 13 of the 1934 Act, and further reports for periods ending in 1979 and 1980, pursuant to Section 15(d) of the 1934 Act.

The Applicant contends that no useful purpose would be served in filing the periodic reports because all of its common stock is now solely exchangeable for common shares of Union, all its assets have been sold to Union, the remaining shareholders of Applicant are unreachable, their interests are adequately protected by the Colorado escheat statute, and there is no trading market for Applicant's common stock.

For a more detailed statement of the information presented, all persons are referred to said application which is on file in the Office of the Commission at 1100 L Street, N.W., Washington, D.C. 20549.

Notice is further given that any interested person not later than July 23, 1979 may submit to the Commission in writing his views or any substantial facts bearing on the application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street, N.W., Washington, D.C. 20549, and should state briefly the nature of the the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert.

Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof. At any time after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-20590 Filed 7-3-79; 8:45 am]

BILLING CODE 8010-01-M

[File No. 81-525]

Union Bancorp, Inc.; Application and Opportunity for Hearing

June 28, 1979.

Notice is hereby given that Union Bancorp, Inc. ("Applicant") has filed an application pursuant to Section 12(h) of the Securities Exchange Act of 1934, as amended (the "1934 Act") for an order granting Applicant an exemption from the provisions of Section 13 and 15(d) of the 1934 Act.

The Applicant states, in part:

(1) As a result of a cash merger between the Applicant and Standard Chartered Bancorp ("SCB"), the Applicant ceased to have outstanding shares and shareholders as of April 17, 1979.

(2) Applicant is now a wholly-owned subsidiary of SCB.

(3) On April 17, 1979 Applicant gave notice to the New York and Pacific Stock Exchanges for de-regulation of the Applicant's securities. As a result, no trading market presently exists for the securities of the Applicant.

(4) Applicant believes that since there no longer are public investors in the Applicant, not any trading in its securities, exemption from the reporting requirements of Section 13 and 15(d) of the 1934 Act is not inconsistent with the public interest or the protection of investors.

For a more detailed statement of the information presented, all persons are referred to said application which is on file in the offices of the Commission at 1100 L Street, N.W., Washington, D.C.

Notice is further given that any interested persons not later than July 23, 1979 may submit to the Commission in writing his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street, N.W., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for the request, and the issues of fact and law raised by the application which such person desires to controvert. At any time, after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-20591 Filed 7-3-79; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE-79-12]

Petitions for Exemption; Summary of Petitions Received and Dispositions of Petitions Issued

ACTION: Notice of petitions for exemptions received and of dispositions of petitions issued.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I) and of dispositions of certain petitions previously received. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Publication of this notice and any information it contains or omits is not intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before: July 25, 1979.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-24), Petition Docket No. ——, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION: The petition, any comments received and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-24), Room 916, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW, Washington, D.C. 20591; telephone (202) 426-3644.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C., on June 29, 1979.

Dewey R. Roark, Jr.,

Acting Assistant Chief Counsel, Regulations and Enforcement Division.

Petitions for Exemptions

Docket No.	Petitioner	Regulations affected	Description of relief sought
19307	Federal Express Corp	14 CFR Part 121 Appendix E	To permit the petitioner's pilots to meet the requirements for one night takeoff and landing for initial trainees during the required operating experience.
19302	Tiger Charter Corp	14 CFR 135.89(b)(3)	To permit operation of Sabreliner Aircraft without at least one pilot at the controls wearing an oxygen mask at altitudes above 35,000 feet.

Dispositions of Petitions for Exemptions

Docket No.	Petitioner	Regulations affected	Description of relief sought—disposition
16944	Chalk's Int'l Airline, Inc.	14 CFR 135.173(a)	To allow the operation of aircraft with 10 or more passenger seats without them being equipped with the required airborne thunderstorm detection equipment. *Granted 6/22/79.*

[FR Doc. 79-20687 Filed 7-3-79; 8:45 am]
BILLING CODE 4910-13-M

Federal Highway Administration

[Docket No. 78-15T]

Delaware River Part Authority; Order of the Administrator

In the matter of the tolls on bridges owned by the Delaware River Port Authority.

By orders dated March 20, 1979, and May 8, 1979, the Administrator held that pursuant to the recommendation of the Investigation Team established by the Federal Highway Administrator, the February 1, 1978, toll increases on bridges owned by the Delaware River Port Authority (DRPA) are reasonable and just and that not formal administrative hearing needs to be held. The order further dismissed the complaints of the Automobile Club of Southern New Jersey (Auto Club), Mr. Henry Ward, Mr. Harry Wilson, Mr. John T. Chesluk, and Mr. David Creskoff.

By inadvertency, these Orders were not officially served on the DRPA until on or about May 14, 1979. Upon official receipt of these Orders, the DRPA has filed a Precautionary Petition by Reconsideration which was served on a parties on or about June 1, 1979. The Administrator now desires to dispose of this petition in an equitable manner, and is of the opinion that had the Orders of March 20, 1979, and May 8, 1979, been timely served upon DRPA, that DRPA would have timely filed its Petition for Reconsideration within the 20 days stated in the Order of March 20, 1979.

Therefore, the Administrator hereby grants DRPA's Petition for reconsideration and is reopening the docket for the filing of responses from all parties to this petition, and such responses shall be limited to the specific question raised in said petition for reconsideration as hereafter discussed.

DRPA's petition questions the intent and interpretation of the last paragraph of the May 8, 1979, Order which reads as follows:

It is further found that in accordance with the Toll-Bridge Procedural Rules, 49 CFR 310.16 this Order shall be in effect for a period of 3 years, measured from February 1, 1978, the date the new toll rates went into effect.

DRPA states that it is not clear to the Authority whether it is the intent of the Orders to "impose" the present toll schedule on the Authority or the public for a period of 3 years. The DRPA further states that if this is the intent of the Order, DRPA urgently objects.

In answer to DRPA's dilemma as to the intent of this particular paragraph, the Administrator hereby declares that it was the intent by the use of the authority in 49 CFR 310.16 to fix the present toll schedule as the legal toll rates for the Authority for a period of 3 years. The Administrator also points out that if this results in a hardship on DRPA at any time during the 3-year period, §§310.16 and 310.4a of 49 CFR set forth procedures for modification of Orders setting toll rates.

Nevertheless, the Administrator is of the opinion that the DRPA, in its Petition for Reconsideration, has raised a valid question as to the legal authority of the Administrator to utilize 49 CFR 310.16 to freeze the toll rates for 3 years in a proceeding such as this in which there were no formal hearings and the Administrator upheld the toll schedule and dismissed the complaints. DRPA says that in these circumstances, § 310.16 of 49 CFR does not apply.

Therefore, the Administrator invites responses of parties to the question raised by DRPA in its Petition for Reconsideration. Such responses will deal only with the question of whether or not in this type of proceeding, the Administrator has the authority to require that the present toll schedule remain in effect for a period of 3 years as set forth in the last paragraph of his May 8, 1979, Order, and if such authority exists, whether the requirements should be imposed in this matter. The Administrator will not consider any other aspects of his Orders of March 20, 1979, and May 8, 1979.

The Administrator acknowledges the receipt of the Auto Club's June 11, 1979, response to the DRPA's Petition for Reconsideration, and will give full consideration to the content thereof in reaching a final decision in the matter. Neither the Auto Club nor DRPA is precluded from filing additional comments in support of their respective positions within the time permitted by this Order.

The Administrator hereby grants the DRPA's Petition for Reconsideration and orders the docket to be reopened for the receipt of responses from the parties to this proceeding to DRPA's Precautionary Petition for Reconsideration. The parties have 20 days from the date of this Order for filing their responses.

It is so ordered.

Issued this 25th day of June, 1979.

Karl S. Bowers,
Federal Highway Administrator.

[FR Doc. 79-20499 Filed 7-3-79; 8:45 am]
BILLING CODE 4910-22-M

National Highway Traffic Safety Administration

Chrysler Corp.; Denial of Petition for Rulemaking

This notice sets forth the reasons of the National Highway Traffic Safety Administration (NHTSA) for denying a petition by Chrysler Corporation to amend Federal Motor Vehicle Safety Standard (FMVSS) 208, *Occupant Crash Protection,* to delay for one year the application of the standard's automatic restraint requirements to certain full-size cars. The agency is publishing this notice in accordance with section 124(d) of the National Traffic and Motor Vehicle Safety Act, as amended, (15 U.S.C. 1410) which provides that the agency must grant or deny rulemaking petitions within 120 days and publish the reasons for any denials in the Federal Register.

FMVSS 208 (49 CFR 571.208) specified performance requirements to reduce fatilities and injuries to motor vehicle occupants involved in accidents. The standard was amended in July 1977 to require all passenger cars to be equipped with restraint systems that automatically provide occupant crash protection. (42 FR 34289, July 5, 1977). Currently available technology makes

compliance possible through the use of either automatic belts that automatically fit around an occupant when he or she enters a car or air cushions that automatically inflate and cushion and occupant during an accident. a three-year phase-in period is provided for the automatic restraint requirements. New cars with wheelbases greater than 114 inches must comply beginning September 1, 1981 (model year 1982); cars with wheelbases greater than 100 inches and less than 114 inches, beginning September 1, 1982 (model year 1983); and cars with wheelbases of 100 inches or less, beginning September 1, 1983 (model year 1984). Thus, all new cars must comply in the 1984 model year.

On March 12, 1979, Chrysler Corporation submitted a petition to amend FMVSS 208 to delay for one year the applicability of the automatic restraint requirements for passenger cars that have a wheelbase greater than 114 inches and lack upper door frames (i.e., frames around the sides and top of the window) on the front doors. Chrylser's petition involves its "R body" vehicle line, full-size cars that do not have upper door frames on the front doors. The "R Body" is known to the public under the model names of St. Regis, Newport, and New Yorker. According to Chrysler, the design of the "R body" was completed before the automatic restraint requirements were issued in July 1977. Chrysler began marketing the "R Body" in the current model year and originally intended to market it only through the end of the 1981 model year. Chrysler recently decided to to market that vehicle line through the 1982 model year, however. This decision was presumably made after full consideration of the Federal requirements that would apply to the "R Body" in that model year.

Chrysler states that the lack of upper door frames on the "R Body" effectively precludes the installation of automatic belts in those cars since the "most realistic way at the present time" to install automatic belts in any car is to anchor the upper portion of the belt to the upper door frame. The belt automatically moves out of the occupant's way when the door is opened and automatically moves into place around the occupant when the door is closed. The petitioner conceded that the same result could be accomplished by electromechanically moving the upper belt anchorage forward (when the door opens) and backward (when the door closes) on a track fixed to the car ceiling and parallel to the door. However, the petitioner stated it had concluded that a motorized track is not feasible because of "inherent reliability problems" (unspecified) and "expected consumer aversion to its use." No consumer surveys or other information or analysis was submitted in support of that expectation.

Chrysler argued that incorporating upper door frames on the "R Body" would involve extensive redesign of the car doors, roof, and pillars and could be achieved only at "prohibitive" cost. Chrysler did not indicate what the cost would be. The petitioner did assert that it lacked the resources to undertake such a redesign effort, especially given the necessity for complying with other Federal vehicle standards. As a result, Chrysler stated that it would be forced to install air cushions in the "R Body" cars.

Chrysler stated that the cost of installing air cushions in the "R Body" cars would also be prohibitive since air cushions would be used only for the 1982 models and the costs could not be amortized over several years. Chrysler estimates that the consumer cost of air cushions for the 1982 "R Body" would be between $400 and $600. The petitioner asserts that its competitors, whose comparable cars have upper door frames, may be able to offer automatic belts for approximately $50 per vehicle. This would leave Chrysler with a cost disadvantage of $350 to $550 per vehicle. Chrysler argues that if it does not pass the cost of air cushions on to the customer, it will lose from 60 to 80 million dollars. Conversely, if it attempts to pass the cost to purchasers of 1982 "R Body" cars, Chrysler projects a minimum loss of 50,000 car sales. According to the petitioner, this sales loss would lead to reduced employment at Chrysler's Lynch Road Assembly Plant where the "R Body" is made. It would also lead to a loss of profits in excess of 60 to 80 million dollars. Chrysler argued further that requiring a substantial price increase in the 1982 "R Body" would be inflationary.

As precedent for requesting that a narrow class of vehicles be established and different requirements or effective dates applied to it, Chrysler cited a 1971 example involving the bumper requirements of FMVSS 215, *Exterior Protection.* In view of special leadtime problems involving small convertibles, hardtops and sports cars, the NHTSA provided manufacturers of those vehicles with a one-year delay in the pendulum impact requirements for bumpers.

As to the safety impact of its petition, Chrysler commented only very briefly. It stated simply that the requested amendment would not have a "materially adverse effect on motor vehicle safety." No supporting data or analyses were provided.

Chrysler's final argument was that its petition was consistent with the NHTSA's rationale for phasing-in the automatic restraint requirements. The agency stated that the phase-in schedule:

> is intended to permit manufacturers to absorb the impact of introducing passive restraint systems without undue technological or economic risk at the same time they undertake efforts to meet the challenging requirements imposed by emissions and fuel economy standards for automobiles in the early 1980's. (42 FR 34296, July 5, 1977)

The NHTSA is mindful of the need to consider the economic as well as the safety impacts of its safety standards. Thus, the agency has carefully considered the arguments that Chrysler made in support of its petition, even though those arguments are generally very vague and almost uniformly unsupported by data or analysis from Chrysler. The agency concludes that the automatic restraint requirements as applied to the "R Body" were both technologically and economically practicable when they were issued and can still be met at reasonable cost.

The competitive and safety effects of adopting the amendment requested by Chrysler would be substantial. Continuing to apply the automatic restraint requirements to the "R Body" would not give any manufacturer a substantial price advantage. However, adopting the requested amendment would give Chrysler an advantage. Chrysler would be permitted to continue equipping the "R Body" with manual (i.e., active) safety belts, while its competitors would be required to install automatic restraints. The restraints installed in the competitors' comparable cars probably would be air cushions (discussed below). Thus, sales losses among the 6-passenger, full size luxury cars of Chrysler's competitors could be anticipated because of the price differential between active belts and air cushions.

The safety impacts are particularly dramatic. Far from there being no "materially adverse effect on motor vehicle safety," the NHTSA believes that issuing the amendment requested by Chrysler would lead to the death of almost 150 occupants of 1982 "R Body" cars during the 10-year life of those cars. The agency also estimates that 400 occupants would suffer serious injuries and 700 would experience moderate injuries that would not occur if the vehicles were equipped with automatic

restraints. This price is too high to pay in order to give Chrysler the relief it seeks.

Manufacturers have been given substantial leadtime for both the automatic restraint requirements and the fuel economy standards. The automatic restraint requirements were proposed in March 1977, 53 months before the 1982 model year and issued in final form in July 1977, 49 months before the 1982 model year. That period of greater than 4 years was specified to permit an orderly schedule of design, tooling and production. The 1985 average fuel economy standard of 27.5 mpg was established by Congress in December 1975, 68 months before the 1982 model year. The fuel economy standards for 1981–84 were administratively established in July 1977. Thus, the manufacturers have been provided with a substantial period of time to make production decisions and to prepare to meet the 1982 safety and fuel economy standards. Further, the agency provided the manufacturers with a three year phase-in schedule for implementing the automatic restraint requirements. Therefore, manufacturers are spared having to make major changes in all car lines simultaneously, as would have been necessary had a single effective date been set. This permits manufacturers to absorb the impact of introducing automatic restraint systems without undue technological difficulty.

Although manufacturers were given substantial leadtime to meet the safety and fuel economy standards, Chrysler has apparently waited over a year and a half from the time the automatic restraint requirements were issued to decide to continue its "R Body" through the 1982 model year. Nevertheless, Chrysler does not claim that it does not have sufficient remaining time to bring the "R Body" into compliance by the 1982 model year.

The agency believes and Chrysler essentially concedes that the technology necessary to meet the automatic restraint requirements is available. Its petition does not question the technological capability of using automatic air cushions or of redesigning the "R Body" doors to accommodate automatic belts whose upper end is attached to the upper door frame. As discussed earlier, Chrysler did question the reliability of automatic belt designs involving electromechanically movable anchorages on the car ceiling. However, Chrysler did not discuss how significant a problem this might be. It should be noted, however, that other manufacturers are studying similar designs and seem likely to select one of these designs for use on some cars, particularly on luxury models similar to Chrysler's "R Body" vehicles.

There are at least two additional automatic belt designs which Chrysler did not even discuss in its petition. (See "Development of Specifications for Passive belt Systems," DOT HS–803 809, December 1978.) Both can be used in cars whose front doors lack upper door frames. In one system, the upper belt anchorage is attached to the center of the vheicle ceiling and the lower belt anchorage and retractor are attached to the lower portion of the door. In the other system, the upper anchorage is attached to the vehicle ceiling near the door and the lower anchorage is attached near the center of the vehicle. A motorized "puller" cable is attached to the belt near the upper anchorage and automatically pulls the belt out of the occupant's way when the door is opened. Either of these systems could be used by Chrysler for the 1982 model year with no more and probably less engineering effort than that involved in redesigning the doors to add upper door frames. Thus, the agency regards Chrysler's assertion that a car must have upper door frames on its front doors in order to have effective automatic belts as lacking merit.

Further, the agency notes that since Chrysler filed its petition, its technological capabilities have been significantly enhanced through action by the Department of Justice. On May 6, 1979, that Department granted permission to Chrysler to consult with General Motors for a limited period on issues relating to automatic restraint technology.

The NHTSA also believes that the costs of using the available technology, either belts or air cushions, to meet the automatic restraint requirements can be borne by Chrysler without significant difficulty and that the economic risks are slight. Chrysler did not claim that it could not accommodate the costs of air cushions. However, Chrysler suggests that if it installs air cushions in its 1982 "R Body" cars, they will be at a several hundred dollars disadvantage with competing cars since those cars may be able to use the less expensive automatic belt. The agency does not agree. The 1982 "R Body" is likely to have the same type of automatic restraint, i.e., air cushion or belt, as similar competing cars having the same number of front seating positions. One of the primary determinative factors regarding the type of automatic restraint to be used in a car is not the presence or absence of upper door frames, but the number of front seating positions. This factor is especially significant for cars having three front seating positions because of the consideration of providing ready access to the middle seating position. The air cushion is the type of automatic restraint which provides that access most readily. If the 1982 "R Body" has three front seating positions like most current "R Body" vehicles, it will therefore likely be equipped with air cushions. Likewise, competing 1982 cars with three front positions will probably also be equipped with air cushions. Thus, there is no basis for Chrysler's speculation that "R Body" vehicles equipped with air cushions would be at a significant price disadvantage with its competitors. Additionally, the price differential between "R Body" vehicles equipped with air cushions and vehicles of other manufacturers equipped with air cushions should not be great.

Since there would be no significant price "penalty" with any of its available alternatives, Chrysler is not confronted, as it claims, with the Hobson's choice of absorbing the extra cost of the automatic air cushions or passing the cost through to consumers and suffering a 50,000-unit sales loss with resulting employment decrease. The agency recognizes that installing automatic air cushions in the "R Body" for only the 1982 model year will mean that the costs, primarily associated with redesigning the steering wheel and dashboard, must be amortized over a single year. The agency believes, however, that the safety benefit of applying the automatic restraint requirements to the "R Body" outweigh those expenses.

Finally, Chrysler's reference to the one-year delay granted to manufacturers of certain small cars from the requirements of Standard No. 215 is not pertinent to the case at hand. That delay in the pendulum impact requirements for bumpers was granted to give manufacturers additional leadtime to solve technological problems. In this instance, Chrysler does not seek additional time to solve technological problems to bring its "R Body" vehicles into compliance with the automatic restraint requirements. Rather, it seeks a delay in effective date that would totally except its vehicles from the requirements, since it would not produce the "R Body" after the requirements became effective. For the reasons discussed above, the NHTSA cannot grant such an exception.

Further, the agency does not believe that it is appropriate to carve out an exception that is based on a detailed design distinction for a particular model

of one vehicle manufacturer, such as the lack of an upper frame on the front doors. The distinctions that were intended by the word "type" in the National Traffic and Motor Vehicle Safety Act (15 U.S.C. § 1392(f)(3)) were of the sort identified in *Pacific Legal Foundation et al. v. Brock Adams* (No. 78-1034 before the U.S. Court of Appeals for the District of Columbia Circuit), as being based on distinctions between vehicle functions and size.

The delay in the effective date under Standard 215 was for small sports cars, hardtops, and convertibles of all manufacturers, due to similar technological problems of all vehicle types of that size. Also, the bumper standard did not have the same life and death implications that the occupant crash protection standard does.

Chrysler's request is not analogous. Chrysler admits that it is merely a question of the cost of meeting the standard in its full size cars. To illustrate the point, the agency would not grant an exemption to the fuel system integrity standard, FMVSS 301, by defining as a "type" vehicles with their fuel tanks located in the left rear fender simply because one manufacturer had its tank located there, and that company did not want to incur the expense of redesigning or relocating its gas tank.

(Sec. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.50)

Issued on June 28, 1979.

Joan Claybrook

Administrator.

[FR Doc. 79-20710 Filed 6-29-79; 4:27 pm]

BILLING CODE 4910-59-M

Final Contract Briefing; Public Meeting

The National Highway Traffic Safety Administration will hold a public meeting on July 19, 1979, to present the results of a recently completed, contracted research study entitled "Analysis of Truck Ride Quality Data Base." The objective of the study was to analyze information from truck drivers about their health, their safety, and the ride quality of their trucks.

The meeting will be held in Room 4315 at the Transpoint Building, 2100 Second Street Southwest, beginning at 10:00 a.m. and lasting until about noon. The briefing, to be presented by the contractor (Wilson-Hill Associates of Washington, D.C.), will consist of a brief overview of the study findings, a detailed discussion of the results, and an opportunity for audience questions.

Additional information may be obtained from Mr. Michael Perel, Office of Driver and Pedestrian Research, Room 3202, Transpoint Building, 2100 Second Street Southwest, Washington, D.C. 20590, telephone: 202-755-8753.

Issued in Washington, D.C., on June 27, 1979.

P. Robert Knaff,

Director, Office of Driver and Pedestrian Research.

[FR Doc. 79-20568 Filed 7-3-79; 8:45 am]

BILLING CODE 4910-59-M

[Docket No. IP78-11; Notice 2]

PACCAR, Inc.; Denial of Petition for Inconsequential Noncompliance

This notice denies the petition by PACCAR, Inc. of Bellevue, Washington, to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 et seq.) for an apparent noncompliance with 49 CFR 571.121, Motor Vehicle Safety Standard No. 121, *Air Brake Systems.* The basis of the petition was that the noncompliance is inconsequential as it relates to motor vehicle safety.

Notice of the petition was published on November 24, 1978, and an opportunity afforded for comment (43 FR 55027).

Paragraph § 5.1.2.1 of Standard No. 121 requires the combined volume of all service reservoirs (from which air is delivered to the brake chambers) and supply reservoirs to be "at least 12 times the combined volume of all service brake chambers at maximum travel of the piston or diaphragms." PACCAR's Kenworth Truck Division manufactured approximately 2,000 model W900 and C500 vehicles in which the air reservoir volume was less than 12, in the vehicle tested by NHTSA being only 11.82 times the ratio of the measured volume of the reservoir to the rated volume of the brake chamber as calculated by PACCAR, and 10.91 as calculated by NHTSA based upon the ratio of the measured volume of reservoirs to that of the brake chambers. PACCAR argued that the noncompliance was inconsequential because it "has no effect on the brake performance of the vehicles," and that there has been "no case where insufficient air reservoir capacity has been an issue in the performance." It also argued that "neither NHTSA nor any other agency has presented evidence to substantiate that 12 times total chamber volume is the 'correct' or minimum volume for air brake service reservoirs." If brake hose would be included in total system volume "the total volume would reach the 12.0 figure."

One comment was received on the petition, from the American Trucking Associations (ATA) which supported it. ATA argued that "the volume specified was based on an engineering judgment, not on tests which could establish an absolute minimum for the system under consideration." ATA further argued that the figure of 12 was "established solely to allow for the air lost when an antilock system functions." NHTSA believes that the implication of the ATA statement is that many antilock systems are being disconnected, and the reservoir capacity requirement is not important or critical.

The NHTSA has decided to deny PACCAR's petition. Compliance with the requirement is not one that lies on the cutting edge of technology. The 27 other vehicles which this agency has tested to the reservoir requirements demonstrated reservoirs to brake chamber ratios ranging from 12.3 to 20.6 with a median value of 15.4 and an average of 15.5. The cause of the noncompliance therefore appears to be that the system was designed with marginal reservoir capacity.

However, a petitioner should not be penalized if its noncompliance is inconsequential as it relates to motor vehicle safety. When Standard No. 121 was being formulated, the agency, of course, was aware that the SAE recommendation for reservoir ratio was 8 to 1. This industry practice occurred in the context of differing brake systems, some of the split service type but others not. In the agency's judgment, safety demanded the use of split service systems on vehicles equipped with air brake systems. Had the SAE ratio of 8 to 1 been retained under this circumstance, the volume ratio could fall to less than 4 to 1 if a vehicle lost its supply reservoir and one of its service brake systems. Although a ratio of 16 to 1 was initially proposed by NHTSA, a ratio of 12 to 1 was ultimately adopted as affording, in the agency's judgment, a sufficient level of safety. Industry appears to have accepted this ratio as reasonable. The relevance of this discussion to the PACCAR vehicle tested is that if the front service reservoir system sustained a major air loss, the reservoir to chamber volume for the remaining rear air system would be less than 6.2 to 1. The effect of a diminished ratio on braking capacity is that an operator, proceeding in traffic, may have to apply and release his brakes several times in order to stop his vehicle, increasing stopping time and distance by small margins which may prove decisive in the ability to avoid an accident.

In its recent denials of petitions concerning noncompliance with Standard No. 121, the agency has emphasized that while deviations from the minimum performance requirements of the standard may seem unimportant, the regulatory scheme of the National Traffic and Motor Vehicle Safety Act requires the establishment of "minimum standards for motor vehicle performance." A manufacturer who establishes his tolerances at or near the minimum levels risks, in the event of failure, a determination of noncompliance, the obligation to notify and remedy, the threat of civil penalties and injunctive relief, and the probability that he will be unable to establish that he exercised due care in designing and manufacturing his product to conform. The use of a precise ratio like 12 to 1—or any other ratio for that matter—is necessary to meet the objectivity requirement of the Act and to make the standard enforceable. Such values are necessary and desirable in a regulatory context for both the regulated party and the regulator. PACCAR, for example, would find it difficult to establish compliance with reservoir value specification which stated only a subjective requirement that "the combined volume of all service reservoirs shall be several times the combined volume * * *." Finally, to decide that a deviation that reduces the ratio to any value to less than 12 to 1 is "inconsequential" could encourage manufacturers to be less careful in design and production, and possibly lead to further deviations and erosion of the standard. The agency has concluded that, generally, values once established must be retained until modified by public rulemaking procedures. The agency believes that Congress did not intend that an inconsequentiality grant be made simply because a manufacturer came close to meeting a minimum performance level but for one reason or another did not reach it.

PACCAR, Inc. has failed to meet its burden of persuasion, and its petition that its failure to comply with Standard No. 121 be deemed inconsequential as it relates to motor vehicle safety is hereby denied.

(Sec. 102, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on June 28, 1979.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc. 79-20707 Filed 7-3-79; 8:45 am]

BILLING CODE 4910-59-M

Volkswagen Accelerator System Defect Investigation; Public Proceeding Regarding Adequacy of Manufacturer's Notification Campaign on Accelerator System

Pursuant to Section 156 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1416) the Administrator has granted the petition of Bernice F. Green of Washington, D.C., for a hearing to determine whether Volkswagen of America, Inc., has reasonably met its obligations to notify owners of a remedy safety-related defects in the accelerator systems in 1975-76 Rabbit, 1975-76 Scirocco, 1974-75 Dasher, and 1974 Audi Foxes.

The defect exist in the accelerator system. This system connects the accelerator pedal to the carburetor in order to control the amount of fuel/air mixture entering the intake manifold, which regulates the engine's RPM (speed). One failure mode involves the complete break of the cable, which results in the engine being returned to idle. Another failure mode involves a partial failure, wherein the throttle can stick in the open position, making it virtually impossible to slow the car without taking it out of gear.

VW recalled the vehicles at issue after the NHTSA began investigating their apparently defective accelerator systems (NHTSA Defect Case No. C7-14). VW sent the agency its defect report pursuant to 49 CFR 573.4 on December 29, 1977, and the recall was assigned the number 77V-245. VW's remedy under the recall campaign included having the dealer check and lubricate the accelerator cable as well as the carburetor linkage and replace the cable, if necessary. However, the agency has received an unusually large number of reports from consumers about accelerator system failures on cars which had been subjected to the "remedy" under recall 77V-245. In addition, the agency has received reports of accelerator system failures on later model VW cars, which may have been designed and manufactured with an accelerator system similar to that which VW dealers have been instructed to install as part of the remedy on the recalled vehicles. Thus, the latter reports are further reason to question the adequacy of the remedy in recall 77V-245, even though they do not involve recalled vehicles. In addition, these post-recall vehicles may be safety concern in their own right.

Mr. LaFalce.The agency has queried VW about these reports of continued problems, and the manufacturer's response has been unsatisfactory.

An initial public proceeding will be held at 10 a.m., July 24, 1979, in Room 2230, Department of Transportation Headquarters, 400 Seventh Street, S.W., Washington, D.C. 20590, at which any interested person (including the manufacturer) may make oral (as well as written) presentations of data, views, and arguments on the question of whether VW has reasonably met its obligation to notify owners, purchasers, and dealers of a safety-related defect under 15 U.S.C. 1411, and to remedy such defect under 15 U.S.C. 1414. Interested persons are invited to participate through written or oral presentations. A transcript will be kept and exhibits may be accepted. There will be no cross examination of witnesses. Persons who wish to make oral presentations are requested to notify Ms. Joann Murianka, Office of Defects Investigation, National Highway Traffic Safety Administration, Washington, D.C. 20590 (202-426-2850) before the close of business on July 20, 1979.

(Sec. 9 Pub. L. 89-670, 80 Stat. 931 (49 U.S.C. 1657); Sec. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); Sec. 102, Pub. L. 93-492 (Sec. 156), 88 Stat. 1470 (15 U.S.C. 1416); delegation of authority at 49 CFR 1.50.)

Issued on June 28, 1979.

Joan Claybrook

Administrator.

[FR Doc. 79-20611 Filed 6-28-79; 3:41 p.m.]

BILLING CODE 4910-59-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Delegation Order No. 29 (Rev. 1)]

Revision of Delegation of Authority

AGENCY: Internal Revenue Service, Treasury.

ACTION: Delegation of Authority.

SUMMARY: Delegation Order No. 29 (Rev. 1) is issued to update Delegation Order No. 29 to authorize Service Center Directors of Internal Revenue to certify Internal Revenue Collections as accountable officers in accordance with Part II of the Treasury Fiscal Requirements Manual Chapter 3500.

EFFECTIVE DATE: June 29, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. J. Bruce Miller, 1111 Constitution

Ave., N.W., Room 7046, Washington, D.C. 20224, 202-566-4832 (not toll free).

Morris R. Coleman,

Acting Director, Returns Processing Accounting Division.

Date of issue: June 29, 1979; effective date, June 29, 1979.

Certification and Approval of Internal Revenue Collections

1. Pursuant to the authority vested in me by Treasury Department Order No. 150-34, dated March 25, 1954, the following designated Officers and employees of the Internal Revenue Service are delegated the authority to certify and approve as an accountable officer Internal Revenue Collections in such manner and on such forms as the Bureau of Government Financial Operations of the Treasury Department shall designate and/or require pursuant to the provisions of Part II of the Treasury Fiscal Requirements Manual, Chapter 3500, dated November 1971, and all amendments and revisions thereof:

A. Service Center Directors; and,

B. Any officer or employee of the Internal Revenue Service designated as an accountable officer by a Regional Commissioner pursuant to the instructions in IRM 125(32).

2. All certifications of Internal Revenue Collections which have been previously made by any of the officers and employees designated in paragraph 1, and which may require ratification, are hereby affirmed and ratified.

3. This authority to designate officers and employees for the purposes described in paragraph 1 may not be further delegated.

4. This Order supersedes Delegation Order No. 29, issued March 27, 1956.

Jerome Kurtz,

Commissioner.

[FR Doc. 79-20582 Filed 7-3-79; 8:45 am]

BILLING CODE 4830-01-M

INTERSTATE COMMERCE COMMISSION

Fourth Section Application for Relief

Correction

In FR Doc. 79-19830, published on Tuesday, June 26, 1979, on page 37407, in the second paragraph, in the second line, "June 11, 1979" should be corrected to read "July 11, 1979".

[Decisions Volume No. 21]

Permanent Authority Applications; Decision-Notice

Correction

In FR Doc. 79-8552, appearing at page 17616, in the issue of Thursday, March 22, 1979, under the motor carrier description, "MC 135052 (Sub-15F)", fifteenth line, "MN, MO, ND, NE, NJ, OH, OK, PA" should be corrected to read, "MN, MO, ND, NE, NJ, NY, OH, OK, PA".

BILLING CODE 1505-01-M

[Volume No. 23]

Permanent Authority Decisions; Decision-Notice

Correction

In FR Doc. 79-9504 appearing at page 18782 in the issue for Thursday, March 29, 1979, on page 18783, in the third column, in MC 58923 (Sub-53F), in the ninth line, the word "irregular" should read "regular.".

BILLING CODE 1505-01-M

Sunshine Act Meetings

Federal Register
Vol. 44, No. 130
Thursday, July 5, 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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1

[M-230, Amdt. 6; June 29, 1979]

CIVIL AERONAUTICS BOARD.

Notice of addition of item to the June 28, 1979, meeting agenda.

TIME AND DATE: 9:30 a.m., June 28, 1979.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: Docket 35927: Petition filed by the Airline Passengers Association concerning operations of DC 10's in international travel.

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673-5068.

SUPPLEMENTARY INFORMATION: This item was added to the June 28, 1979 agenda in order that the Board may respond to an Airline Passenger Association Emergency Petition. Accordingly, the following Members have voted that agency business requires the addition of this item to the June 28, 1979 agenda and that no earlier announcement of this addition was possible:

Chairman Marvin S. Cohen
Member, Richard J. O'Melia
Member, Elizabeth E. Bailey
Member, Gloria Schaffer

[S-1319-79 Filed 7-2-79; 3:29 pm]

BILLING CODE 6320-01-M

2

[M-231, Amdt. 3; June 28, 1979]

CIVIL AERONAUTICS BOARD.

Notice of addition of item to the July 3, 1979, meeting agenda.

TIME AND DATE: 10 a.m., July 3, 1979.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: 12a. Temporary subsidy mail rate for Wien Air Alaska, Inc., Docket 35351 (BDA)

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673-5068.

SUPPLEMENTARY INFORMATION: The carrier has alleged a pressing financial need for an increase in its temporary subsidy payments. The staff had intended that this item be placed on the July 3, 1979 agenda but a coordinating step was inadvertently missed and the item was unintentionally left off. Accordingly, the following Members have voted that agency business requires the addition of Item 12a to the July 3, 1979 agenda and that no earlier announcement of this addition was possible:

Chairman, Melvin S. Cohen
Member, Richard J. O'Melia
Member, Elizabeth E. Bailey
Member, Gloria Schaffer

[S-1320-79 Filed 7-2-79; 3:29 pm]

BILLING CODE 6320-01-M

3

[M-231, Amdt. 4; June 29, 1979]

CIVIL AERONAUTICS BOARD.

Notice of closure and renumbering an item for the July 3, 1979 agenda.

TIME AND DATE: 10 a.m., July 3, 1979.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: 15. Dockets 29525 and 30332. Disposition of the Board's tentative findings in Order 76-11-9, which would apply the domestic substitute service rules to the U.S. legs of international air freight movements; IATA agreement proposing restrictions on the use of surface transportation on the U.S. legs of South Pacific air freight movements (BIA).

STATUS: Closed.

PERSON TO CONTACT: Phyllis T. Kaylor, The Secretary, (202) 673-5068.

SUPPLEMENTARY INFORMATION: Item 15 was Item 2 on the July 3, 1979 agenda and has been changed to the last item because it will be a closed item.

Public disclosure, particularly to foreign governments, of opinions, evaluations and strategies discussed in connection with this item could seriously compromise the United States Government's ability to achieve future bilateral understandings which would be in the best interests of the United States. The staff therefore believes that public observation of this meeting would reveal matters which, if prematurely disclosed, could significantly frustrate future action within the meaning of the exemption provided under 5 U.S.C. 552b(c)(9) and 14 CFR 310b.5(9)(B). Accordingly, the following Members have voted that this item be closed to public observation:

Chairman, Marvin S. Cohen
Member, Richard J. O'Melia
Member, Elizabeth E. Bailey
Member, Gloria Schaffer

[S-1321-79 Filed 7-2-79; 3:29 pm]

BILLING CODE 6320-01-M

4

[M-231, Amdt. 5; July 2, 1979]

CIVIL AERONAUTICS BOARD.

Notice of addition of items to the July 3, 1979, meeting agenda.

TIME AND DATE: 10 a.m., July 3, 1979.

PLACE: Room 1027, 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT:

8b. Docket 35436: Hughes Airwest's notice under section 401(j)(1) to terminate its certificate obligation at Wenatchee, Washington, (BDA).

8c. Docket 35437: Hughes Airwest's notice under section 401(j)(1) to terminate its certificate obligation at Walla Walla, Washington.

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, (202) 673-5068.

SUPPLEMENTARY INFORMATION: There will not be a regularly scheduled Sunshine Meeting until July 25. Items 8b and 8c have an action date of July 12, 1979. This action date is requested to give civic parties sufficient time to review the Board's order before Airwest's suspension becomes effective July 30, 1979. Accordingly, the following Members have voted that Items 8b and

8c be added to the July 3, 1979 agenda and that no earlier announcement of these additions was possible:

Chairman Marvin S. Cohen
Member Richard J. O'Melia
Member Elizabeth E. Bailey
Member Gloria Schaffer.

[S-1322-79 Filed 7-2-79; 3:29 pm]

BILLING CODE 6320-01-M

5

[M-231, Amdt. 6; July 2, 1979]

CIVIL AERONAUTICS BOARD.

Notice of addition of items to the July 3, 1979, meeting agenda.

TIME AND DATE: 10 a.m., July 3, 1979.

PLACE: Room 1027, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUBJECT:

4a. Procedures for compensating air carriers required to continue service to a small community for their financial losses (OGC, Memo 8948).

8d. Dockets 35334 and 35365: Agreement between Allegheny and Fishcher Brothers Aviation, Allegheny's notice to suspend service at Mansfield, Ohio (Memo 8951, BDA).

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, (202) 673-5068.

SUPPLEMENTARY INFORMATION: Submission of Item 4a to the Board was delayed pending staff coordination. Since the next regularly scheduled Board Meeting will not be until July 25, 1979, consideration of this item of July 3, becomes necessary to enable affected carriers and the public to benefit from these procedures. Since the Board has already ordered some air carriers to continue serving small communities after they would otherwise have withdrawn, procedures for compensating them for their losses should be issued as soon as possible. Item 8d has a 90-day notice period which expires July 18, therefore action has to be taken at the July 3, 1979 meeting. Accordingly, the following Members have voted that agency business requires the addition of Items 4a and 8d to the July 3, 1979 agenda and that no earlier announcement of these additions was possible:

Chairman, Marvin S. Cohen
Member, Richard J. O'Melia
Member, Elizabeth E. Bailey
Member, Gloria Schaffer

[S-1323-79 Filed 7-2-79; 3:29 pm]

BILLING CODE 6320-01-M

6

FEDERAL DEPOSIT INSURANCE CORPORATION.

TIME AND DATE: 2 p.m. on Monday, July 9, 1979.

PLACE: Board Room, 6th Floor, FDIC Building, 550 17th Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Requests by the Comptroller of the Currency for reports on the competitive factors involved in proposed mergers:

The Barnstable County National Bank of Hyannis, Barnstable (P.O. Hyannis), Massachusetts, and Chatham Trust Company, Chatham, Mass.

The Peoples National Bank and Trust Company, Dover, Ohio and the Gnadenhutten Bank, Gnadenhutten, Ohio.

The First American National Bank of St. Cloud, St. Cloud, Minn., and The First State Bank of Rice, Rice, Minn.

Recommendation regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 43,967-L—The First State Bank of Jennings, Jennings, Kans.

Recommendation with respect to payment for legal services rendered and expenses incurred in connection with receivership activities:

Patterson & Patterson, Whitfield, Manikoff, Ternan and White, Bloomfield Hills, Michigan, in connection with the receivership of Birmingham Bloomfield Bank, Birmingham, Mich.

Memorandum and resolution proposing the final adoption of a new Part 344 of the Corporation's rules and regulations, to be entitled "Recordkeeping and Confirmation Requirements for Securities Transactions."

Reports of committees and officers:

Minutes of the actions approved by the Committee on Liquidations, Loans and Purchases of Assets pursuant to authority delegated by the Board of Directors.

Reports of the Director of the Division of Bank Supervision with respect to applications or requests approved by him and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Report of the Director of the Division of Liquidation detailing all disbursements in excess of $10,000 and all sales of real estate properties, during the period April 16, 1979, through June 16, 1979, in connection with the liquidation of The Hamilton National Bank of Chattanooga, Chattanooga, Tenn.

CONTACT PERSON FOR MORE INFORMATION: Mr. Hoyle L. Robinson, Executive Secretary (202) 389-4425.

[S-1315-79 Filed 7-2-79; 3:05 pm]

BILLING CODE 6714-01-M

7

FEDERAL DEPOSIT INSURANCE CORPORATION.

TIME AND DATE: 2:30 p.m., on Monday, July 9, 1979.

PLACE: Board Room, 6th Floor, FDIC Building, 550 17th Street NW., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Application for Federal deposit insurance:

Crestwood Bank, a proposed new bank to be located at 13500 South Cicero Avenue, Crestwood, Ill., for Federal deposit insurance.

Application for consent to establish a detached facility (branch):

State Bank of Rose Creek for consent to establish a detached facility (branch) at 108 East Oakland Avenue, Austin, Minn.

Application for consent to merge and establish branches:

The Dime Savings Bank of New York, New York (Brooklyn), N.Y., an insured mutual savings bank, for consent to merge, under its charter and title, with Mechanics Exchange Savings Bank, Albany, N.Y., also an insured mutual savings bank, and for consent to establish the eight offices of Mechanics Exchange Savings Bank as branches of the resultant bank.

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 43,968-L—American City Bank & Trust Co., National Association, Milwaukee, Wis.

Case No. 43,971-L—The Hamilton Bank and Trust Co., Atlanta, Ga.

Memorandum re: The Drovers' National Bank of Chicago, Chicago, Ill.

Memorandum re: Banco Credito y Ahorro Ponceno, Ponce, P.R.

Recommendation with respect to payment for legal services rendered and expenses incurred in connection with receivership activities:

Bronson, Bronson & McKinnon, San Francisco, Calif., in connection with the receivership of United States National Bank, San Diego, Calif.

Appeal, pursuant to the Freedom of Information Act, from the Corporation's earlier partial denial of a request for records.

Recommendations with respect to the initiation or termination of cease-and-desist proceedings, termination-of-insurance proceedings, or suspension or removal proceedings against certain insured banks or officers or directors thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(2) and (c)(6)).

CONTACT PERSON FOR MORE INFORMATION: Mr. Hoyle L. Robinson, Executive Secretary, (202) 389-4425.

[S-1316-79 Filed 7-2-79; 3:05 pm]

BILLING CODE 6714-01-M

8

FEDERAL MARITIME COMMISSION.

TIME AND DATE: July 10, 1979, 10 a.m.

PLACE: Room 12126, 1100 L Street NW., Washington, D.C. 20573.

STATUS: Closed.

MATTER TO BE CONSIDERED: Legislative proposals.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary (202) 523-5725.

[S-1317-79 Filed 7-2-79; 3:05 pm]

BILLING CODE 6730-01-M

9

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 10 a.m., July 6, 1979.

PLACE: Room 600, 1730 K Street NW., Washington, D.C.

T2STATUS: Open.

MATTER TO BE CONSIDERED: The Commission will consider and act upon the following agenda items:

1. Kaiser Steel Corporation v. Mine Safety and Health Administration, DENV 78-31-P.
2. Rushton Mining Company v. Mine Safety and Health Administration, PITT 75-399-P, IBMA 76-37.

It was determined by a unanimous vote of Commissioners that Commission business required that a meeting be held on this item and that no earlier announcement of the meeting was possible.

CONTACT PERSON FOR MORE NFORMATION: Jean Ellen, 202-653-5632.

[S-1313-79 Filed 7-2-79; 11:15 am]

BILLING CODE 6820-12-M

10

NATIONAL COUNCIL ON EDUCATIONAL RESEARCH.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENTS: S-1548, filed July 26, 1978; 11:44 a.m. and S-823-79, filed April 26, 1979; 9:28 a.m.

DATE AND TIME: July 12, 1979, 10 a.m. to 4 p.m.; July 13, 1979, 9 a.m. to 12:30 p.m.

PLACE: Room 823, National Institute of Education, 1200 19th Street NW., Washington, D.C.

STATUS: Certification has been received from the HEW Office of General Counsel, that in the opinion of that office, the NCER "would be authorized to close portions of its meeting on July 12, 1979, under 5 U.S.C. 522b(c)(9)(B) and 45 CFR 1440.2(a)(9) for the purposes of reviewing and discussing with the Acting Director of NIE, the proposed executive branch budget for fiscal 1981, in particular, the sections dealing with the proposed budget and funding priorities of NIE." Agenda item #2 will be closed, the rest of the agenda remains open to the public

MATTERS TO BE CONSIDERED:

Thursday, July 12, 1979

1. Acting Director's report (10 a.m. to 11 a.m.).
2. Closed: Budget fiscal year 1981 (11 a.m. to 12 noon).
3. Review discussion: Educational equity (1 p.m. to 4 p.m.).

Friday, July 13, 1979

4. Review discussion: Dissemination (9 a.m. to 11:30 a.m.).
5. Program committee report and action (11:30 a.m. to 12:30 p.m.).

CONTACT PERSON FOR MORE INFORMATION: Ella L. Jones, Administrative Coordinator, telephone 202-254-7900.

Peter H. Gerber,

Chief, Policy and Administrative Coordination, National Council on Educational Research.

[S-1310-79 Filed 7-2-79; 11:01 am]

BILLING CODE 4110-39-M

11

NATIONAL TRANSPORTATION SAFETY BOARD.

TIME AND DATE: 9 a.m., Thursday, July 12, 1979. [NM-79-22]

PLACE: NTSB Board Room, National Transportation Safety Board, 800 Independence Avenue, SW., Washington, D.C. 20594.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. *Aircraft Accident Report*—Rocky Mountain Airways, DeHavilland DCH-6-300, N24RM, Cheyenne, Wyo., February 27, 1979.
2. *Railroad Accident Report*—Bay Area Rapid Transit District Fire and Evacuation of Passengers while in the Transbay Tube, San Francisco, Calif., January 17, 1979.
3. *Marine Accident Report*—Collision of U.S. Bulk Carrier SS Yellowstone and Algerian Freighter M/V IBN BATOUTA, Mediterranean Sea, June 12, 1978.
4. *Special Study*—Training and Safety in the Railroad Industry.
5. *Recommendation* to the Federal Aviation Administration re medical examination of pilots as a condition of airmen medical certification.
6. *Recommendation* to the Materials Transportation Bureau and Natural Gas Pipeline Company of America re pipeline accident in Dallas, Iowa, April 18, 1978.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming 202-472-6022.

[S-1324-79 Filed 7-2-79; 3:59 pm]

BILLING CODE 4910-58-M

12

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: Monday, July 2, 1979.

PLACE: Commissioners' Conference Room, 1717 H Street NW., Washington, D.C.

STATUS: Open (additional item).

MATTERS TO BE CONSIDERED:

Monday, July 2, 2:30 p.m.

1. Commission Discussion of Order on Status of TMI (approximately ½ hour—public meeting).

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634-1410.

Walter Magee,

Office of the Secretary.

[S-1311-79 Filed 7-2-79; 11:01 am]

BILLING CODE 7590-01-M

13

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: Thursday, July 5, 1979.

PLACE: Commissioners' Conference Room, 1717 H Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Thursday, July 5, 9:30 a.m.—

1. Briefing on enforcement program—current and planned (approximately 1 hour—public meeting).

Thursday, July 15, 2 p.m.—

1. Commission meeting on application of Price-Anderson to TMI (approximately 1 hour—public meeting).
2. Proposed briefing by DOE and Euratom representatives on export matters (approximately 1 hour—public meeting).

CONTACT PERSON FOR MORE INFORMATION: Walter Magee, (202) 634-1410.

Walter Magee,

Office of the Secretary.

[S-1312-79 Filed 7-2-79; 11:01 am]

BILLING CODE 7590-01-M

14

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 44 FR 37431, June 26, 1979.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 1 p.m. on July 2, 1979.

CHANGES IN THE MEETING: This meeting has been canceled. It will be rescheduled at a later date.

Date: July 2, 1979.

[S-1314-79 Filed 7-2-79; 3:05 pm]

BILLING CODE 7600-01-M

15

U.S. RAILWAY ASSOCIATION.

TIME AND DATE: 9 a.m., July 12, 1979.

PLACE: 955 L'Enfant Plaza North SW., Board Room, Room 2-500, Fifth Floor, Washington, D.C.

STATUS: Parts of the meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED BY THE BOARD OF DIRECTORS:

Portions closed to the public (9 a.m.)

1. Consideration of internal personnel matters.
2. Review of Conrail proprietary and financial information for monitoring and investment purposes.
3. Review of Delaware and Hudson Railway Company proprietary and financial information for monitoring and investment purposes.
4. Litigation report.

Portions open to the public (1:30 p.m.)

5. Approval of minutes of the June 6 and 7, 1979 Board of Directors meeting.
6. Review of D&H financial results.
7. Report on Supplemental Transaction Proposal.
8. Report on Conrail monitoring.
9. Report on Conrail filings on the Seaboard-Chessie merger.
10. Consideration of Conrail July drawdown request.
11. Consideration of 211(h) loan program.
12. Report on congressional activities.
13. Contract actions (extensions and approvals).

CONTACT PERSON FOR MORE INFORMATION: Alex Bilanow, (202)426-4250.

[S-1318-79 Filed 7-2-79; 3:05 pm]

BILLING CODE 8240-01-M

16

SECURITIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: (To be published).

STATUS: Closed meeting.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

PREVIOUSLY ANNOUNCED DATE: Thursday June 28, 1979.

CHANGES IN THE MEETING: Deletion.

The following item will not be considered at a closed meeting scheduled for Thursday, July 5, 1979, immediately following the 10:00 a.m. open meeting.

Formal order of investigation.

Chairman Williams and Commissioners Evans, Pollack and Karmel determined that Commission business required the above change and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: John Ketels at (202) 755-1129.

June 29, 1979.

[S-1309-79 Filed 7-2-79; 11:01 am]

BILLING CODE 8010-01-M

federal register

Thursday
July 5, 1979

Part II

Environmental Protection Agency

State and Local Assistance; Grants for Construction of Treatment Works; Miscellaneous Amendments

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 35

[FRL-1256-7]

State and Local Assistance; Grants for Construction of Treatment Works; Miscellaneous Amendments

Note.—The following document was published Wednesday, June 27, 1979 at page 37594. On page 37595, certain amendment item numbers appeared incorrectly in the middle column, 14th line and in the amendatory language paragraphs beginning on that page. Therefore, this document is republished to reflect those corrected amendment item numbers.

AGENCY: Environmental Protection Agency.

ACTION: Final Rule.

SUMMARY: This amendment to the regulations governing grants for construction of treatment works under Title II of the Clean Water Act makes several miscellaneous changes. One of the changes makes final a regulation proposed on September 27, 1978; four of the changes are designed to simplify requirements and administration of the program; and the rest of the changes correct linguistic, typographical, and punctuation errors. They are being published together at this time so that they will be codified in the July 1, 1979, edition of Title 40 of the Code of Federal Regulations.

EFFECTIVE DATES: Amendment Nos. 4, 6, 8, 9, and 10 are effective October 1, 1979. The remainder are effective June 27, 1979.

ADDRESSES: Comments previously received on the proposed rules may be inspected at: Public Information Reference Unit, Environmental Protection Agency, Room 2922 Waterside Mall, 401 M Street SW., Washington, D.C. between 8 a.m. and 4:30 p.m., business days. Comments on these regulations should be addressed to: Director, Grants Administration Division (PM-216), Attention: GPPB/CG Final, Environmental Protection Agency, Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Mr. Harold P. Cahill, Director, Municipal Construction Division (WH-547), Environmental Protection Agency, Washington, D.C. 20460, 202-426-8986.

SUPPLEMENTARY INFORMATION: On September 27, 1978 (43 FR 44021), EPA published final revised and conformed regulations governing grants for construction of treatment works authorized under Title II of the Clean Water Act, as amended. In that same document, EPA proposed two changes to § 35.936-13 (43 FR 44046) and requested comments through November 30, 1978. EPA received 90 letters of comment on these proposed changes. The following paragraphs discuss the action we are taking in the three areas the comments addressed.

§ *35.936-13(a)(1), manufactured materials.* In the September 27, 1978, publication, EPA proposed to amend the regulation "to better achieve competition within and between types of material (particularly pipe), in the interest of affording an opportunity to compete and insuring reasonableness of prices, unless there is a sound engineering justification based upon specific site conditions which supports any restrictions upon competition."

The many comments which we received were unanimously opposed to any revision to the provision relating to manufactured materials. The comments indicate to us that virtually all the major participants in this system—grantees, engineers, and suppliers—believe that the market system is working well under the current regulation and that there is sufficient competition to ensure reasonable prices. Based on their assurance, EPA does not expect that there will be many future protests in this area and has, therefore, decided not to make the revision to the regulations which was proposed. Current requirements will continue to apply, including the basic requirement for competition (see § 35.936-3). Program Requirements Memorandum 75-5 (formerly PG 19A, August 8, 1975) states the interrelationship of these policies as follows:

> With regard to materials, such as pipe, it is not mandatory that two or more different types of material be specified; however, maximum competitive bidding is encouraged commensurate with sound engineering practice and requirements. * * * It is preferable to use performance specifications for materials based upon accepted nationally known standards such as AWWA, USAS, ASTM, AASHO [sic] and Federal specifications and standards.

§ *35.936-13(c) Experience clause restriction.* In the September 27, 1978, publication, EPA proposed to add a new final sentence to read, "No experience restriction will be permitted which unjustifiably reduces competition or innovation." EPA received only a few comments on this aspect of our proposal. The views ranged from recommending more stringent restrictions on the use of experience clauses to recommending that EPA abandon its proposal.

EPA has decided to promulgate the proposed change as a final rule with one minor word change (amendment number 9 below). In order to agree more closely with OMB's latest proposed revision of Attachment O to OMB Circular A-102, we have changed the word "unjustifiably" in the proposal to "unnecessarily" in the final. Our experience with protests under § 35.939 has indicated that this explicit statement of the Agency policy which has evolved during the protest process is needed. One of the commenters suggested that more detailed requirements be included. We believe that implementation of this policy can best be achieved on a case by case basis and we do not wish to encumber the regulations with unnecessary detail. However, we are aware of at least two types of experience restrictions which should normally be considered unnecessarily restrictive and in violation of the regulation: (1) an experience clause restriction that has the effect of permitting only one equipment manufacturer to participate in the bidding without submission of a bond or deposit; and (2) an experience clause restriction which limits competition or innovation by requiring that the previous experience be with the exact size and type of equipment specified.

§ *35.936-13(a)(1), salient requirements.* In the final rules promulgated on September 27, we revised this paragraph to require the grantee to be prepared to identify (in a bid protest or program review) the "salient requirements" of items of equipment when the grantee elects to procure by the "two brand names or equal" procedure. Although this change was published as a final rule, the Deputy Comptroller General recommended that we further amend this section to require the grantee to specify the salient characteristics in the solicitation itself (rather than just for protest or program review purposes). EPA's brand name or equal procedure in the construction grant program differs from that of other programs and agencies because of the unique statutory requirement in Section 204(a)(6) of the Clean Water Act, as amended. With respect to both the comments of the Deputy Comptroller General and the requirements of Attachment O to OMB Circular A-102, we feel that the statutorily mandated reference to two items provides for adequate identification of the salient requirements of specified items when that type of specification is used. We also find that neither our grantees nor we have the resources to develop, review and maintain up-to-date

performance or guide specifications for all procurements. This is particularly true because of the rapid changes and innovations occurring in the marketplace which we don't want to stifle with outdated requirements in the specifications. Under the circumstances involved in the construction grant program, it is better to permit the definition of salient requirements by naming two technologically up-to-date and acceptable products followed by the words, "or equal." Even in the absence of developing or innovative processes or technology, the identification of two acceptable items normally would adequately indicate the acceptability of an "equal." Finally, the EPA procedure greatly minimizes the paperwork burden on grantees, consulting engineers, and others in the procurement process since most such procurements are not disputed. Therefore, we have not amended this section further.

Other Regulation Changes

Advance purchase of eligible land. EPA has approved several deviation requests to allow grantees to acquire eligible land in advance of Step 3 grant award, because of the current availability of a specific site and generally escalating property values. For these reasons, and to facilitate expeditious initiation and completion of Step 3 construction, we believe that more widespread use of this practice may be desirable. Amendments 4 and 6 allow the Regional Administrator to use his discretion in permitting grantees to proceed with land acquisition after approval of the facilities plan in advance of the normal Step 3 award, either by (1) award of a Step 3 segment consisting only of purchase of eligible land or (2) approval of the grantee's preaward cost for the purchase of eligible land. In amendment 8, compliance with the requirement for approved user charge/industrial cost recovery systems prior to step 3 grant award, operation and maintenance manuals and sewer use ordinances, is deferred until the award of the ensuing step 3 construction assistance, since the data necessary will be more readily available at that time.

Advance payment for relocation costs. On April 27, 1979, EPA published as a Federal Register Notice (44 FR 24926) a class deviation which permits the Regional Administrator to make advance payment after grant award for the payment of relocation costs only when he determines that it is necessary for the expeditious completion of a project. That Notice gave the legal background for this change. Amendment 10 below includes that change in the regulations and supersedes the class deviation. This amendment does not permit advance payment for the Federal share of the actual cost of eligible land.

§ *35.925-15.* When the construction grant regulations were revised on September 27, 1978, the definition of industrial user was revised, in accordance with the mandate of the Clean Water Act, to exclude sources contributing 25,000 gpd or less to the treatment works. However, the regulations continued to use the phrase, "industrial user" in § 35.925-15 where it was not the intent of the statute or of the regulations to exclude any industries from the requirement that the principal purpose of the project and system be to treat domestic wastes. Therefore, amendment number 5 corrects § 35.925-15 to replace the words "industrial users" with "industrial sources" both times it is used in the section. This change of words comports with the Agency's longstanding interpretation and administration of this section, both prior to and since the September 27 publication; no change in meaning is intended. In addition, in order to comply with Federal Register format, numbers (1) and (2) have been changed to (a) and (b).

Appendix E. The criteria for determining innovative processes and techniques found in paragraphs 6.e.(1) and (2) both incorrectly use the term "treatment works" in referring to life cycle costs and energy saving criteria for innovative technologies. The term "treatment works" as defined in the Act and § 35.905 includes other facilities (e.g. sewers, interceptors, outfalls) in addition to treatment plants. To include the costs of these in the cost effectiveness analysis would unfairly restrict the ability of innovative systems to qualify under the criteria. Amendment 13 clarifies our intent by changing the term "treatment works" to "eligible portions of the treatment works excluding conventional sewer lines" in these two paragraphs.

Corrections. On November 30, 1978, EPA published the allotments of the fiscal year 1979 appropriation in § 35.910-10. Two typographical errors were made in that publication. Amendment 1 corrects those errors. Amendments 2, 3, 7, 11, and 12 are for the purpose of correcting typographical and punctuation errors in the September 27, 1978, publication of final regulations.

Notice. The substantive amendments (4, 6, 8, 10) which were not published as proposed rulemaking are simplifications of procedure which lessen burdens on grantees. Therefore, formal notice and opportunity for comment on these changes are unnecessary and contrary to the public interest. However, in accordance with 40 CFR 30.125, public comment on grant regulations is solicited on a continuous basis.

Effective date. Although the effective date of the substantive regulatory changes is October 1, 1979, the start of the new Federal fiscal year, and they apply to all grant assistance (including subsequent related projects) awarded on or after that date, Regional Administrators are authorized to use the more flexible procedures included in these regulations in advance of that date. Where appropriate, special grant conditions may be used.

Accordingly, 40 CFR Part 35, Subpart E is amended as follows:

§ 35.910-10 [Amended]

1. In the table in § 35.910-10(c), the public law number in the heading is changed to read, "Pub. L. 95-392" and the allotment for Illinois is changed to read, "215,137,900".

2. Section 35.915 is amended by correcting the punctuation in the last sentence of paragraph (a) (1) (iv) to read as follows: § 35.915 State priority system and project priority list.

* * * * *

(a) *State priority system.* * * *

(1) *Project rating criteria.* * * *

(iv) Other criteria, consistent with these, may be considered (including the special needs of small and rural communities). The State shall not consider: the project area's development needs not related to pollution abatement; the geographical region within the State; or future population growth projections.

* * * * *

§ 35.920-3 [Amended]

3. Section 35.920-3 is amended by changing the term, "NE" to "VE" in the last sentence of paragraph (b) (5).

4. Section 35.920-3 is amended by revising paragraph (c) (2) to read as follows:

§ 35.920-3 Contents of application.

* * * * *

(c) * * *

(2) Construction drawings and specifications suitable for bidding purposes (in the case of an application for step 3 assistance solely for acquisition of eligible land, the grantee must submit a plat which shows the legal description of the property to be acquired, a preliminary layout of the distribution and drainage systems, and

an explanation of the intended method of acquiring the property]:

* * * * *

5. Section 35.925–15 is revised to read as follows:

§ 35.925–15 Treatment of industrial wastes.

That the allowable project costs do not include (a) costs of interceptor or collector lines constructed exclusively, or almost exclusively, to serve industrial sources or (b) costs allocable to the treatment for control or removal of pollutants in wastewater introduced into the treatment works by industrial sources, unless the applicant is required to remove such pollutants introduced from nonindustrial sources. The project must be included in a complete waste treatment system, a principal purpose of which project (as defined by the Regional Administrator; see §§ 35.903 (d) and 35.905) and system is the treatment of domestic wastes of the entire community, area, region or the district concerned. See the pretreatment regulations in Part 403 of this chapter and § 35.907.

6. Section 35.925–18 is amended by revising paragraph (b) as follows:

§ 35.925–18 Limitation upon project costs incurred prior to award.

* * * * *

(b) *Step 3;* Except as otherwise provided in this paragraph, no grant assistance for a step 3 project may be awarded unless the award precedes initiation of the step 3 construction. Preliminary step 3 work, such as advance acquisition of major equipment items requiring long lead times, acquisition of eligible land or of an option for the purchase of eligible land, or advance construction of minor portions of treatment works, including associated engineering costs, in emergencies or instances where delay could result in significant cost increases, may be approved by the Regional Administrator after completion of environmental review, but only if (1) the applicant submits a written and adequately substantiated request for approval and (2) written approval by the Regional Administrator is obtained before initiation of the advance acquisition or advance construction. [In the case of authorization for acquisition of eligible land, the applicant must submit a plat which shows the legal description of the property to be acquired, a preliminary layout of the distribution and drainage systems, and an explanation of the intended method of acquiring the property.]

* * * * *

§ 35.928–1 [Amended]

7. Section 35.928–1, is amended by adding a new paragraph (f) [Reserved].

8. Section 35.930–1 is amended by revising paragraph (a)(1) to read as follows:

§ 35.930–1 Types of projects.

(a) * * *

(1) *Step 1.* A facilities plan and related step 1 elements (see § 35.920–3(b)), if he determines that the applicant has submitted the items required under § 35.920–3(a); [In the case of grant assistance awarded solely for the acquisition of eligible land, the following provisions are deferred until the award of the ensuing step 3 assistance for the construction of facilities: §§ 35.925–10, 35.925–11(b), 35.935–12(c) and (d), 35.935–13(c), 35.935–15(c), 35.935–16(b) and (c)];

* * * * *

9. Section 35.936–13 is amended by adding the following sentence to the end of paragraph (c) to read as follows:

§ 35.936–13 Specifications.

* * * * *

(c) *Experience clause restriction.* * * * No experience restriction will be permitted which unnecessarily reduces competition or innovation.

* * * * *

10. Section 35.945 is amended by adding a new paragraph (g) to read as follows:

§ 35.945 Grant payments.

* * * * *

(g) *Payment of costs incurred under the Uniform Relocation Assistance and Real Property Acquisition Policies Act.* Notwithstanding the provisions of paragraph (a) of this section, if the Regional Administrator determines it is necessary for the expeditious completion of a project, he may make advance payment after grant award under § 4.502(c) of this subchapter for the EPA share of the cost of any payment of relocation assistance by the grantee. The requirements in § 30.615–1 (b) and (d) of this subchapter apply to any advances of funds for assistance payments.

Appendix C–2 [Amended]

11. Clause 7 of Appendix C–2 is amended by changing the word "contracts" to "contract" in the first line.

Appendix E [Amended]

12. Appendix E is amended by changing the reference from "35.930–6" to 35.930–5" in paragraph 3b.

13. Appendix E is amended by revising paragraph 6.e. (1) and (2) to read as follows:

Appendix E—Innovative and Alternative Technology Guidelines

* * * * *

6. *Criteria for determining innovative processes and techniques.* * * *

e. * * *

(1) The life cycle cost of the eligible portion of the treatment works excluding conventional sewer lines is at least 15 percent less than that for the most cost-effective alternative which does not incorporate innovative waste water treatment processes and techniques (i.e., is no more than 85 percent of the life cycle cost of the most cost-effective noninnovative alternative).

(2) The net primary energy requirements for the operation of the eligible portion of the treatment works excluding conventional sewer lines are at least 20 percent less than the net energy requirements of the least net energy alternative which does not incorporate innovative waste water treatment processes and techniques (i.e., the net energy requirements are no more than 80 percent of those for the least net energy noninnovative alternative). The least net energy noninnovative alternative must be one of the alternatives selected for analysis under section 5 of appendix A.

Regulation Development Procedures

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

(Sections 109(b), 201 through 204, 207, 208(d), 210 through 212, 215 through 217, 304(d) (3), 313, 501, 502, 511, and 516(b) of the Clean Water Act, as amended, 33 U.S.C. 1251 et seq.)

Dated: June 20, 1979.

Thomas Jorling,

Assistant Administrator for Water and Waste Management.

[FR Doc. 79–19917 Filed 6–26–79; 8:45 am]

BILLING CODE 6560–01–M

Federal Register

Thursday
July 5, 1979

Part III

Department of the Interior

Heritage Conservation and Recreation Service

Uniform Criteria for Preparation of Local Recovery Action Programs (Urban Park and Recreation Recovery Act of 1978); Interim Rule

DEPARTMENT OF THE INTERIOR

Heritage Conservation And Recreation Service

36 CFR Part 1228

Urban Park and Recreation Recovery Act of 1978; Local Recovery Action Program

AGENCY: Heritage Conservation and Recreation Service, U.S. Department of the Interior.

ACTION: Interim rule.

SUMMARY: This rule prepared by the Heritage Conservation and Recreation Service is published to provide uniform criteria for the preparation of local Recovery Action Programs required by the Urban Park and Recreation Recovery Act, Title X of the National Parks and Recreation Act of 1978. Section 1007(b) of Title X states that "The Secretary shall establish and publish in the Federal Register requirements for preparation, submission, and updating of local park and recreation recovery action programs." *This interim rule meets that requirement.*

DATES: These regulations are effective July 5, 1979. Comments on this interim rule will be accepted and considered. Comments must be received in writing on or before September 4, 1979.

ADDRESSES: Written comments should be addressed to the Chief, Urban Programs Task Force, Heritage Conservation and Recreation Service, 440 G Street, N.W., Box P, Washington, D.C. 20243.

FOR FURTHER INFORMATION CONTACT: Mr. Chris Soller or Mr. Mike Rogers, Urban Programs Task Force, Heritage Conservation and Recreation Service, 440 G Street NW., Box P, Washington, D.C. 20243, 202/343-5971.

SUPPLEMENTARY INFORMATION: In his policy message of March 27, 1978, President Carter proposed a new federal grant program for urban communities to compete for funds to revive and rebuild parks and recreation facilities. On October 13, 1978, the National Parks and Recreation Act of 1978, Pub. L. 95-625, was passed by the Congress, and on November 10, 1978, the President signed the bill into law. Title X, the Urban Park and Recreation Recovery Act (UPRRA) of 1978, authorized the Secretary of the Interior to establish a five-year program to provide Federal grants to economically hard-pressed communities specifically for the rehabilitation of critically needed recreation areas and facilities, and the development of improved recreation programs. Section 1007(b) of the law directs the Secretary to publish in the Federal Register requirements for preparation, submission, and updating of local park and recreation recovery action programs. The Secretary of the Interior has delegated the responsibility for developing the Urban Park and Recreation Recovery Program to the Director, Heritage Conservation and Recreation Service.

Recognizing the importance placed on the physical rehabilitation and revitalization of critically needed urban park and recreation areas, both Congress and the Administration have expressed commitment to rapid implementation of the Urban Park and Recreation Recovery Program. In this regard, the Administration is currently seeking supplemental appropriations for fiscal year 1979, in the amount of 37.5 million dollars, for the Urban Park and Recreation Recovery Program. At this date, it appears that the Congress will appropriate 20 million dollars for this request; therefore, the Heritage Conservation and Recreation Service must be in a position to obligate these funds through the issuance of Planning, Rehabilitation, and Innovation Grants as soon as possible to qualified general purpose governments. To do so the Heritage Conservation and Recreation Service must publish these guidelines on local Recovery Action Programs so that interested general purpose local governments can begin their planning effort which is a prerequisite for the receipt of a rehabilitation or innovation grant. If these guidelines are published as proposed rules, interested governments could not begin the necessary planning until publication of the rules as final, which could not occur earlier than October 3, 1979. For these reasons it has been determined that the emergency character of the responsibility to issue the grants as soon as possible makes it impracticable and contrary to the public interest to publish these guidelines as a notice or proposed rulemaking or to delay the effective date for these guidelines beyond the date of this publication.

Therefore, in accordance with the exceptions provided for in the Administrative Procedure Act in 5 U.S.C. Sec. 553(b)(B) and d(3) and the Departmental regulations on rulemaking in 43 CFR 14.3(f), these Recovery Action Program requirements are published as interim rules effective immediately. It has been determined that it is in the public interest to allow interested persons to submit written comments pertaining to these regulations. All relevant materials received on or before September 4, 1979 will be considered. Following the close of the comment period, the regulations will be revised, as waranted by public comments received. It is intended that any revision of the regulations arising from these comments will be published again as a final rule 30 days after the close of the comment period, if warranted.

The Department will be publishing regulations relating to program administration, the application process, and project requirements, within approximately 30 days from the date of this interim rule.

Program Information

General information on the Urban Park and Recreation Recovery Program was published in the Federal Register on Wednesday, March 14, 1979 (44 FR 15486-87).

Action Program Requirement

To apply for a rehabilitation or innovation grant, an eligible local government or discretionary applicant must submit evidence of its ongoing commitment to planning, rehabilitation, and operation of its urban park and recreation system. The submission is to be in the form of a Recovery Action Program. The local government shall submit evidence of its commitment to ongoing planning, rehabilitation, service, operation and maintenance programs as part of its Action Program. The Action Program will be viewed as a local government's official plan and program for the creation of an adequate park and recreation system. Rehabilitation projects and innovation grants must be part of and consistent with the Action Program. Local governments may satisfy this requirement initially by submitting preliminary plans which briefly define park and recreation system priorities, and commit the applicant to a schedule of further Action Program development.

Purpose of Action Programs

The purposes of the Urban Park and Recreation Recovery Program are at least two-fold: (1) To aid economically hard-pressed cities, counties and their neighborhoods in rehabilitating their existing park and recreation systems; and (2) to encourage local government planning for the long-range improvement of their park and recreation systems.

President Carter's proposal for the Urban Park and Recreation Recovery Program, included in his March 1978 Urban Policy message, emphasized the importance of *local commitments* to planning, rehabilitation and ongoing

maintenance of urban park and recreation systems. The Urban Park and Recreation Recovery Act, Title X of Pub. L. 95-625, calls for the development of local park and recreation recovery Action Programs which formally express, and guide, these local commitments.

The specific objectives of the Program are to systematically restore deteriorated facilities, to encourage innovations in recreation services and problem-solving, to stimulate local commitments to the maintenance of park facilities and programs, and to increase the number of recreation opportunities available to urban residents. The Program will emphasize the development of links between recreation recovery activities and other ongoing community services, planning, development, and urban revitalization efforts. It is critical that these links be ongoing processes rather than after-the-fact coordination.

These objectives cannot be achieved quickly or easily, but sound planning and strong public and private commitments to this revitalization effort are a critical first step. The local park and recreation Recovery Action Program will be the most important expression of a jurisdiction's commitment to revitalize its system. The Action Program will identify needs and problems through an active citizen participation process, establish local priorities for meeting these needs, and establish an orderly plan for achieving goals related to comprehensive park and recreation system improvement.

The Heritage Conservation and Recreation Service's *National Urban Recreation Study*, published in February 1978, found that parks in many American communities are suffering from physical deterioration and the effects of reduced local commitments to recreation programs. It also revealed that systematic park and recreation planning is simply not occurring in many American cities. Few cities have identified their most pressing needs. Fewer still have set goals for themselves, created park plans, established priorities, systematically programmed the plans over a period of time, or developed methods for evaluating the use of their resources. Citizens are frequently bypassed in the planning process. Few cities survey citizens to determine local needs, involve citizens early in the decision making process, or establish durable mechanisms for continuous communication and reporting.

The Action Program requirement is a means by which communities can develop a continuous planning process. That ongoing process is a necessary commitment for the revitalization of park and recreation systems. As a community planning tool, the Action Program provides both policy-makers and citizens with a means for assessing community park and recreation problems, and a planned approach to solving them. The Action Program is not a way to judge how good or bad a community is but a benchmark against which a community can measure its progress in achieving its park and recreation goals and objectives. The solution to these problems, and a community's approach to its own recreation recovery goals, will vary from jurisdiction to jurisdiction.

These planning guidelines set forth uniform criteria for the preparation of local Action Programs. The expectation is that Action Programs will provide communities substantial additional benefits of greater efficiency, improved responsiveness and increased community-wide support for parks and recreation thereby qualifying communities for Urban Park and Recreation Recovery Program grants. The guidelines describe the planning elements upon which all Action Programs must be based on the prospective links between the Action Program and other community development and service programs.

The Action Program will be an important means for evaluating proposals. How well a proposed action supports the goals and objectives outlined in the local Action Program is critical. Progress in achieving Action Program goals and objectives will be one measure used in project selection during later years of the Recovery Program.

Legislative Requirements

All local government applicants shall submit, as a condition of eligibility for the receipt of grant funds, an Action Program for park and recreation recovery that satisfactorily demonstrates:

(a) Systematic identification of recovery objectives, priorities, and implementation strategies;

(b) Adequate planning for rehabilitation of specific recreation areas and facilities, including projections of the cost of proposed projects;

(c) The capacity and commitment to assure that facilities provided or improved under the Act shall thereafter continue to be adequately maintained, protected, staffed, and supervised;

(d) Intention to maintain total local public outlays for park and recreation purposes at levels at least equal to those in the year preceding that in which grant assistance is sought (beginning with fiscal year 1980) except in any case where a reduction in park and recreation outlays is proportionate to a reduction in overall spending by the applicant; and

(e) The relationship of the park and recreation recovery program to overall community development and urban revitalization efforts.

The Action Program Process

The requirements of the Action Program can best be accomplished through the development of a decision-making process. Such a process should demonstrate how the jurisdiction will allocate its park and recreation resources on a continuing basis. The process should address the following questions:

1. How will identified park and recreation needs be met in the future? It is important that the Action Program relate to an overall plan showing what areas, facilities and programs will be provided in relation to identified needs.

2. How will citizens and public officials be involved in program decisions and the allocation of park and recreation resources?

3. What mechanisms will be employed to insure coordination among park and recreation interests and other community revitalization efforts?

4. How will the adopted goals, plans, strategies, and priorities be routinely monitored, evaluated and updated?

To insure that the Action Program reflects active citizen participation, coordination and evaluation efforts, existing processes of citizen participation, coordination and evaluation should be utilized whenever possible.

Technical Assistance

The Heritage Conservation and Recreation Service will provide technical assistance to communities in the development of their Action Programs. An Action Program Development Manual will be available for communities' use. The Manual will elaborate on Action Program requirements and will suggest approaches for need and resource identification; goal and priority setting; and local strategies for implementation. The Manual will be available from Heritage Conservation and Recreation Service Regional Offices later in 1979. Regional offices will also provide

assistance in preparing local Action Programs.

Statement on Significance

The Department of the Interior has determined that this document is a significant rule but that it does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14. A regulatory analysis will be prepared for the Grant Procedural Regulations to be published at a later date.

Authorship Statement

The primary authors of these regulations were Mr. Chris Soller and Mr. Mike Rogers of the Heritage Conservation and Recreation Service, 202/343-5971.

Dated: June 29, 1979.

David Hales,

Acting Assistant Secretary for Fish and Wildlife and Parks.

In consideration of the foregoing, new Subpart B is added to 36 CFR Chapter XII Part 1228 to read as follows:

PART 1228—URBAN PARK AND RECREATION RECOVERY ACT OF 1978

Subpart B—Local Recovery Action Program

Sec.

1228.10 General Requirements.
1228.11 Action Program Components.
1228.12 Assessment of Needs, Problems and Issues.
1228.13 Action Plan.
1228.14 Reserved.
1228.15 Preliminary Action Program.
1228.16 Preliminary Action Program Requirements.
1228.17 Preliminary Action Program—Commitments to be Included.
1228.18 [Reserved]

Authority: Sec. 1007 (a) and (b) of Title X, National Parks and Recreation Act of 1978, Pub. L. 95-625, 16 U.S.C. 2506.

Subpart B—Local Recovery Action Program

§ 1228.10 General requirements.

Any eligible jurisdiction or discretionary applicant desiring to apply for a grant must develop, submit and have approved a local Action Program. The Action Program must be submitted to the appropriate Heritage Conservation and Recreation Service Regional Office where it will be evaluated and approved. This is a necessary requirement which must precede the awarding of any rehabilitation or innovation grant. Communities are required to submit four (4) copies of the Action Program. Regional Offices and their States are:

Northeast Regional

Federal Office Bldg., Room 9310, 600 Arch Street, Philadelphia, Pa. 19106.
Connecticut, Delaware, Maine, Maryland, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia.

Southeast Region

148 International Blvd., Atlanta, Ga. 30303.
Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, Puetro Rico, South Carolina, Tennessee, Virgin Islands.

Lake Central Region

Federal Building, Ann Arbor, Michigan 48107.
Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin.

Mid-Continent Region

Denver Federal Center, P.O. Box 25387, Denver, Colorado 80225.
Colorado, Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, South Dakota, Utah, Wyoming.

Pacific Southwest Region

450 Golden Gate Avenue, San Francisco, Ca. 94102.
American Samoa, Arizona, California, Guam, Hawaii, Nevada.

Northwest Region

Federal Building, 915 Second Avenue, Seattle, Washington 98174.
Idaho, Oregon, Washington.

South Central Region

5000 Marble Avenue, NE., Albuquerque, New Mexico 87110.
Arkansas, Louisana, New Mexico, Oklahoma, Texas.

Alaska Area Office

1011 E. Tudor, Suite 297, Anchorage, Alaska 99503.

§ 1228.11 Action program components.

The local government will submit an Action Program which documents the recreation needs of the community together with action plans to meet those identified needs. This Action Program will indicate how the park and recreation system will be revitalized and maintained. While the emphasis of the Action Program will be placed on the rehabilitation of deteriorating facilities, it also will describe how the rehabilitation effort is linked to the overall goals, priorities and strategies of the park and recreation system. The local government must develop the Action Program consistent with and linked to the objectives, needs, plans, and institutional arrangements of the community. The Action Program must present evidence of its consistency with the community's long-range goals and plans as expressed in its comprehensive plans and other documents. The Action Program consists of two sections which are the Assessment and the Action Plan.

§ 1228.12 Assessment of needs, problems and issues.

The Action Program should begin with an Assessment describing the existing park and recreation system; issues and problems; goals and objectives. The Assessment should summarize the entire system including: Operation and maintenance; employment and training; programs and services; rehabilitation of existing facilities; and the need for new facilities. The Assessment should also describe how the park and recreation system relates to other public and private services. The Assessment consists of six parts which are as follows:

(a) *Context.* The context should provide:

(1) A short description of the local jurisdiction including: population; economy; geographical location; type of government; how the park department fits into the government structure; how the planning for parks and recreation is achieved; and the relationship to the community's comprehensive planning effort.

(2) A brief descriptive overview of the park and recreation system which includes a discussion of: The populations being served both within and outside of the jurisdiction; the types of services being provided; the degree to which the system is available and accessible to the populations intended to be served; and projected changes in system use.

(3) A discussion of the elements of planning, financing, programming, operation and maintenance, acquisition and development, and other factors common to park and recreation systems and other community services and prospects for future coordination.

(4) A discussion of the approaches and mechanisms used for citizen participation.

(b) *Physical Issues.* Summary information should be provided on existing facilities including:

(1) Types of facilities and the distribution of acreage and uses at different locations;

(2) Intergration of park and recreation planning and facility use with other service agencies such as schools, transportation and housing;

(3) Special facilities for the handicapped or elderly as well as facilities which work to mainstream special populations;

(4) Heavily used non-public or quasi-public facilities;

(5) Facilities of historical and architectural significance which provide recreation and are managed by the park system;

(6) Dependence upon nearby recreation resources outside the local jurisdictions, including public and private resources;

(7) Deficiencies and existing facilities and the needs of the community for new facility development, expansion and/or closure of facilities and the effects of such activities.

(c) *Rehabilitation Issues.* Summary information should be provided on the need for rehabilitation of facilities. This should include:

(1) Geographic areas needing rehabilitation;

(2) Types of sites and properties for rehabilitation;

(3) Importance of rehabilitation in specific geographic areas; and

(4) Value of rehabilitation over replacement through new facility development.

(d) *Service Issues.* Summary information on existing services should outline activities and needs in the following areas:

(1) The type, extent and intended beneficiaries of recreation services;

(2) Special programs for the handicapped, elderly, minorities and mainstreaming programs for special populations;

(3) Relationship between and coordination with public and significant non-public programs and private sector groups;

(4) Extent to which park and recreation services relate to other community services including joint programs with schools, social service organizations, historic preservation groups, libraries, or community education facilities;

(5) Coordination with Federal, State (SCORP), regional, county and other jurisdictional plans and activities having direct and indirect impacts on parks and recreation.

(e) *Management Issues.* Management issues deal with operation of the park and recreation system. Information should summarize the needs and issues of:

(1) Process for developing procedures and policies;

(2) Staffing levels including full-time, seasonal and service personnel, and use of volunteers;

(3) Use of contractual services for recreation programming;

(4) Equipment maintenance and replacement policies; and

(5) Budgeting process, funding cycles and budgets for the past three years and methods of budgeting (such as zero based or performance budgeting).

(f) *Priority Needs and Issues.* This section should list the greatest needs and discuss the relative importance of one need over another.

§ 1228.13 Action plan.

The purpose of the Assessment is to provide background and justification for an Action Plan. The Action Plan, which is the essential core of the Action Program, must be a clear statement of the community's specific objectives, priorities and implementation strategies in relation to the intent of the Urban Park and Recreation Recovery Program and the local government's overall recreation system goals. The Action Plan should be carefully tailored to the comprehensive community goals and directly responsive to the needs and problems identified in Section 1228.12. Citizen involvement in the development of the Action Plan is required and may include surveys, hearings, meetings, and/or consultation as appropriate. This involvement is essential in the development of goals, objectives and the setting of project priorities.

(a) *Goals for the System.* This section should set forth the overall goals and specific objectives for the system. Goals will clearly relate to the needs and issues identified in the Assessment and must be projected for at least the five-year life of the Action Program. The goals should be consistent with and, where appropriate, included in the general planning goals of the local government. Where local governments have developed, adopted and are utilizing an overall park and recreation plan, the goals of that plan may be appropriate for this requirement. Goals should be the basis for priorities, schedules and implementation strategies stated in the plan.

(b) *Program Priorities.* A statement of system priorities and a schedule for implementation shall be included. These priorities, together with justifying objectives and strategies will be an important factor in the evaluation and approval of requests for Program funding. Active and continued citizen participation is necessary throughout the process. Specific projects to be undertaken and the programs to be improved, expanded, introduced, or eliminated through rehabilitation, physical, service, management, and coordination actions should be discussed. A clear assignment of agency or private sector responsibility and an estimate of the costs of implementation should accompany these priorities.

(c) *Physical Development Plan for the System.* A brief physical development plan for the entire park and recreation system should be included. This can be accomplished with a map which indicates where existing facilities and activities occur as well as where future developments are to occur. Particular reference shall be made to populations served and indicated deficiencies.

(d) *Implementation Strategies.* A statement should be included describing local strategies for recreation system recovery. A "strategy" defines the total approach to remedying system deficiencies and provides a rational for priorities reflected in implementation schedules. Strategies should be devised which address the following issues and concerns:

(1) Ways in which park and recreation plans contribute to, and will be interrelated with, the local government's community development and urban revitalization efforts;

(2) The degree to which park and recreation plans serve citizens who reside in economically-distressed areas of the community and will improve access to park and recreation facilities and programs for minority groups, low- and moderate-income populations, and the handicapped;

(3) The extent to which the Action Program and its plan component will relate employment opportunities for minorities, youth and low-and moderate-income residents;

(4) How the plan seeks to obtain the widest range of beneficial uses of the natural environment and enhances and protects the natural environment;

(5) How park and recreation resources will be targeted in neighborhoods where other neighborhood revitalization efforts are occurring;

(6) How the plan seeks to restore outstanding or unique structures, landscapes, or similar features in parks of historical or architectural significance;

(7) Local commitments to innovative and cost-effective programs and projects on the neighborhood level which augment recovery of park and recreation systems;

(8) How the plan will be intergrated with other Federally assisted projects to maximize recreation opportunities;

(9) How the plan will convert for recreation use, derelict and other public lands not designated for recreation; and

(10) Inducements to encourage the private sector to provide neighborhood park and recreation facilities and programs.

(e) *Evaluation and Updating of Action Program.* This section should outline a specific program for annual monitoring, evaluating, and updating of the complete Action Program, including both improvements needed in the Assessment and the Action Plan. Citizen involvement is essential in the evaluation and monitoring of the Action Program. Copies of approved Action Programs must be readily available to the public to insure adequate opportunities for citizen review and comment.

§ 1228.14 [Reserved]

§ 1228.15 Preliminary Action Program.

During an initial interim period, the Action Program requirements, as described in §§ 1228.11, 1228.12, and 1228.13 may be satisfied by local governments submission of a Preliminary Action Program. The initial interim period shall end on October 1, 1980. Communities are required to submit four (4) copies of the Preliminary Action Program.

§ 1228.16 Preliminary Action Program Requirements.

The following information must be submitted:

(a) *Evidence of physical deficiencies.* A general description of the problems confronted by the local government in bringing its facilities up to an adequate level of quality, the basis for the determination that certain facilities are deficient, and the general level of deficient facilities found within the jurisdictions. Maps and other graphics should be used to indicate where the deficiencies are located, particularly in reference to the populations to be served.

(b) *Level of resource support.* A summary of the public funds, including State and Federal, being spent by the jurisdiction on parks and recreation. A generalized description of the level of non-governmental support (neighborhood, voluntary and business) shall also be given.

(c) *Adoption of goals.* The existing park and recreation goals adopted by the governing body of the jurisdiction are to be included. Emphasis should be placed on what the local government is seeking to achieve in its parks and recreation systems, including the population it is attempting to serve, the facilities and services offered, and the providers (public agency or private sector).

(d) *Statement of priorities and implementation strategies.* Description of the priorities set by the local government as related to the deficiencies outlined above, and the strategies used to allocate available resources over time. Included should be a brief discussion of the relationship of the Preliminary Action Program to other related community development, historic preservation and urban revitalization efforts underway in the jurisdiction.

(e) *Evidence of public participation.* A description of the means by which citizens and public officials will be included early in the decision process for project selection, the setting of priorities and schedules, and the development of implementation strategies. Existing public participation efforts within the jurisdiction should be used.

§ 1228.17 Preliminary Action Program—Commitments To Be Included.

Local governments may submit a Preliminary Action Program during the initial interim period in lieu of a full Action Program. The Preliminary Action Program must include a firm commitment by the local government to complete and adopt a full Action Program by October 1, 1980. This commitment must include a schedule for the development of the full Recovery Action Program. The schedule should outline the activities which will be undertaken, the anticipated time frame for the development and completion of these activities, and the resources of people, money and support services necessary for the development and completion of the Recovery Action Program. Notwithstanding the foregoing provisions concerning the use of the Preliminary Action Program, local governments are encouraged to prepare, adopt and submit as soon as possible a full Action Program which complies with the provisions of §§ 1228.11, 1228.12, and 1228.13. Local governments which have already made a commitment to park and recreation systems by establishing ongoing planning, rehabilitation, service, operation and maintenance programs may use these as a starting point for meeting Action Program requirements.

§ 1228.18 [Reserved]

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federal register

Thursday
July 5, 1979

Part IV

Federal Election Commission

Funding and Sponsorship of Candidate Debates

FEDERAL ELECTION COMMISSION

11 CFR Parts 100, 110, and 114

Funding and Sponsorship of Candidate Debates

AGENCY: Federal Election Commission.

ACTION: Transmittal of Regulations to Congress.

SUMMARY: The Commission has adopted regulations which govern the funding and sponsorship of candidate debates. These regulations have been transmitted to Congress pursuant to 2 U.S.C. 438(c). The regulations exempt from the definitions of contribution and expenditure funds provided and used to defray the costs of nonpartisan public candidate debates. They also specify which organizations may sponsor such debates and establish a structure for various types of nonpartisan debates between Federal candidates. Further information on the new regulations is contained in the statement of explanation and justification under Supplementary Information.

2 U.S.C. 438(c) requires that any rule or regulation prescribed by the Commission to implement Chapter 14 of Title II, United States Code, be transmitted to the Speaker of the House of Representatives and the President of the Senate prior to final promulgation. If neither House of Congress disapproves of the regulation within 30 legislative days of its transmittal, the Commission may finally prescribe the regulation in question. The following regulations were transmitted to Congress on June 28, 1979.

EFFECTIVE DATE: Further action, including the announcement of an effective date will be taken by the Commission after these regulations have been before the Congress 30 legislative days in accordance with 2 U.S.C. 438(c).

FOR FURTHER INFORMATION CONTACT: Ms. Patricia Ann Fiori, Assistant General Counsel for Regulations and Legislation, 1325 K Street, Northwest, Washington, D.C. 20463 (202) 523-4143.

SUPPLEMENTARY INFORMATION: These regulations were drafted pursuant to a Notice of Proposed Rulemaking published by the Commission on July 12, 1977, (42 FR 35856) and incorporate comments received subsequent to that notice and at public hearings held on September 12, 1977.

Explanation and Justification of Regulations on Funding and Sponsorship of Candidate Debates

CFR 100.4(b)(16) and 11 CFR 100.7(b)(18):

Under the Act, the terms "contribution" and "expenditure" include "a gift, subscription, loan, advance, or deposit of money or anything of value made for the purpose of influencing the nomination for election, or the election, of any person to Federal office . . ." (2 U.S.C. § 431(e)(1)(A)) Congress has, however, recognized that certain nonpartisan activity is not undertaken for the purpose of influencing the nomination or election of any candidate and has removed that activity from the coverage of the Act. Therefore, amounts spent for "nonpartisan activity designed to encourage individuals to register to vote or to vote" is exempt from the definition of the term "expenditure" (2 U.S.C. § 431(f)(4)(B)).

The educational purpose of nonpartisan public candidate debates is similar to the purpose underlying nonpartisan voter registration and get-out-the-vote campaigns. A properly held nonpartisan public candidate debate sponsored by a qualified nonpartisan organization provides a forum for significant candidates to communicate their views to the public. Unlike single candidate appearances, nonpartisan public debates are designed to educate and inform voters rather than to influence the nomination or election of a particular candidate. Hence, funds received and expended to defray costs incurred in sponsoring nonpartisan public debates are not considered contributions or expenditures under the Act.

11 CFR 110.13:

This section sets forth the criteria for sponsoring organizations and the structure of candidate debates which are exempt under 11 CFR 100.4(b)(16), 100.7(b)(18), and 114.4(e).

Under subsection (a), only an organization which has a history of nonpartisanship would qualify as a sponsor. In addition, the sponsor would have to be tax exempt under 26 U.S.C. § 501(c)(3). Organizations which are tax exempt under that section are prohibited by statute from participating in or intervening in any political campaign on behalf of any candidate for public office. By limiting sponsorship of debates to § 501(c)(3) organizations with a history of nonpartisanship, the integrity and fairness of the debate process is insured.

Subsection (b) outlines the structure for candidate debates at the presidential, House and Senate levels. This structure is designed to permit participation in a debate by significant serious candidates for the same public office.

In a general election debate at the presidential, House or Senate level, participation by candidates is based on affiliation with a political party. If a sponsoring organization invites a major party candidate to participate in a debate then the sponsor must also invite all other major party candidates seeking the same office to participate in that debate. Similarly, if a sponsor invites a minor party candidate to participate in a debate, then the sponsor is obligated to invite all other minor party candidates running for the same office to participate in the same debate.

If, under this standard, only one major party candidate agrees to participate in a debate, then the sponsor must invite all minor party candidates nominated for the same office to participate in a debate with that major party candidate. Similarly, if only one minor party candidate accepts a sponsor's invitation to participate in a debate, then the sponsor must invite all new party candidates nominated for the same office to participate in a debate with that minor party candidate.

Although there would usually be no obligation to invite candidates who are not major party candidates to a debate with major party candidates, the sponsor would have the discretion to invite a minor party, new party, independent, or write-in candidate to appear in the same debate with major party candidates. Hence, the sponsor would have the discretion to include all candidates whom the sponsor viewed as significant in the debate to which major party candidates are invited, thereby enhancing the educational value of the debate.

Structuring debates on the basis of party affiliation is similar to the standard used in the Act for public funding entitlement. Under the Act, only those presidential primary candidates who are seeking nomination by a political party are entitled to receive matching funds (26 U.S.C. § 9033(b)(2)). Moreover, the amount of funding to which a general election candidate is entitled is based on whether the candidate is a major, minor or new party candidate. (26 U.S.C. § 9004).

The Supreme Court in *Buckley v. Valeo* upheld the constitutionality of the Act's public financing provisions. The Court stated:

> . . . The Constitution does not require Congress to treat all declared candidates the same for public financing purposes. As we said in *Jenness v. Fortson*, "there are obvious differences in kind between the needs and potentials of a political party with historically established broad support, on the one hand, and a new or small political organization in

the other. . . . Sometimes the grossest discrimination can lie in treating things that are different as though they were exactly alike, a truism well illustrated in *Williams v. Rhodes, supra.*"

By basing participation in candidate debates on party affiliation, a standard which has been found constitutional by the Supreme Court is employed. Moreover, this standard will ensure a sponsor to present debates in which all significant candidates may appear to express their views.

At the caucus, convention and primary election levels, the standard is basically the same as for presidential and Congressional candidate debates. However, while congressional candidate debates are held on a State basis, presidential primary candidate debates may be held on a regional basis, with the sponsor designating the region.

Sponsors holding caucus, convention or primary election candidate debates have three different options for structuring those debates.

Option No. 1: The sponsor may hold a debate to which all candidates of all parties are invited. Thus, in States, which hold primary elections, all candidates qualified to appear on the ballot must be invited to participate in one debate; and in caucus or convention States, all recognized, active candidates must be invited to participate.

Option No. 2: The sponsor may hold a debate to which all candidates of one type (major, minor or new) of party are invited. For example, assume in a State that there are two major parties—Party X and Party Y—and one minor party—Party Z. The sponsor may hold a debate to which only candidates seeking the nomination of Party X and Party Y are invited. The sponsor would not be obligated to include the candidate seeking nomination by Party Z in any debate.

Option No. 3: The sponsor may hold separate debates restricted to candidates seeking the nomination of one party. If the sponsor chooses to hold such a debate for one party, then the candidates of all parties of the same type (major, minor or new) must be invited to participate in similar separate debates. This option is, however, not available if each party of the same type does not have at least two candidates seeking the nomination of that party.

As an example, assume that in a State, there are two major parties—Party X and Party Y—and one minor party—Party Z. Assume also that each party has two candidates. In this situation, if the sponsor chooses to hold a debate towhich the candidates of Party X are invited, the sponsor must also invite the candidates of Party Y to participate in a debate to which only they are invited. There would be no obligation to hold a debate for the candidates of Party Z—the minor party.

As a different example, assume the same parties in a State, but only one candidate rather than two, seeking the nomination of Party X. Because in such a situation there would be one major party with less than two candidates seeking the nomination of that party, the sponsor would not have the option of holding separate debates for each major party.

The standard at the House and Senate caucus, convention and primary election level is basically the same as for presidential caucus, convention and primary debates. This standard provides a fair opportunity for a wide number of candidates to participate in a debate and at the same time, allows the sponsor sufficient flexibility to hold separate debates for candidates of different parties when such debates would be more meaningful and of greater educational value.

11 CFR 114.4(e):

Certain nonpartisan voter registration and get-out-the-vote activity is exempt from the coverage of all provisions of the Act, including the prohibition against corporate and labor union contributions and expenditures. Because nonpartisan public candidate debates are similar in nature and purpose to registration and voter activity, corporations and labor unions are permitted to donate funds to support such debates.

Although 2 U.S.C. § 441b broadly prohibits corporate and labor union political spending, Congress carved out an exemption from that prohibition for certain nonpartisan registration and get-out-the-vote activity. Corporations are thus specifically permitted under 2 U.S.C. § 441b(b)(2)(B) to use their treasury funds to conduct nonpartisan registration and get-out-the-vote campaigns aimed at their stockholders and their executive and administrative personnel. Similarly, under that section, unions are permitted to use treasury funds to conduct registration and get-out-the-vote campaigns aimed at union members and their families.

Moreover, in permitting corporations and labor unions to support registration and get-out-the-vote campaigns aimed at the public, Congress prescribed a role for nonpartisan nonprofit organizations. In addition to § 441b(b)(2)(B), 2 U.S.C. § 431(f)(4)(B) also specifically provides that the term "expenditure" does not include "nonpartisan activity designed to encourage individuals to register to vote, or to vote." In discussing the interrelationship between 2 U.S.C. § 431(f)(4)(B) and 2 U.S.C. § 441b(b)(2)(B), the 1976 conferees expressly stated that corporate and union treasury funds could be used for nonpartisan registration and get-out-the-vote efforts aimed at the general public, if such efforts were jointly sponsored by a nonprofit nonpartisan organization.

. . . The conferees' intent with regard to the interrelationship between sections 301(f)(4)(B) and 321(b)(2)(B) which permit such activities as assisting eligible voters to register and to get to the polls, so long as these services are made available without regard to the voter's political preference, is the following: these provisions should be read together to permit corporations both to take part in nonpartisan registration and get-out-the-vote activities that are not restricted to stockholders and executive or administrative personnel, if such activities are jointly sponsored by the corporation and an organization that does not endorse candidates and are conducted by that organization; and to permit corporations, on their own, to engage in such activities restricted to executive or administrative personnel and stockholders and their families. The same rule, of course, applies to labor organizations. H.R. Rep. No. 1057, 94th Cong., 2nd Sess., p. 63–64 (1976).

The conferees' intent is embodied in Commission regulations at 11 CFR 114.4(d). That section permits corporations or labor unions to support and donate funds for nonpartisan registration and get-out-the-vote drives aimed at the public if the activities are jointly sponsored with and conducted by a nonprofit organization which does not support or endorse candidates or political parties.

In sections 431(f)(4)(B) and 441b(b)(2)(B) Congress expressly indicated an intent to permit corporations and labor organizations to participate in nonpartisan activity aimed at encouraging voter participation where that activity was undertaken in conjunction with a nonpartisan nonprofit organization. Permitting corporations and unions to donate funds to a nonpartisan nonprofit organization for the purpose of sponsoring nonpartisan candidate debates furthers that express congressional intent. Candidate debates stimulate voter interest and hence "encourage individuals to register to vote or to vote." Inasmuch as candidate debates are in the public interest and encourage educated voter involvement, permitting corporations and unions to donate funds for their sponsorship is consistent with congressional intent and policy underlying sections 431(f)(4)(B) and 441b(b)(2)(B).

It is also important to note that the prohibitions of 2 U.S.C. § 441b were not specifically aimed at the donation of corporate or union funds to a nonpartisan tax exempt organization. Under 2 U.S.C. § 441b(b)(2), the terms "contribution" and "expenditure" are defined to mean "any direct or indirect payment, distribution, loan, advance, deposit or gift of money . . . to any *candidate, campaign committee* or *political party or organization.*" Under 11 CFR 114.4(e), only an organization which has a history of nonpartisanship is qualified to sponsor candidate debates, and that organization must in addition be tax exempt under 26 U.S.C. § 501(c)(3). Such tax exempt organizations are probited by statute from intervening in any political campaign on behalf of any candidate for public office. Hence, an organization qualified to sponsor candidate debates would be neither a campaign committee, a political party nor a political organization referred to in 2 U.S.C. § 441b.

Finally, courts have generally construed 2 U.S.C. § 441b to prohibit only active electioneering on behalf of a candidate or a political party or conduct designed to influence the public for or against a particular candidate. (See, *United States v. United Auto Workers*, 352 U.S. 567 (1957); *United States v. Pipefitters Local Union No. 562*, 434 F.2d 1116 (8th Cir. 1970), rev'd on other grounds, 407 U.S. 385 (1972); *Miller v. American Telephone & Telegraph*, 507 F.2d 759 (3d Cir. 1974). Unlike single candidate appearances which have the effect of promoting the nomination or election of one individual, a properly structured nonpartisan public debate involving two or more candidates would not be construed to be active electioneering to promote or influence the nomination or election of one particular candidate.

11 CFR Chapter I is amended as follows:

1. 11 CFR 100.4(b)(16) is added to read as follows:

§ 100.4 Contribution.

* * * * *

(b) * * *

(16) Funds provided to defray costs incurred in sponsoring nonpartisan public candidate debates held in accordance with the provisions of 11 CFR 110.13.

2. 11 CFR 100.7(b)(18) is added to read as follows:

§ 100.7 Expenditure.

* * * * *

(b) * * *

(18) Funds used to defray costs incurred in sponsoring nonpartisan public candidate debates held in accordance with the provisions of 11 CFR 110.13.

3. 11 CFR 110.13 is added to read as follows:

§ 110.13 Nonpartisan public candidate debates.

(a) *Sponsor.* A nonprofit organization which is exempt from federal taxation under 26 U.S.C. 501(c)(3) and which has a history of neither supporting nor endorsing candidates or political parties may sponsor nonpartisan public debates held in accordance with 11 CFR 110.13(b).

(b) *Debate Structure.* (1) *Presidential, House or Senate General Election Candiate Debates.* (i) If the sponsor invites one general election candidate who has been nominated by a major party to participate in a debate, then the sponsor must invite all candidates nominated for the same office by any major party to participate in the same debate.

(ii) If the sponsor invites one general election candidate who has been nominated for election to that office by a minor party to participate in a debate, then the sponsor must invite all candidates nominated for the same office by any minor party to participate in the same debate.

(iii) If the sponsor invites one general election candidate who has been nominated for election to that office by a new party to participate in a debate, then the sponsor must invite all candidates nominated for the same office by any new party to participate in the same debate.

(iv) If, in a debate under 11 CFR 110.13(b)(1)(i), only one major party candidate agrees to participate, then the sponsor must invite all minor party candidates nominated for the same office to participate in the debate. If, in a debate under 11 CFR 110.13(b)(1)(ii), only one minor party candidate agrees to participate, then the sponsor must invite all new party candidates nominated for the same office to participate in the debate.

(v) The sponsor shall have the discretion to include any minor party, new party, independent or write-in candidate in any debate held under 11 CFR 110.13(b)(1).

(vi) If a sponsor holds a debate for presidential general election candidates, it may also hold a separate debate to which all vice-presidential running-mates of the candidates who participated in the general election debate are invited.

(vii) In States where the names of a candidate's electors, rather than the name of the candidate, will appear on a State election ballot, that candidate will be deemed to be the candidate for the purpose of 11 CFR 110.10(b)(1).

(2) *Presidential Caucus, Convention or Primary Election Candidate Debates.* (i) A sponsor may hold a presidential, caucus, convention or primary election candidate debate in any of the following ways:

(A) The sponsor shall invite all candidates qualified to appear on a State primary election ballot in a specified region, as well as each recognized, active candidate in any caucus or convention State in that region.

(B) In lieu of a debate held under 11 CFR 110.13(2)(i) (A) or (C), the sponsor has the option of holding a debate to which all candidates of all parties of the same type (major, minor or new) in a specified region are invited.

(C) In lieu of a debate held in accordance with 11 CFR 110.13(b)(2)(i) (A) or (B), the sponsor has the option of holding a debate restricted to candidates seeking the nomination of one party in a specified region. If the sponsor chooses to held a debate restricted to the candidates for a particular party's nomination, then the sponsor must also invite the candidates for nomination by each party of that type (major, minor or new) to participate in a similar separate debate restricted to the candidates seeking nomination by one party. However, where each of the parties of that type does not have at least two candidates seeking the nomination of that party, then the sponsor does not have the option to hold separate debates under this section.

(ii) In States where the name of a candidate's electors, or the name of delegate candidates pledged or committed to a presidential candidate seeking nomination of a party, rather than the name of the candidate, will appear on a State election ballot, that candidate will be deemed to be the candidate for the purposes of 11 CFR 110.13(b)(2).

(3) *House or Senate Caucus, Convention or Primary Election Candidate Debates.* (i) For House or Senate candidate debates in a primary election State, the sponsor shall invite all candidates who are seeking party nomination for the same office and are qualified to appear on the ballot; or in a caucus or convention State, the sponsor shall invite all recognized active candidates seeking party nomination for the same office.

(ii) In lieu of a debate held under 11 CFR 110.13(b)(3) (i) or (iii), the sponsor has the option of holding a debate to which all candidates of all parties of the same type (major, minor or new) in a specified region are invited.

(iii) In lieu of a debate held in accordance with 11 CFR 110.13(b)(3) (i) or (ii), the sponsor has the option of holding a debate restricted to candidates seeking the nomination of one party. If the sponsor chooses to hold a debate restricted to the candidates for a particular party nomination, then the sponsor must also invite the candidates for nomination by each party of that type (major, minor or new) to participate in a similar separate debate restricted to the candidates seeking nomination by one party. However, where each of the parties of that type does not have at least two candidates seeking the nomination of that party, then the sponsor does not have the option to hold separate debates under this section.

(4) *Two candidate requirement.* At least two candidates must participate in any debate held under 11 CFR 110.13(b).

(5) *Definitions.* For purposes of 11 CFR 110.13(b), the following definitions apply.

(i) The term "major party" means, with respect to any United States presidential, House, or Senate general election, a political party whose candidate for that office in the preceding election for that office received, as the candidate of such party 25 percent or more of the total number of popular votes received by all candidates for such office.

(ii) The term "minor party" means, with respect to any United States presidential, House, or Senate general election, a political party whose candidate for that office in the preceding election for that office received, as the candidate of such party, 5 percent or more but less than 25 percent of the total number of popular votes received by all candidates for such office.

(iii) The term "new party" means, with respect to any United States presidential, House, or Senate general election, a political party which is neither a major party nor a minor party.

(6) *Endorsements by more than one party.* For purposes of 11 CFR 110.13(b), a candidate receiving the endorsement of a major party and a minor or new party will be considered a major party candidate. A candidate receiving the endorsement of a minor party and a new party will be considered a minor party candidate.

4. 11 CFR 114.4(e) is added to read as follows:

§ 114.4 Nonpartisan communication.

* * * * *

(e) *Nonpartisan public candidate debates.* A corporation or labor organization may donate funds to organizations qualified under 11 CFR 110.13 to sponsor nonpartisan public candidate debates held in accordance with the provisions of that section.

Dated: June 29, 1979.

Robert O. Tiernan,

Chairman, Federal Election Commission.

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Part V

Department of Energy

Emergency Building Temperature Restrictions

DEPARTMENT OF ENERGY

10 CFR Part 490

[Docket No. CAS-RM-79-109]

Emergency Building Temperature Restrictions

AGENCY: Department of Energy.

ACTION: Final rule.

SUMMARY: The Department of Energy (DOE) today promulgates final regulations to implement "Standy Conservation Plan No. 2, Emergency Building Temperature Restrictions" (the Plan), which place temporary, emergency restrictions on temperature settings for heating, cooling and hot water in commercial, industrial and other non-residential buildings in order to reduce energy consumption. The regulations will become effective on the effective date of the Plan.

These regulations prescribe specific heating and cooling restrictions of 65° F and 78° F, respectively, for simple and complex heating, ventilating and air conditioning systems, heating set back requirements for periods when buildings are unoccupied, and temperature restrictions of 105° F for hot water used for personal hygiene and general cleaning. Building owners and operators are required to post a certificate of compliance with the restrictions in a prominent location within each building. The regulations exempt certain categories of buildings or portions of buildings from the temperature requirements of the Plan. Standards and procedures are established for states seeking exemptions on grounds that a comparable state plan is in effect. The regulations provide procedures for Federal enforcement of the mandatory temperature restrictions and contain penalty provisions for violation of those restrictions.

EFFECTIVE DATE: These regulations will become effective on a date determined by the President and transmitted to Congress as the effective date for "Standby Conservation Plan No. 2, Emergency Building Temperature Restrictions."

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SUPPLEMENTARY INFORMATION:

I. The Proposed Regulation

On June 1, 1979, DOE issued a notice of proposed rulemaking and public hearing (44 FR 31922, June 1, 1979) intended to provide for implementation of the President's "Standby Conservation Plan No. 2, Emergency Building Temperature Restrictions" (the Plan); Placing temporary, emergency restrictions on temperature settings for heating, cooling and hot water in commercial, industrial and non-residential public buildings. Written comments were invited, and public hearings were held in San Francisco, California; Chicago, Illinois; Dallas, Texas; New York, New York; and Washington, D.C. between June 14 and 21, 1979. Over 550 written comments were received and 110 oral presentations were made at the five public hearings. Commenters include representatives of a broad range of trade associations, educational and cultural institutions, building owners and operators, business activities, and private citizens from many sections of the country.

The great majority of the comments opposed some or all of the proposal. Most of the commenters agreed that a comprehensive energy conservation plan is necessary in order to conserve our dwindling energy reserves. Many comments were received which suggested that other conservation techniques be included in the regulations as alternatives to the specified temperature restrictions. For example, the National Restaurant Association developed a set of guidelines for restaurant operation which if followed would appear to yield significant energy savings. Others suggested a percentage reduction alternative which would allow an exemption from temperature restrictions for any person who demonstrated that he saved a specified percentage of energy use when compared to a base period.

The inclusion of alternative conservation methods was rejected for several reasons. First, since these regulations are mandatory in nature with penalties for non-compliance, violations must be readily detectable. It was determined that there are significant problems associated with checking compliance with most alternative conservation techniques. Also, relaxation of the cooling restrictions to 78° F, discussed below, eliminates many of the operational difficulties which may have resulted from the 80° F limit and which prompted these alternative proposals.

There also were reasons from a policy standpoint to reject these proposals. Permitting alternative conservation measures as a means of avoiding temperature restrictions would tend to favor those persons who have not conserved in the past, and conversely would restrict to the 65-78° F temperatures those persons who have done the most for conservation. We also were concerned with problems of public perception of the program if certain buildings were more comfortable than others, and with the possible competitive disadvantages which may result if adherence to the temperature restrictions was not generally uniform.

DOE encourages associations like the National Restaurant Association to continue to develop and implement these conservation techniques, notwithstanding that they are not included in these regulations. Implementation of such measures, together with thermostat restrictions, will add measurably to this Nation's energy conservation effort.

Many commenters recommended that the range of permissible temperatures be narrowed from the 65° F-80° F range contained in the proposed regulations. Representatives of restaurants, health spas and other physical fitness facilities, and retail stores, expressed displeasure with the proposed 80° F minimum for cooling. They cited expected losses of business from customers unwilling to experience significant discomfort, reduced employee productivity, damage to retail items, including food, from spoilage or mildew, and jeopardy to the health of persons with allergies and respiratory problems. Health concerns also were raised for persons in certain age groups when exercising in health spas and fitness centers. Museums, art galleries, libraries and archives expressed concern that their collections might incur severe damage. Opposition to the 65° F heating maximum was much more limited and emphasized presumed reductions in employee productivity. Building owners and operators noted that some buildings have thermostats with fixed temperature ranges which would have to be replaced if more extreme temperatures were imposed. They also pointed out that many office

buildings have combined heating and cooling systems which operate at maximum efficiency at temperatures other than 65° F and 80° F. A more detailed discussion of the public comments is included below in the "Section by Section Analysis of the Emergency Building Temperature Restrictions Regulations."

DOE has carefully considered all of the comments submitted. Many of the suggestions for changes have been incorporated into the final regulation. A basic change in the overall approach to implementation of the Plan is the adoption in these regulations of a lower minimum temperature of 78° F for cooling and a reduction in the minimum allowable dew-point temperature from 67° F to 65° F. These modifications are adopted, in response to public comment, since DOE believes that many of the concerns raised are worthy of being addressed. In addition, building owners and operators will be more willing and able to comply with the reduced minimum cooling and dew-point temperature limitations and fewer exceptions and exemptions will be required.

A number of more detailed changes have also been made in response to the public comments received. For example, a general exemption is made available for doctors' and dentists' offices. Buildings which would require the use of increased amounts of energy to comply with the regulations are permitted to operate in accordance with normal operating practices consistent with maximum energy savings, with some limitations on cooling practices. Other detailed changes were made in the regulations and are discussed below.

II. Background and Brief Description of the Final Regulations

Pursuant to sections 201(a) and (b) of the Energy Policy and Conservation Act (42 U.S.C. 6201 *et seq.*) (EPCA), the President developed and transmitted the Plan to Congress on March 1, 1979. DOE published a notice on March 8, 1979 (44 FR 12906) of the President's adoption of the Plan. The Plan was approved by resolutions of the Senate on May 2, 1979 and of the House on May 10, 1979. Section 201(b) of the EPCA provides that to put the Plan into effect, the President must submit to Congress his finding that the Plan's effectiveness is required by a severe energy supply interruption or in order to fulfill obligations of the United States under the international energy program, together with a statement of the Plan's effective date. Under section 201(a) of the EPCA, the Plan, once implemented, will remain in effect for a period no longer than nine months, unless earlier terminated or suspended by the President. Section 9(a) of the Plan authorizes DOE to implement, administer, monitor and enforce its terms, to determine exemptions, and to promulgate regulations as necessary and appropriate.

The objective of the Plan, and DOE's intent in formulating these regulations, is the achievement of a significant and immediate reduction in energy demand. In its May 1979 "Report to the President on the Energy Supply Interruption," DOE has concluded that continuing reduced levels of world crude oil production have resulted in a severe national energy supply shortage which is beginning to have a major adverse impact on the national safety and the national economy. The enforcement of mandatory conservation measures, such as the building temperature restrictions contained in the Plan and these regulations, is required to help meet the shortage. Current petroleum product shortages in the United States are principally with respect to gasoline and distillates, including diesel fuel. Stocks of distillates are significantly below levels for the comparable period of 1978 and DOE is seriously concerned that unless stocks are built up, adequate amounts of heating oil may not be available for the heating season. These regulations directly assist in this regard by reducing electricity demand and demand for heating oil in winter. In the cooling season, for many utilities significant amounts of peak load air conditioning demand is met by distillate. By reducing this demand, the Plan and the regulations will directly address the distillate shortage situation and assist in ensuring that the nation has adequate heating oil in the coming winter.

The final regulations prescribe specific heating and cooling restrictions of 65° F and 78° F for both simple and complex heating, ventilating and air conditioning (HVAC) systems, heating set back requirements for periods when buildings are unoccupied, and a temperature restriction of 105° F for hot water used for personal hygiene and general cleaning. As authorized by the Plan, residential buildings, hotels and other lodging facilities, hospitals and other health care facilities, elementary schools, nursery schools and day-care centers are excluded from coverage. The regulations make general exemptions available to certain other categories of buildings or uses within buildings. In addition, a procedure is established by which individuals may apply to DOE for specific exceptions based on special hardship or inequity. The regulations require that affected building owners or operators must self-certify their compliance with the restrictions or their eligibility for exemption.

The Plan authorizes states to seek exemptions from building temperature requirements on grounds that a "comparable program" is in effect. The regulations establish standards of comparability and a procedure for granting state exemptions. Finally, the regulations set forth Federal enforcement procedures and penalty provisions for violation of the temperature restrictions.

III. Section by Section Analysis of the Emergency Building Temperature Restrictions Regulations

Subpart A. Scope and Definitions

§ *490.1 Scope.* Section 490.1 is essentially the same as proposed, with the addition of a provision that the regulations shall supersede inconsistent Federal orders, regulations and directives. The purpose of the added provision is to make building temperature restrictions uniform among Federal buildings and between government and privately owned buildings. In response to the question raised by several commenters, the regulations, once effective, will supersede any lease provisions which are inconsistent with the regulations.

§ *490.2 Effective date.* Proposed § 490.2 provided that the regulations would become effective on July 1, 1979 or another date specified by the President. This section now provides that the regulations will become effective on a date specified by the President as the effective date of the Plan and may be terminated or suspended by the President, or will terminate on the same date as the Plan terminates.

§ *490.3 Authority to contract or delegate.* Section 490.3, which provides that DOE may delegate or contract for the carrying out of its functions under these regulations, is unchanged. In the preamble to the proposed regulations, DOE stated its intention, pursuant to section 9(c) of the Plan, to delegate to each state Governor requesting such delegation, a substantial portion of its authority to implement the Plan. On June 18, 1979, DOE issued a notice of intent (44 FR 34965, June 18, 1979) which set forth the duties and authorities to be delegated to states requesting delegation and the amount of Federal funds which will be available to states to which delegation is made to meet the cost of their implementation activities.

§490.4 Authority to issue orders and guidelines. Section 490.4 is unchanged, and provides that DOE may issue orders and guidelines as necssary to implement these regulations.

§ 490.5 Definitions. Most of the definitions which were proposed in the June 1, notice have been adopted as proposed. Several definitions have been modified after consideration of the public comments. The definition of "ASHRAE" has been deleted.

Definitions were added, for clarification, for "cooling season" and "heating season". The "cooling season" is defined as that season when energy is consumed only to lower the temperature of a building. Some systems, e.g., reheat systems, may be operated so they never have a cooling season, where, for example, the reheat function is operating for the entire year. Similarly, "heating season" is defined as that period when energy is consumed only to raise the temperature of a building. Other periods of the year are neither heating season nor cooling season. For example, heating energy may be consumed to warm a building in the morning and cool it in the afternoon. These periods do not necessarily correspond to the four seasons of the year.

The difinition of "dry-bulb temperature" has been expanded to include alternative definitions which incorporate an adjustment for the effects of thermal radiation on the building occupant. this adjusted dry-bulb temperature can be based on generally accepted industry practices, which include, for example, the mean radiant temperature. This allows adjustment of the HVAC system to account for radiation gain from sunlight through windows, and for radiation loss through windows. Incorporation of the adjustments, however, is a difficult task and may require the assistance of a professional engineer.

In response to several public comments, a definition for "elementary school" has been added.

The definition of "hotel and other lodging facility" has been modified, in accordance with the suggestion of one commenter, to include buildings where sleeping and lodging accommodations are provided in the ordinary course of business to members of a private membership organization or other private facility. All restrictions and exemptions in these regulations apply equally to public and private facilities.

"HVAC systems capable of simultaneously heating and cooling" is defined to mean those systems, primarily in large buildings, which are capable of heating one room or set of rooms, e.g., perimeter rooms in cold weather, while at the same time cooling another room or set of rooms, e.g., interior rooms which must be air conditioned even during cold weather.

"Occupied period" was redefined to include only that period during which the building is used for its normal functions. Reference is made to section 490.14(a)(4)(ii), which allows operation of the HVAC system before the occupied period to bring building temperature to the authorized limits.

The definition of "residential building" has been clarified so that residential building lobbies and hallways are included within the definition, but business or commercial areas on separate HVAC system controls are not.

The definition of "room" was modified to refer to areas contained within floor to ceiling partitions. This modification allows a more meaningful description of the compliance measurement technique.

A definition was added for "solar energy" because of the many comments received. This definition refers to direct solar heating and cooling, solar electric power generation, wind energy, biomass (such as wood) and small scale water power. It does not include indirect use of these sources, such as hydro-generated electric power purchased from utilities, since this energy may be used to displace fossil-generated electricity.

Subpart B—Heating and Cooling Restrictions

Two overall changes have been made with respect to the temperature requirements set forth in this Subpart. First, DOE has decided to lower the minimum permissible cooling temperature from 80° F to 78° F. This change was made for two reasons. Comments from representatives of restaurants, retail stores and other businesses cited expected losses of business from customers unwilling to experience significant discomfort, reduced employee productivity, damage to retail items from mildew, and other problems. Also, we believe the energy savings potential of the 78° F restriction on cooling is equal to or greater than the possible savings which would be achieved under the 80° F limitation, due to increased voluntary compliance.

In our view the revised cooling minimum of 78° F addresses adequately the concerns raised in the comments. A dry-bulb temperature of 78° F is within the comfort zone commonly accepted by HVAC system engineers, and is within the design specifications of most HVAC systems. In addition, at the public hearings on the proposed regulations many speakers indicated that while the 80° F level was a serious problem, a minimum level of 78° F would be acceptable. Assuming that people adjust their clothing styles, we believe that there should be little difficulty in adjusting to the 78° F level.

One major concern of restaurant owners was that kitchens will be significantly hotter if the dining room temperatures are raised to 80° F in restaurants where kitchens are cooled by the exhaust air from the dining rooms. We anticipate that lowering the allowable temperature to 78° F will keep the kitchens in a tolerable temperature range. However, it should be noted that if the kitchens are on the same HVAC system as the dining rooms, § 490.17(a) would allow the kitchen temperature to be used as the criterion for setting the space-conditioning control devices. The regulations do permit operation of the kitchens at 78° F; in such circumstances, the dining rooms would be cooler.

Another important consideration in lowering the minimum allowable cooling temperature relates to the necessity to ensure a high level of compliance with the restrictions. If the public perception of the building temperature restriction regulations is that such regulations were unfair or excessively burdensome, compliance with the regulations could suffer significantly. Since the cooperation of building owners and operators is critical to achieving meaningful energy savings, the revised minimum level should actually have a positive effect on energy savings.

The anticipated savings from implementation of the 65° F heating and the 78° F cooling restrictions would be approximately the same as, or slightly higher than, the previously estimated oil savings range of 190,000 to 375,000 barrels per day. The economic analysis prepared in conjunction with the Plan assumed average building termostat settings at the time the Plan would be implemented of 68° F in the heating season and 77° F in the cooling season. Based on information generated in the public hearings, we now believe that current temperature levels in buildings covered by the Plan fall within a narrower range, probably 70° F to 71° F in the heating season and 75° F to 76° F in the cooling season. If the other previous assumptions in the economic analysis of the Plan are retained, anticipated oil savings using these temperature levels would rise by between 120,000 and 240,000 barrels of oil per day over previous estimates. The

reduction in oil savings that could be anticipated from lowering the cooling standard from 80° F to 78° F is approximately 120,000 barrels of oil per day. Thus the reduced oil savings from utilizing a 78° F cooling restriction would at a minimum be fully offset by the increase in the savings estimate from our use of more current assessments of building temperature levels. Finally, we note that these savings estimates relate only to the direct or indirect use of oil; additional savings from other energy sources, such as natural gas and coal, might amount to at least half again the projected oil savings from implementation of the Plan.

The heating restriction of 65° F has been retained as proposed. The major reason for adhering to the 65° F limitation is DOE's serious concern that unless existing stocks are conserved, the supply of home heating oil may not be adequate in the coming heating season. In addition, opposition to the 65° F heating limitation, as expressed in the public comments, was substantially less than that directed to the proposed cooling restriction.

The second major change in this Subpart is that we have lowered the dew-point temperature from the proposed 67° F to 65° F. Many commenters expressed concern that the level set forth in the proposed regulation was too high, particularly in humid regions of the country. The humidity level set in the final regulations is still relatively high. However, it should be noted that HVAC systems work in such a way that we expect the high humidity conditions to occur only under rare circumstances. With normal operation of the HVAC system to maintain 78° F, the dew-point will be close to a comfortable level of 61° F. Only under the unusual conditions of high latent heat loads would the 65° F dew-point humidity limit ever be encountered. Many comments were received from restaurant owners who stated that they need comfort conditions significantly better than available in the home if they are to draw customers. Restaurants do have high latent loads and therefore will operate near the humidity limit of 65° F. However, the additional discomfort in raising the dew-point temperature from 61° F to the required 65° F minimum is not considered significant particularly in light of the reduced minimum cooling temperature level adopted in the final regulations, and the provisions of § 490.16 allowing use of ventilating fans.

The use of relative humidity, rather than dew-point, was suggested by many commenters, because relative humidity is easier to measure. We recognize the measurement difficulty and have listed several methods by which dew-point can be inferred. Dew-point was chosen as the criterion because the upper limit of comfort, according to common industry usage, is based on dew-point, and not on relative humidity. The cooling of the human body, for example, is known to depend on dew-point rather than relative humidity, for any given dry-bulb temperature. Therefore, although the measurement technique is more complicated, the measurement is more meaningful for defining the limits of a comfort region. In those few cases in which relative humidity is controlled, the operator will want to experiment with several relative-humidity set points until the proper dew-point is attained.

§ *490.11 HVAC Systems Without Capability for Simultaneous Heating and Cooling.* This section of the regulations is virtually identical to that in the proposed regulations; however, as already noted, permissible dry-bulb temperature has been reduced from 80° F (as proposed) to 78° F, and the permissible dew-point temperature has been decreased from 67° F as proposed to 65° F.

§ *490.12 HVAC Systems With Capability for Simultaneous Heating and Cooling.* Many comments were received concerning the apparently simplistic manner in which the complex HVAC systems of large buildings were treated in the proposed regulations. Many of the comments arose because the proposed regulations did not clearly indicate that an operator was expected to shift his compliance technique to suit his situation. For example, if the operator finds that holding the cooling-coil temperature to 55° F is adequate in the intermediate seasons but not in the summer, because room temperatures exceeded 78° F, we would expect him to change compliance techniques from control of the cooling-coil temperature to maintaining the hottest room at 78° F. Other comments concerning complex systems were directed toward the numerous thermostats which would require adjustment. When the temperature sensors are placed in the return ducts, the adjustment could be extremely costly. We would expect operators facing this problem to elect the compliance technique in which the cooling-coil temperature is maintained at 55° F, since the cooling coil can be controlled at the central plant. As discussed below we have added the provision that if an alternate control strategy can be devised for what the operator defines as the intermediate season (when heating and cooling are both being supplied to the building) and this alternate strategy results in less energy consumption by the HVAC system than would be consumed if any of the other methods of compliance are met, then the operator can use his alternate strategy.

Other than the alteration in temperature limits, no changes were made in the temperature range requirements available to all HVAC system operations as one method of complying with the regulations. Also, there are no changes to the requirements for operators of fan-coil, induction, or baseboard (or similarly operated) units, except that emphasis is placed on the opportunity for operators to choose among compliance techniques so that human comfort is maximized. Therefore, the operator might choose to keep the coolant to the cooling coils at 55° F during the intermediate seasons. However, the 55° F may not be sufficient to keep the room dry-bulb temperature below 78° F, in which case the operator may switch to the temperature range alternative, set the cooling level below 55° F, and bring the temperature down to 78° F. Such switching of compliance techniques may be made as often as the operator desires.

The regulations imposed on heat-pump operators remain unchanged, except for the new temperature limits. Some minor clarifications were introduced into the language concerning "all-air" systems. In addition, the new temperature limits were incorporated. In response to comments received, we have added, first, a section emphasizing that the operator may change his compliance technique as many times as he desires and, second, that alternate temperature set points may be used if these result in more energy savings than would be realized if the temperature settings of 65° F and 78° F were used. A licensed professional engineer must certify his analysis that shows that the alternate temperature set points will save more energy than if the specified settings were used. This greater saving in energy may be realized over any time period. For example, the intermediate settings may save more energy only during the intermediate season, in which case the operator may use (and is encouraged to use) these intermediate set points during the intermediate season, while reverting to the specified settings during the heating-only and cooling-only seasons.

In introducing the change to accommodate intermediate settings that save more energy, we have retained the provision that the liquid coolant supplied to the cooling coil be at 55° F,

or that the air temperature leaving the cooling coil be at 60° F, to ensure that the savings achievable by less dehumidification are not circumvented by the users of the intermediate set points. If the 55° F or 60° F limits do not provide enough cooling to keep the room temperatures below 78° F, the operator would probably want to switch compliance techniques to the temperature range alternative, in which the compliance is measured by the room temperature being not less than 78° F, rather than the engineer-certified alternative.

In certifying that less energy will be used the engineer need establish only those temperature levels "consistent with" maximum energy savings; he need not demonstrate that no other settings would achieve greater savings. The emphasis and requirement is that the alternate technique must, under normal circumstances and weather and building usage, save more energy than would be saved if the 65° F–78° F settings were used. Any false certification by an engineer would subject that engineer to the penalties provided in the regulations.

Comments were received expressing the concern of many regarding the cost of equipping buildings with new thermostats which automatically maintain temperatures within specified ranges, and the cost of constantly changing thermostats. The regulations do not require equipping a building with a new thermostat since one of the other compliance strategies may be chosen. The costs of changing the thermostats and rebalancing the HVAC systems may increase the man-hours required; however no feasible alternative could be developed which would not provide a major loophole allowing the spirit of these regulations to be circumvented. In addition, it is not expected that the short time span (nine months) in which the regulations will be effective will require unreasonable numbers of adjustments. We have attempted to anticipate the operation of all types of systems, and the addition of new subsection 490.12(e) permits great latitude in compliance. However, in case we have not foreseen some circumstances, owners and operators may apply for an exception under § 490.32.

§ *490.13 Requirement for accuracy of space-conditioning control devices.* Several comments were received asking for a specific definition of the allowable range for accuracy requirements for the space-conditioning control devices. However, there is such a variation among types of devices that any specific range, such as 5° F suggested by one commenter, would not be proper for all types of devices. The requirement of the regulations that space-conditioning control devices be maintained within reasonable tolerances of accuracy must be interpreted in light of the accuracy of commercially available devices in the price range that is actually used in the building.

§ *490.14 Regulation of Building Temperatures During Unoccupied Periods.* Section 490.14 establishes HVAC system operation restrictions for buildings during unoccupied periods. The changes made to the restrictions include a recognition that the outdoor air temperatures which govern the scope of the restrictions applicable during the unoccupied period need only be the anticipated temperatures, not actual temperatures. In addition, an option has been included which allows setting the space-conditioning control device at 55° F or lower, or at its lowest set point if higher than 55° F.

Operation of the HVAC system is no longer restricted to the two hours before building opening. Several of the comments, particularly from warmer climates, pointed out that it was necessary to begin system operation more than two hours before occupancy in order to reach operating temperatures. Also, the load requirements on utilities if all units began operating at the same time would not be manageable. Therefore, the final regulations authorize HVAC system operation during the unoccupied period as far in advance as is necessary so that the authorized temperature levels are reached simultaneously with the beginning of the occupied period. Additionally, operation of HVAC systems during unoccupied periods is authorized where a public utility or district heating system requests such operation for load management purposes.

A number of comments were received regarding the ability of the operator to anticipate the minimum outdoor dry-bulb temperature during the unoccupied period. This should not be a problem during the hot and cold seasons of the year. During the mild seasons, the operator is expected to use his best judgment. In any event, the additional energy consumption caused by not using the setback in those periods will be minimal.

§ *490.15 Auxiliary Heaters.* This section is identical with the one in the proposed regulations, and prohibits use of auxiliary heaters to raise the room temperature above 65° F. Comments were raised about discomfort, particularly for secretaries and other persons with sedentary jobs in areas where temperatures cannot be precisely controlled. The regulations allow for control of the portion of the HVAC system so that the extreme temperature in the area controlled by that portion of the system is within the authorized limits. In addition, auxiliary heaters can be used where necessary to raise the temperature to 65° F. Changes in clothing habits for affected individuals also will reduce the potential discomfort.

§ *490.16 Use of Ventilating Equipment.* This section remains unchanged from the proposed regulations. Energy usage for fans and pumps (except heat pumps, or compressors) is not restricted. Comments were received indicating that in some HVAC systems the fan and pump requirements may consume a significant portion of a building's total energy requirements. However, the dominant energy consumption is due to the refrigeration equipment, so a net energy saving is to be realized. Any increased air flow in the summer, due to the central or portable fans, will make the higher temperatures and humidities more tolerable. Therefore, no limitations are placed on fan use, and use of fans to circulate air for increased comfort is encouraged.

§ *490.17 Measurement Techniques.* Since a portion of an HVAC system may regulate the temperatures in many rooms simultaneously, rooms will be difficult to regulate precisely. The preamble to the proposed regulations recognized this problem, allowing temperatures to be measured in the room with the extreme temperatures.

To clarify this issue, the regulations have been changed to allow that if any room whose temperature is controlled by a portion of an HVAC system is in compliance with temperature restrictions, all rooms whose temperature is controlled by that same portion of the system are deemed to be in compliance. Thus, the room on any one system with the extreme high temperature when cooling, and the extreme low temperature when heating, may be the room measured for determination of compliance.

Another change to this section authorizes an option for the calculation of dry-bulb temperature by taking the mean of the temperature at the center of the room, and at the center of and two feet away from each of the exterior walls. If there are no exterior walls, then the temperature only is measured in the center of the room. Also, for HVAC systems in which temperatures cycle, the temperature may be taken as the

average of several equally spaced measurements over a period of time. The appropriate time period may be determined by the inspector and the operator to account for system cycling differences among buildings.

§ *490.18 Exemptions from Heating and Cooling Restrictions.* Sections (a)(2), (3), and (4) have been modified to emphasize that HVAC systems using solar, waste, or similar systems which will in fact save no energy if not operated to heat or cool the building are exempt only during those periods they provide the only source of heating or cooling energy. When backup systems are operating, either separately or in conjunction with the solar or other system, the exemption is not available. This section requires, for example, solar assisted heat-pump systems to operate within the 65° F–78° F temperature limitations while the heat pump compressor is operating.

Several comments were received stating that energy derived from the use of coal, natural gas, or other non-oil energy source should not be covered by the regulations. DOE has decided not to alter the proposed regulations in this respect. The Plan and the implementing regulations focus on energy conservation, not only on oil conservation. Much of the expected savings will be in electricity used for space cooling, space heating, and hot water. Such savings are meaningful in terms of meeting the overall goal of reducing oil imports since regional pooling arrangements, seasonal and other factors such as nuclear plant shutdowns affecting the generating mix, and the potential for "wheeling" of electric power all can result in oil savings. For example, surplus coal-generated power from one utility may be wheeled to replace normally oil-generated power in another. A regulation with building temperature restrictions focused solely on oil usage would not only be impossible to develop or enforce within reasonable expenditure levels but also would be highly inequitable in its impacts.

The final regulations also clarify the provisions in subsection (b) which authorize buildings or portions of buildings which have HVAC systems incapable of handling the peak load when occupied, like theatres or other large places of assembly, to precool. Precooling only is authorized to the extent necessary so that during peak occupancy, the temperature will reach the authorized cooling levels.

Subpart C—Domestic Hot Water

§ *490.21 Regulation of Hot Water Controls.* No changes were made in the 105° F domestic hot water restriction. This was deemed sufficient in most cases to provide hot water for personal hygiene or general cleaning requirements. Some systems will have problems maintaining that temperature for the entire utilization period due to capacity restriction. Operators of these systems may wish to develop practices which will conserve their hot water supply for priority needs, such as showers. These can include shutting off the hot water supply to sinks, for example. In addition, operators can place a mixing valve between the tank and the nearest tap, which will allow tank operation at a higher temperature.

§ 490.22 Measurement of Domestic Hot Water Temperature. This section remains unchanged from the previous regulations, with the modification that the operator may elect to measure the tank temperature at the tap nearest the hot water tank. This permits the installation of a mixing valve between the tank and the tap which will allow capacity constrained systems to be operated at a higher temperature than 105° F, if the temperature is lowered to 105° F by mixing the hot water with cold water in the mixing valve.

§ *490.23 Maintenance of Hot Water Control Devices.* This section remains unchanged from the previous regulations.

§ *490.24 Exemption From Hot Water Restrictions.* Several of the public comments noted that the prescription of a maximum hot water temperature of 105° F is inconsistent with the Model Retail Food Store Sanitation Ordinance prepared by the U.S. Food and Drug Administration (FDA), which provides dish and utensil washing water temperatures of 160° F. Others stated that certain industrial processes or process clean up procedures might require use of hot water at temperatures higher than 105° F. Section 490.24(b) has been modified, in response to these comments, to provide exemption from the hot water restrictions for commercial processes and process and other clean up procedures where varying temperatures are required. In addition, where the FDA model ordinance is adopted by states or local jurisdictions, § 490.24(b) provides that its provisions would supersede the requirements of these regulations.

An exemption also has been added for domestic hot water provided by using waste heat (such as in total energy systems), but only when the waste heat provides the only source of water heating energy. If a backup system is operating in conjunction with the waste heat system, the exemption is not available.

D. Exemptions

§ *490.31 General Exemptions.* A large number of the public comments addressed the exemptions provisions of the proposed regulations. Some, for example the restaurant and retail food industries, sought inclusion of additional exemptions in the final regulations. Others, such as museums, also requested clarification of the exemptions provisions as proposed. These comments have been carefully considered, and changes have been made in response to some of the suggestions received.

Section 490.31(a) has been modified to provide that exemptions are available from the requirements of subparts B *or* C of the regulations. The word "or" is used to indicate that persons may claim exemption from either the heating and cooling or hot water restrictions as they affect the activities and uses set forth in this section. For example, a person claiming exemption solely on the basis that a manufacturer's warranty requires specific space temperature levels to prevent damage to special equipment would qualify for exemption from the heating and cooling restrictions in Subpart B of these regulations, but not from the hot water temperature restrictions contained in Subpart C. Similarly, when a manufacturer's warranty requires specific water temperatures for the operation of special equipment, an exemption is available only from the hot water temperature restrictions.

Section 490.31(a)(2) is clarified by providing for exemption only where certain temperature and humidity levels are critical to *materials and equipment* used in manufacturing, industrial or commercial processes. Thus, no exemption is available based on the personal comfort of persons engaged in such a process.

Comments were received from representatives of the retail food industry and the restaurant industry inquiring whether proposed § 490.31(a)(3) was intended to exempt these industries from the regulations. While the comments expressed dissatisfaction with the cooling temperature restriction provided in the proposed regulation, most indicated acceptance of the heating restriction. Section 490.31(a)(3) as adopted is changed from the proposal only in that raw materials, goods in process and

finished goods specifically have been included in this section, although they generally were included within the subsection (2) exemption for commercial processes. Section 490.31(a)(3) does not provide a general exemption for the retail food and restaurant industries. However, where it can be demonstrated that the operation of the cooling or heating temperature restrictions would cause dangerously high bacterial counts or other unhealthful conditions in food, an exemption is available under § 490.31(a)(3). With respect to restaurants, reference is made to § 490.17(a) of these regulations, which provides that compliance is determined by measuring for each space-conditioning control device the room or portion of a covered building with the extreme temperature. Thus, a restaurant building with the dining room and kitchen on the same HVAC system control device will be considered to be in compliance with the cooling restrictions if the system is operated to maintain the kitchen area at 78° F, even though lower temperatures may result in the dining area.

Many retail food stores stated that compliance with the proposed cooling restriction would result in an increase in their current energy consumption because of the additional energy, required to operate refrigeration equipment when building temperatures increased. In this connection, § 490.12(e) of these regulations provides specific exceptions for persons who can demonstrate that compliance with the requirements of the regulations would result in the consumption of more energy than operation at some other temperature level. Where higher building temperatures result in severe frost build up in refrigeration equipment so that food cannot be properly stored, § 490.31(a)(3) makes available an exemption.

Section 490.31(a)(4) has been restated to provide that an exemption is available when required "to protect plant life essential to the operation of a business within a covered building, materials or animal life." This language is intended to make clear that an exemption to protect plant life is available only when the plant life is essential to the operation of a business, and cannot be claimed, for example, for purposes of protecting decorative plants in a business office.

Comments were received from museums, libraries, art preservation associations and archival institutions strongly urging exemption from the heating and cooling restricitons where necessary to protect museum collections, library and archival collections and historical collections and structures. An express exemption has not been included, since § 490.31(a)(4), which provides for exemptions where special environmental conditions are required to protect "materials", is intended to make available exemptions when necessary to preserve such collections and structures.

In response to public comments from physicians, dentists, and others, § 490.31(a)(5) has been added to provide an additional class of general exemptions. These exemptions are based solely on a concern for health and are not intended to be available on the basis of personal comfort. Under § 490.31(a)(5)(i), an exemption is provided when necessary to protect the health of persons in the offices of physicians, dentists and other licensed members of health care professions. Section 490.31(a)(5)(ii) makes available an exemption to protect the health of persons engaged in rehabilitative physical therapy. This section does not provide exemption for purely recreational facilities, for example bowling alleys or indoor tennis courts, or for exercise facilities not engaged in rehabilitative therapy. Section 490.31(a)(5)(iii) exempts from the heating restrictions only, buildings or portions of buildings which house swimming pools. This exemption is available only as necessary to protect the health of persons using the swimming pools.

One comment suggested that a general exemption from the cooling restrictions be provided where workers are required to wear special or protective clothing on the job. Because of the difficulty of defining necessary special or protective clothing, and determining appropriate temperature or humidity levels where such clothing is required, we have not provided such an exemption. The exemption available under § 490.31(a)(2) relating to manufacturing, industrial and commercial processes, although it is directed to materials and equipment used in such processes is likely to provide exemption for many of the workers referred to in the comment. Where workers suffer special hardship, a specific exception may be sought under § 490.32. In addition, no general exemption has been provided where unusually high exertion levels are required of workers. Again, reference is made to the specific exception provision, § 490.32, for cases where special hardship exists.

Many comments were received from building owners and operators in the southern regions of the United States concerning the high outdoor air humidity levels and consequent high latent loads inside the buildings. Section 490.31(a)(6) has been added in response to these comments. This section provides for an exemption where damage to the structure or insulation of a building will result from operation of the HVAC system according to the regulations. In southern regions, this section may allow the HVAC system to be operated with more reheat or at a lower indoor humidity. Condensation occurring on the inside surface of windows is an indication that condensation damage is occurring in the walls. Section 490.31(b) is a new section which provides that any exemption authorized by the regulations is deemed effective when claimed. This section refers to exemptions only, and does not apply to specific exceptions provided under § 490.32, which under § 490.32(a) are not effective until granted by DOE. Section 490.31(b) represents a change from the proposed regulation, which provided that general exemptions would not become effective until certification requirements were met.

Section 490.31(c) has been renumbered and revised in order to simplify the self-certification and exemption requirements imposed by this regulation. As further described in a later portion of the preamble, § 490.43 of the regulations provides that a building owner or operator, generally the person principally responsible for building operation, must complete and post in a prominent location within a covered building, a single form entitled "Certificate of Building Compliance," and submit to DOE a "Building Compliance Information Form." Both forms, which DOE will prepare and distribute, will provide for description of the nature of any exemptions claimed, the portions of the building claimed to be exempt, and temperature levels required in the exempt portions of the building consistent with maximum energy savings. It is planned that only one "Certificate of Building Compliance" will be posted and one "Building Compliance Information Form" will be submitted to DOE for each covered building. To facilitate the completion of these forms, § 490.31(c) requires persons claiming exemptions to provide the building owner or operator with the information required for preparation of the two forms.

§ *490.32 Specific exceptions.* Section 490.32 has been amended to include the requirements, set forth in § 490.32(c), that any person to whom DOE grants a specific exception from the regulations

must provide the building owner with all necessary information relating to the exception. Section 490.32(c) parallels § 490.31(b) relating to general exemption claims, and is included for the purpose of facilitating completion by the building owner or operator of the "Certificate of Building Compliance" and the "Building Compliance Information Form." It should be noted that § 490.32(a), referring to "Application for Exception", incorporates by reference another part of the DOE regulations and does not refer to Subpart D of these regulations.

§ 490.33 and § 490.34 Limitations of exceptions or exemptions; Scope of exceptions or exemptions. These sections received no public comment and are unchanged.

§ 490.35 Exemption procedures for states. Many of the public comments received from state and local officials, business groups and others addressed this section and focused particularly on the definitions of "comparable program" and "same subject matter" contained in proposed § 490.35(d)(1) and (2). The comments expressed the view that the definition of "comparable program" should be expanded to include state plans mandating a percentage reduction in energy usage to be achieved by means other than temperature restrictions. These suggestions have much to recommend them. However, for reasons discussed elsewhere in the preamble, the alternative of mandating a percentage reduction in energy use has been rejected. § 490.35 is unchanged from the proposal and the terms "comparable program" and "same subject matter" are defined in § 490.35(d)(1) and (2) to provide that to be comparable a state plan must contain mandatory heating, cooling and hot water restrictions. It should be noted that a state plan which mandates energy conservation measures in addition to temperature restrictions may qualify as a "comparable program" under these regulations.

E. General Provisions

§ 490.41 Joint and Several Liability. Section 490.41 received little comment and remains unchanged.

§ 490.42 Reporting Requirement. DOE received comments from public utilities which strongly objected to proposed § 490.42 requiring them to make available to DOE upon request customer lists or other information deemed necessary to administer and enforce the regulations. The comments expressed the utilities' concern that § 490.42 might require breach of their obligation of customer confidentiality, damage customer relations and result in unacceptable expenditures of time and resources. Section 490.42 is based upon Section 7 of the Plan, which provides that "any public utility or fuel distributor shall make available to the Secretary, upon request, information deemed necessary by the Secretary to administer and enforce the Plan." After consideration of the issues involved, DOE has decided to retain § 490.42 as proposed in the final regulations. However, we recognize the importance of the issues raised by the public comments and are continuing to analyze whether the information in question is needed to administer and enforce the Plan. Until this decision has been made and these issues satisfactorily resolved, DOE will take no action under § 490.42.

§ 490.43 Self-Certification. As discussed above, § 490.43 has been revised to provide that the owner or operator of a covered building shall post, within 30 days of the effective date of the regulation, a "Certificate of Building Compliance" in a prominent location within a covered building. The form has been designated "Certificate of Building Compliance", rather than the proposed "Building Owner's Certificate", since the certification requirement is imposed upon owners or operators. The Certificate, which will be developed by DOE, will require the building owner or operator to certify compliance with the regulations and to provide a statement of exemptions and exceptions claimed. In order to fulfill its authorities and obligations under the Plan to monitor implementation and to report to Congress and the President on the operation of the Plan within 60 days of its termination, DOE has further provided in § 490.43(b) of the regulations that building owners or operators must submit to DOE, within 30 days of the effective date of the regulation, a "Building Compliance Information Report." This form will be designed by DOE to present in an abbreviated fashion the compliance information contained in the "Certificate of Building Compliance." Both forms will be distributed by DOE to building owners and operators directly by mail where possible, and through trade associations, state and local government agencies and other organizations. The forms will also be made available at post offices throughout the country, and may be obtained from DOE as provided in § 490.43(d). The forms are currently being printed and distribution will begin shortly. Should delays be encountered in the process of distributing the forms, the 30 day requirement in § 490.43 (a)(1) and (b) will not be rigorously enforced, although owners and operators will be required to bring building temperature control devices into compliance as soon as the regulations become effective.

F. Administrative Procedures

These sections remain unchanged from the proposal.

G. Investigations, Violations, Sanctions and Judicial Actions

The public comment concerning Subpart G of the proposed regulation addressed exclusively the civil and criminal penalties provided in § 490.63 (b) and (c). Several commenters expressed the opinion that civil penalties of not more than $5,000 and criminal penalties of not more than $10,000 per violation are unduly harsh. The penalty provisions in § 490.63 (b) and (c) are required under Section 11 of the Plan, which incorporates the penalty provisions of sections 524 and 525 of the EPCA (42 U.S.C. 6394, 6395). It is noted that § 490.63 (b) and (c) state the maximum penalties allowable and that lesser penalties are permitted.

IV. Additional Matters

Environmental Review

After reviewing the proposed regulations pursuant to DOE's responsibilities under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), DOE has determined that this action does not constitute a major Federal action significantly affecting the quality of the human environment. Therefore, no environmental assessment or environmental impact statement was prepared and a negative determination to that effect is hereby issued.

Regulatory Analysis

In light of the DOE's emergency finding, as set out more fully in section IV of the preamble to the proposed regulation (44 FR 31931, June 1, 1979), this rulemaking is not subject to the provisions of Executive Order No. 12044 on Improving Government Regulations (43 FR 12661, March 24, 1978), under section 6 of that Executive Order which excepts regulations issued in response to an emergency.

(Federal Energy Administration Act of 1974, 15 U.S.C. 761 *et seq.*; Energy Policy and Conservation Act, 42 U.S.C. 6201 *et seq.*; Department of Energy Organizaion Act, 42 U.S.C. 7101 *et seq.*; E.O. 11790, 39 FR 23185; E.O. 12009, 42 FR 46267;) Standby Conservation Plan No. 2, Emergency Building Temperature Restrictions, 44 FR 12906 (March 8, 1979)).

In consideration of the foregoing, Part 490 of Chapter II, Title 10 of the Code of Federal Regulations is amended as set

forth below, effective on the effective date of the "Standby Conservation Plan No. 2, Emergency Building Temperature Restrictions," 44 FR 12906 (March 8, 1979), in accordance with section 201(b) of the Energy Policy and Conservation Act, 42 U.S.C. 6261(b).

Issued in Washington, D.C., on July 2, 1979.

Maxine Savitz,

Acting Assistant Secretary, Conservation and Solar Applications.

10 CFR Chapter II is amended by adding Part 490, to read as follows:

PART 490—EMERGENCY BUILDING TEMPERATURE RESTRICTIONS

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490.61 Investigations
490.62 Violations
490.63 Sanctions
490.64 Injunctions

Authority: (Federal Energy Administration Act of 1974, 15 U.S.C. 761 *et seq.;* Energy Policy and Conservation Act, 42 U.S.C. 6201 *et seq.;* Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.;* E.O. 11790, 39 FR 23185; E.O. 12009, 42 FR 46267; Standby Conservation Plan No. 2, Emergency Building Temperature Restrictions, 44 FR 12906 (March 8, 1979)).

Subpart A—Scope and Definitions

§ 490.1 Scope.

Except as otherwise provided in this Part, this Part applies to covered buildings in each state or political subdivision thereof, and shall supercede any law of any state or political subdivision thereof or any Federal order, regulation or directive, to the extent such law, order, regulation or directive is inconsistent with these regulations or any guidelines or orders issued pursuant thereto.

§ 490.2 Effective date.

These regulations shall become effective on a date specified by the President as the effective date of Standby Conservation Plan No. 2 (Emergency Building Temperature Restrictions) (44 FR 12906, March 8, 1979). The regulations may be terminated or suspended by the President, or will terminate on the same date as Standby Conservation Plan No. 2.

§ 490.3 Authority to contract or delegate.

DOE may delegate or contract for the carrying out of all or any part of the functions under this Part.

§ 490.4 Authority to issue orders and guidelines.

DOE may issue such orders and guidelines, and may make such adjustments, as are necessary to administer and implement the provisions of these regulations.

§ 490.5 Definitions.

(a) "Capability for simultaneous heating and cooling" means an HVAC system that can supply heating to one part of the space-conditioning equipment while supplying cooling to another, including but not limited to dual-duct, reheat, recool, multizone fans, fan-coil units in combination with central air and induction units in combination with central air.

(b) "Cooling season" means those periods when the HVAC system in a covered building is operated such that no space heating is being used in that building.

(c) "Covered building" means every building or portion of a building, but excludes residential buildings, hotels or other lodging facilities, hospitals and health care facilities, elementary schools, nursery schools and day-care centers, and such other buildings and facilities as the Secretary may by rule determine: *Provided,* That to the extent that the non-sleeping facilities of a hotel, motel or other lodging facility have space-conditioning control devices separate from the sleeping facilities, the non-sleeping facilities are not excluded from the definition.

(d) "Dew point temperature" means the temperature at which condensation of water vapor begins as the temperature of the air-vapor mixture is reduced. When the dry-bulb temperature equals the dew point temperature, the relative humidity is 100 percent.

(e) "DOE" means the Department of Energy.

(f) "Domestic hot water" means hot water which is intended for use in covered buildings for personal hygiene or general cleaning.

(g) "Dry-bulb temperature" means the temperature of air as measured by a dry-bulb, or ordinary, thermometer which directly measures air temperature. Alternatively, adjustments may be made using generally accepted industry practices to include the effects of thermal radiation, and this adjusted temperature may be used in lieu of the ordinary thermometer temperature measurement.

(h) "Elementary school" means any school which has any grades kindergarten through sixth grade: *Provided,* That if the non-elementary grade portions of a school have space-conditioning control devices separate from the elementary portions, the non-elementary grade portions are not included within the definition of elementary school.

(i) "Fuel distributor" means any person who delivers oil or other fuel for use in a covered building.

(j) "Heating season" means those periods when the HVAC system in a covered building is operated such that no space cooling energy is used in that building.

(k) "Humidity" means a measure of the water-vapor content of air.

(l) "HVAC" means Heating, Ventilating and Air Conditioning.

(m) "HVAC System" means a system that provides either collectively or

individually the processes of space heating, ventilating and/or air conditioning within or associated with a building.

(n) "Hospital and health care facility" means a building such as a general hospital, tuberculosis hospital or any other type of hospital, clinic, nursing or convalescent home, hospice or other facility duly authorized to provide hospital or health care services under the laws of the jurisdiction in which the institution or facility is located.

(o) "Hotel or other lodging facility" means a building where sleeping and lodging accommodations are provided to the public, or to the members of a private membership organization or other private facility, in the ordinary course of business.

(p) "Occupied period" means that time of the day or night when the covered building or portion thereof is used for its ordinary function or functions, but not including such service functions as cleaning and maintenance.

(q) "Operator" means any person, whether lessee, sublessee or assignee, agent or other person, whether or not in physical possession of a covered building, who has control, either directly or indirectly through an agent, of heating, cooling or hot water equipment servicing the covered building.

(r) "Owner" means any person, whether or not in physical possession of a covered building, in whom is vested legal title, and who has control, either directly or indirectly through an agent, of heating, cooling or hot water equipment servicing the covered building.

(s) "Person" means any individual, corporation, company, association, firm, partnership, society, trust, joint venture, or joint stock company, the United States or any State or political subdivision thereof, the District of Columbia, Puerto Rico, any U.S. territory or possession, or any agency of the United States or any state or political subdivision thereof, or any other organization or institution.

(t) "Public utility" means a publicly or privately owned and operated utility which is engaged in the sale of electric power or natural gas to end-users.

(u) "Relative humidity" means the ratio of the amount of water vapor in the air at a specific temperature to the maximum water vapor capacity of the air at that temperature.

(v) "Residential building" means any building used for residential purposes but does not include any portion of such building used for commercial, industrial or other business purposes and which, with respect to the heating and cooling requirements of these regulations, has separate heating or cooling space-conditioning control devices or, with respect to water temperature restrictions, has separate hot water temperature control devices.

(w) "Room" means that portion of the interior space which is contained within the exterior surfaces of a building, which is contained within floor to ceiling partitions, and which is conditioned directly or indirectly by an energy using system.

(x) "Secretary" means the Secretary of the Department of Energy.

(y) "Solar energy" means energy derived from the sun directly through the solar heating of air, water or other fluids; indirectly through the use of electricity produced by solar photovoltaic or solar thermal processes; or indirectly through the use of wind, biomass or small scale water power.

(z) "Space-conditioning control device" means a device for directly or indirectly controlling the room temperature and/or humidity by means of the HVAC system.

(aa) "Special equipment" means equipment for which carefully controlled temperature levels are necessary for proper operation or maintenance.

(bb) "State" means any state, the District of Columbia, Puerto Rico, or any territory or possession of the United States.

(cc) "Temperature control device" means a thermostat or any other device used to regulate the operation of heating or cooling equipment or a hot water heater.

(dd) "Unoccupied" means those periods of the day or night other than the occupied period.

(ee) "Wet-bulb temperature" means the temperature of air as measured by a wet-bulb thermometer, which is a thermometer having the bulb covered with a cloth, usually muslin, that is saturated with water.

Subpart B—Heating and Cooling Restrictions

§ 490.11 HVAC systems without capability for simultaneous heating and cooling.

In covered buildings with HVAC systems without the capability for simultaneously heating and cooling the building:

(a) No operator shall set space-conditioning control devices so that energy is consumed to raise the room dry-bulb temperature above 65° F;

(b) No operator shall set space-conditioning control devices so that energy is consumed to lower the room dry-bulb temperature below 78° F: *Provided*, That energy may be consumed to lower the room dry-bulb temperature below 78° F to the extent necessary to lower the room dew-point temperature to 65° F.

§ 490.12 HVAC systems with capability for simultaneous heating and cooling.

In covered buildings with HVAC systems capable of simultaneous heating and cooling of the building or portions thereof, operators shall set space-conditioning control devices in accordance with the following requirements:

(a) (1) Except as otherwise provided in this section, no operator shall set space-conditioning control devices so that energy is consumed to raise the room dry-bulb temperature above 65° F.

(2) Except as otherwise provided in this section, no operator shall set space-conditioning control devices so that energy is consumed to lower the room dry-bulb temperature below 78° F: *Provided*, That energy may be consumed to lower the room dry-bulb temperature below 78° F to the extent necessary to lower the room dew-point temperature to 65° F;

(b) (1) Operators of fan-coil, induction, baseboard or similarly operated units shall set space-conditioning control devices in accordance with the requirements of subsection (a), or alternatively in the following manner:

(i) No heat is provided to the heating coil during the cooling season,

(ii) No liquid coolant is provided to the cooling coil at coolant temperatures below 55° F, and

(iii) No heat is supplied to a room if the room dry-bulb temperature is greater than 65° F.

(2) Operators of fan-coil, induction, baseboard or similarly operated units may alternate at any time between the requirements of paragraph (a) and paragraph (b)(1) of this section.

(c) Operators of heat-pump systems shall set space-conditioning control devices in accordance with the requirements of paragraph (a) of this section.

(d)(1) In lieu of complying with the requirements of subsection (a) of this section, operators of HVAC systems in which the room temperature is controlled by the supply air temperature or volume ("all-air" systems, including those with reheat) may set space-conditioning control devices so that:

(i) The dry-bulb temperature of the air leaving the cooling coils is 60° F or greater,

(ii) During the cooling season, the heating coil is turned off and the space-

conditioning control device is set to 78° F, and

(iii) During the heating season, if the heating coil is turned on, the space-conditioning control device is set to 65° F.

(2) Operators of HVAC systems in which the room temperature is controlled by the supply air temperature or volume may alternate at any time between the requirements of subsection (a) and paragraph (d)(1) of this section.

(e)(1) Notwithstanding the requirements of any other subsection of this section, where a licensed professional engineer certifies by analysis that operation of a covered building in accordance with the requirements of paragraph (e)(2) during periods prescribed in the analysis will result in the consumption of less energy than compliance with the requirements of paragraphs (a) through (d) of this section, that building may be operated in accordance with the requirements of subsection (e)(2) during those periods.

(2) For covered buildings qualified under the provisions of paragraph (e)(1), space-conditioning control devices shall be set at levels consistent with maximum energy savings, and the cooling system shall be adjusted such that:

(i) No liquid coolant is provided to the cooling coil at coolant temperatures below 55° F; or

(ii) The dry-bulb temperature of the air leaving the cooling coils is 60° F or greater.

(3) Operators of covered buildings qualified under the provisions of paragraph (e)(1) may alternate at any time between the requirements of subsection (a) and subsection (e)(2) of this section.

(4) The certified analysis by a licensed professional engineer shall be made available to DOE or its delegate upon request.

(5) It shall be deemed a violation of the requirements of this Part for a licensed professional engineer to falsely certify the analysis authorized by paragraph (e)(1).

§ 490.13 Requirement for accuracy of space-conditioning control devices.

(a) The operator of a covered building shall maintain space-conditioning control devices within reasonable tolerances of accuracy.

(b) No person may alter a space-conditioning control device with the intent of having that device function inaccurately.

§ 490.14 Regulation of building temperatures during unoccupied periods.

(a) During periods any covered building is unoccupied eight hours or more before the next normal occupied period:

(1) The heating system for that building shall not be operated if the anticipated minimum outdoor air dry-bulb temperature for the unoccupied period is greater than 50° F, and the cooling system for that building shall not be operated. The requirements of this subsection may be satisfied by turning off the circulating air or circulating water system.

(2) If the anticipated minimum outdoor air dry-bulb temperature for the unoccupied period is less than 50° F, the space-conditioning control devices for the heating system for that building shall be set such that one of the following results:

(i) The room dry-bulb temperature is less than 55° F;

(ii) The heated supply-air dry-bulb temperature is less than 100° F;

(iii) The heating-water dry-bulb temperature is less than 120° F; or

(iv) The space-conditioning control devices are set at less than 55° F, or at their lowest set point.

(3) HVAC system operation during unoccupied periods is permitted where requested by the public utility or district heating system servicing the building for purposes of load management.

(4) Notwithstanding the requirements of this section:

(i) HVAC system operation during unoccupied periods is permitted to the extent necessary to prevent damage to the covered building or its contents;

(ii) The HVAC system may begin operating at such time so that the temperature levels authorized by this Subpart may be reached at a time simultaneous with the beginning of the occupied period.

§ 490.15 Auxiliary heaters.

No auxiliary heating devices such as portable electric heaters, heat lamps or other devices whose principal function at the time of operation is to produce space heating may be operated except at such times that use of energy for heating purposes is authorized under the other sections of this Subpart or when the covered building is unoccupied.

§ 490.16 Use of ventilating equipment.

Nothing in this Subpart shall be deemed to prohibit the use of ventilating fan or pump power to heat a building to a dry-bulb temperature above 65° F or to cool a building to a dry-bulb temperature below 78° F.

§ 490.17 Measurement techniques.

(a) Where a space-conditioning control device controls the temperature for more than one room the measurement may be taken in the room containing the device or any other room controlled by that device. The room with the highest temperature when cooling and the lowest temperature when heating may be measured for purposes of determining compliance with the requirements of this Subpart.

(b) Except as otherwise provided in this section, compliance with the requirements of this Subpart shall be determined by reading the set-point of the space-conditioning control device which controls the temperature for the room.

(c) Any of the following methods for measuring dry-bulb temperature, dew-point temperature, relative humidity and wet-bulb temperature may be utilized in lieu of a reading of the set-point on the space-conditioning control device. An operator shall be deemed to have complied with any temperature or humidity requirement of this Subpart so long as any one measurement technique indicates compliance with the relevant temperature or humidity requirement.

(1) Dry-bulb temperature shall be measured by:

(i) A thermometer placed within 24 inches of the space-conditioning control device;

(ii) The average of thermometer readings taken two feet away from and at the center of each external wall in the room, and at the center of the room; or

(iii) If there are no external walls, the temperature at the center of the room.

(2) Dew-point temperature shall be measured by:

(i) Observing the temperature of a glass at which condensation first occurs while cooling the glass;

(ii) By a dew-point indicating instrument; or

(iii) By inference from the wet-bulb temperature or the relative humidity.

(3) The relative humidity shall be measured by:

(i) A humidity-indicating instrument (hygrometer); or

(ii) By inference from the dew-point or wet-bulb temperature.

(4) The wet-bulb temperature shall be measured by:

(i) A wet-bulb-temperature-indicating instrument (psychrometer); or

(ii) By inference from the dew-point temperature or relative humidity measurement.

(5) The dew-point temperature, relative humidity and wet-bulb temperature may be measured within 24 inches of the humidity space-

conditioning control device if located in the room, or in the same locations as used in the measurement of the dry-bulb temperature.

(6) To account for HVAC system cycling, all temperature and humidity readings may be taken as the average of several measurements taken at equal time intervals.

§490.18 Exemptions from heating and cooling restrictions.

(a) The requirements of this Subpart shall not apply to:

(1) Covered buildings or portions thereof which are neither heated nor cooled or which are equipped with space heating devices and space cooling devices with total rated output less than 3.5 BTU per hour (1 watt) per square foot of gross floor area.

(2) Buildings containing HVAC systems capable of using outdoor air or evaporation of water for cooling effect without operation of a vapor compression or absorption-refrigeration system, but this exemption applies only with respect to cooling, and only during those periods when the outdoor air and/or evaporation effect provides the only source for cooling.

(3) Buildings containing HVAC systems capable of using energy that otherwise would be wasted, but only during those periods when the otherwise wasted energy provides the only source of heating or cooling energy.

(4) Buildings containing HVAC systems capable of using solar energy, but only during those periods when solar energy provides the only source of heating or cooling energy.

(b) For buildings or portions of buildings where the capacity of the HVAC system is insufficient to maintain the building or portion thereof at the minimum temperature levels for cooling authorized by this regulation when the building or portion thereof is occupied, the operator of said building may cool the building or portion of the building to a temperature level below 78° F before the building or portion of the building is occupied: *Provided, that said reduced temperature level may only be maintained for the period of time necessary so that the temperature will reach the minimum level permitted by this regulation during the building's occupied period.*

(c) Exemptions under this section may not be claimed when energy, other than waste, solar, pump or fan energy is used to operate a vapor compressor or absorption refrigerator.

Subpart C—Domestic Hot Water

§490.21 Regulation of hot water controls.

(a) The operator of a covered building shall set hot water temperature control devices so that the temperature of domestic hot water in such covered building does not exceed the greater of:

(i) 105° F, or

(ii) The lowest setting on the hot water temperature control device.

(b) The operator shall, where practicable, shut off domestic hot water circulating pumps during periods when a covered building is to be unoccupied for more than eight hours when such actions will not cause damage to the building, its systems, or internal processes or articles.

§490.22 Measurement of domestic hot water temperature.

(a) The temperature of domestic hot water shall be taken as the domestic hot water storage tank temperature measured in the hot water supply line, at the tank temperature control point, or at the tap nearest the tank discharge point.

§490.23 Maintenance of hot water temperature control devices.

(a) The operator of a covered building shall maintain all domestic hot water temperature control devices in that building within reasonable tolerances of accuracy.

(b) No person may alter a hot water temperature control device with the intent of having that device function inaccurately.

§490.24 Exemption from hot water restrictions.

(a) The provisions of this Subpart shall not apply in a covered building where the domestic hot water heating equipment also provides hot water for manufacturing, industrial or commercial processes and such processes or process clean-up procedures require hot water temperatures in excess of those prescribed in this Subpart.

(b) The provisions of this Subpart shall not apply in a covered building where domestic hot water is the only source available for dishwashing or other purposes in such covered building and state or local health regulations prescribe a minimum temperature level above 105° F for dishwashing or such other purposes. Domestic hot water control devices shall be set so as not to exceed the minimum level required by the state or local health regulations.

(c) The provisions of this Subpart shall not apply to combination domestic water heating/space heating boilers during the heating season.

(d) The provisions of this Subpart shall not apply at such times that solar energy provides the only source for domestic hot water heating energy. At such times that a hot water heating system using a non-solar energy source is being operated in conjunction with solar energy, this exemption shall not apply.

(e) The provisions of this Subpart shall not apply to domestic hot water heating systems capable of using heat that otherwise would be wasted, but only at such time when the waste heat provides the only source of hot water heating energy.

(f) Exemptions under this section may not be claimed when energy, other than waste, solar, pump or fan energy is used to operate a vapor compressor or absorption refrigerator.

Subpart D—Exemptions

§490.31 General exemptions.

(a) In addition to the exemptions provided in other Subparts, and subject to the limitations of this Subpart, the following exemptions from the requirements of Subparts B or C are available to any person for a building or portion of a building in accordance with the provisions of this section:

(1) Where a "manufacturer's warranty", service manual or equipment service contract requires specific temperature levels to prevent damage to special equipment.

(2) Where maintenance of certain temperature and humidity levels is critical to materials and equipment used in manufacturing, industrial or commercial processes.

(3) Where maintenance of certain temperature and humidity levels is required for the proper storage or handling of food or other agricultural commodities, raw materials, goods in process and finished goods.

(4) Any other circumstances where special environmental conditions are required to protect plant life essential to the operation of a business within a covered building, materials or animal life.

(5) Where maintenance of certain temperature levels is required:

(i) To protect the health of persons in offices of physicians, dentists and other members of health care professions licensed by the state to provide health-related services;

(ii) To protect the health of persons engaged in rehabilitative physical therapy in physical therapy facilities; and

(iii) With respect to restrictions on heating only, to protect the health of

persons utilizing indoor swimming pools.

(6) Where the structure or insulation of the building will be damaged.

(b) Exemptions claimed under Subparts B, C and D of this Part shall become effective when claimed.

(c) Any person claiming an exemption under any provision of Subparts B, C or D of this Part shall provide the owner or operator of the covered building with all necessary information relating to the exemption including:

(1) The nature of the exemption and the section of the regulations claimed as the basis for exemption;

(2) The portions of the building for which the exemption is claimed;

(3) The required temperature levels in the exempt portions of the building consistent with maximum energy savings.

(d) The owner or operator of a covered building shall, upon request of DOE or its delegate, make available any information provided to the owner or operator under subsection (c).

(e) Any person who claims an exemption to which he is not entitled is subject to the penalties provided in Subpart G of this Part.

(f) Where the person entitled to an exemption under this Part is not the owner or operator of the covered building(s) to which the exemption applies, the owner or operator of the covered building(s) is authorized to adjust space-conditioning control devices and hot water temperature control devices in accordance with § 490.34.

(g) Any operator, other than an operator who claims an exemption, shall not be liable for violation of this Part as the result of acting in reliance upon an exemption which subsequently is determined to be invalid.

§ 490.32 Specific exceptions.

(a) In addition to the general exemptions available under § 490.31 or under Subparts B and C, any person who would experience special hardship, inequity or an unfair distribution of the burden as a result of the requirements of Subparts B and C of this Part may submit an "Application for Exception" in accordance with Subpart D of Part 205 of this Chapter. An exception shall not become effective until such time as it is granted by DOE.

(b) If the person submitting the "Application for Exception" is not the owner or operator of the covered building(s) to which the requested exception is to apply, and if the exception is granted by DOE, then the owner or operator of the covered building(s) is authorized to adjust space-conditioning control devices and hot water temperature control devices in accordance with the provisions of the exception provided by DOE.

(c)(1) Any person who receives an approved exception under subsection (a) shall provide the owner or operator of the covered building with all necessary information relating to the exception including:

(i) The nature of the exception;

(ii) The portions of the building for which the exception is claimed;

(iii) The authorized temperature levels in the excepted portions of the building as determined by the terms of the exception or consistent with maximum energy savings.

(2) The owner or operator of a covered building shall, upon request of DOE or its delegate, make available any information provided to the owner or operator under subsection (1).

§ 490.33 Limitation of exception or exemptions.

(a) Where a portion of a covered building qualifies for an exemption under § 490.31 or any provision of Subparts B and C, or for an exception under § 490.32, the operator may set temperature levels other than those prescribed in Subparts B and C only for such portions of the covered building as necessary to maintain temperatures for the exempted sections. In those covered buildings where the space-conditioning control device or hot water temperature control device controls both the exempt and non-exempt portions of the building, the entire building or portion of the building may operate as if exempted from the temperature requirements of Subparts B and C.

(b) DOE may limit the exemption or exception granted by this Part to all or any portion of a covered building. DOE may specify heating, cooling or hot water temperature controls to be applicable in the excepted portion of a covered building.

§ 490.34 Scope of exceptions or exemptions.

The operator of a covered building subject to an exemption or exception pursuant to this Part shall, where practicable, maintain the temperature levels prescribed in Subparts B and C, or such other levels consistent with maximum energy savings.

§ 490.35 Exemption procedures for states.

(a) A state may seek for itself or a political subdivision an exemption from the application of this Part in such state or political subdivision during a period for which the President of the United States or his delegate determines a comparable program of such state or political subdivision is in effect.

(b) A state seeking an exemption for itself or a political subdivision on the ground that a comparable program is in effect shall submit to the Secretary a "Request for State Exemption" which shall include the following information:

(1) A full description of the comparable program, including the authority which allows for the mandatory imposition of the program;

(2) An estimate of the types and amount of energy which such program will conserve;

(3) The effective dates of the program;

(4) A description of energy conservation measures implementable at the state or local level and their expected energy savings;

(5) A comparison of energy savings estimated to result in that state from compliance with these regulations and estimated energy savings under the proposed comparable program which demonstrates that the comparable program conserves at least as much energy in the state or political subdivision as these regulations. The comparisons shall be performed using a consistent methodology for estimating building energy consumption.

(6) Such other information as the Secretary may require.

(c) A request for exemption by a state shall be sent to: Secretary, Department of Energy, Washington, D.C. 20585.

(d) For purposes of this section:

(1) "Comparable program" means a program which deals with the same subject matter as these regulations, which is mandatory, and which conserves at least as much energy in the state or political subdivision thereof as adherence to the requirements of these regulations would be expected to conserve in such state or political subdivision;

(2) "Same subject matter" means heating, cooling and hot water temperature restrictions in covered buildings.

Subpart E—General Provisions

§ 490.41 Joint and several liability.

The owner and operator shall be jointly and severally liable for the execution of operator responsibilities under this Part where an agency relationship exists between the owner and operator.

§ 490.42 Reporting requirement.

Any public utility or any fuel distributor shall make available to the

DOE, upon request, customer lists or other information deemed necessary by DOE to administer and enforce these regulations.

§ 490.43 Self-Certification and Filing of Building Compliance Information Form.

(a)(1) The owner or operator of a covered building shall, within 30 days of the effective date of this regulation, complete in accordance with forms and instructions provided by DOE, and post in a prominent location within the covered building, a "Certificate of Building Compliance" certifying compliance with the requirements of this Part.

(2) The "Certificate of Building Compliance" shall set forth exemptions claimed by any persons within the covered building, or any authorized exceptions claimed by persons within the building.

(b) In addition to the requirements of subsection (a), the owner or operator of a covered building shall, within 30 days of the effective date of this regulation, submit to DOE in accordance with forms and instructions to be provided by DOE a "Building Compliance Information Form" describing the building, the means adopted to comply with the regulations and any exemptions or exceptions claimed by persons in that building.

(c) It shall be deemed a violation of this Part for an owner or operator to knowingly provide false, misleading or incomplete information on the "Building Compliance Information Form" or the "Certificate of Building Compliance."

(d) DOE will make "Certificates of Building Compliance" and "Building Compliance Information Forms" and instructions available at convenient locations throughout the country. In addition, "Certificates of Building Compliance" and "Building Compliance Information Forms" and instructions for their completion may be obtained from:

Director, Office of Building and Community Systems, Office of Conservation and Solar Applications, 20 Massachusetts Avenue NW., Room 2221C, Washington, D.C. 20585. Attention: EBTR Building Compliance.

Subpart F—Administrative Procedures

§ 490.51 Purpose and scope.

This Subpart establishes the procedures for determining the nature and extent of violations of section 524(c) of the EPCA and the procedures for issuance of a Notice of Violation, Violation Order, Violation Order for Immediate Compliance, Modification or Rescission Decision and Order, and Stay Decision and Order. Nothing in these regulations shall affect the authority of DOE enforcement officials in coordination with the Department of Justice to initiate appropriate civil or criminal enforcement actions in court at any time.

§ 490.52 Notice of violation.

(a) When any audit or investigation discloses, or the DOE otherwise finds, that any person has engaged, is engaged, or is about to engage in acts or practices contrary to the provisions of Standby Conservation Plan No. 2 (Emergency Building Temperature Restrictions) and implementing regulations in violation of section 524(c) of the EPCA, the DOE may issue a Notice of Violation. Any notice issued under this section shall be in writing and shall set forth the findings of fact and conclusions of law upon which it is based.

(b) Within 10 business days after the service of a Notice of Violation the person upon whom the Notice is served may file a reply with the DOE office that issued the Notice of Violation. The DOE may extend the 10-day period for good cause shown.

(c) The reply shall be in writing and signed by the person filing it. The reply shall contain a statement of all relevant facts pertaining to the acts or practices that are the subject of the Notice of Violation. The reply shall include a statement of the legal, business and other reasons for the acts or practices; a description of the acts or practices; and a discussion of the pertinent provisions and relevant facts reflected in any document submitted with the reply. Copies of all relevant contracts, reports, abstracts, compilations of data and other documents shall be submitted with the reply. The reply shall include a discussion of the relevant authorities which support the position asserted, including rulings, regulations, interpretations, orders and decisions issued by DOE.

(d) The reply should indicate whether the person requests an informal conference regarding the notice. A request for a conference must be in writing and shall be governed by the provisions of 10 CFR § 205.171, which are incorporated by reference herein and made a part of this subsection.

(e) If a person has not filed a reply with the DOE within the 10-day or other period authorized for reply, the person shall be deemed to have admitted the accuracy of the factual allegations and legal conclusions stated in the Notice of Violation, and the DOE may proceed to issue a Violation Order in accordance with § 490.53.

(f) If the DOE finds, during or after the 10-day or other period authorized for reply, that no violation has occurred, is continuing, or is about to occur, or that for any reason the issuance of a Violation Order would not be appropriate, it shall rescind the Notice of Violation and inform the person to whom the Notice was issued of the rescission.

§ 490.53 Violation Order.

After considering all information received during the proceeding, the DOE may issue a Violation Order. The Violation Order may adopt the findings and conclusions contained in the Notice of Violation or may modify or rescind any such finding or conclusion to conform the Order to the evidence or on the basis of a determination that the finding or conclusion is erroneous in fact or law or is arbitrary or capricious. Such Order shall constitute a final agency order subject to judicial review. Unless otherwise specified, the Violation Order shall be effective 10 business days after the date of issuance. In the alternative, the DOE may determine that no Violation Order should be issued or that the Notice of Violation should be withdrawn for further consideration or modification. Every determination made pursuant to this section shall state the relevant facts and legal bases supporting the determination.

§ 490.54 Violation Order for Immediate Compliance.

(a) Notwithstanding the provisions of § 490.52 or § 490.53, the DOE may issue a Violation Order for Immediate Compliance, which shall be effective upon issuance and until rescinded or suspended, if it finds:

(1) There is a strong probability that a violation has occurred, is continuing or is about to occur;

(2) Irreparable harm will occur unless the violation is remedied immediately; and

(3) The public interest requires the avoidance of such irreparable harm through immediate compliance and waiver of the procedures afforded under § 490.52.

(b) A Violation Order for Immediate Compliance shall be served promptly upon the person against whom such Order is issued by personal service, telex or telegram, with a copy served by registered or certified mail. The copy shall contain a written statement of the relevant facts and the legal basis for the Violation Order for Immediate Compliance, including the findings required by paragraph (a) of this section.

(c) The DOE may rescind or suspend a Violation Order for Immediate Compliance if it appears that the criteria set forth in paragraph (a) of this section are no longer satisfied. When appropriate, however, such a suspension or rescission may be accompanied by a Notice of Violation issued under § 490.52.

(d) If at any time in the course of a proceeding commenced by a Notice of Violation the criteria set forth in paragraph (a) of this section are satisfied, the DOE may issue a Violation Order for Immediate Compliance, even if the 10-day period for submitting a reply to that document has not expired.

§ 490.55 Modification or rescission.

(a) Any person to whom a Violation Order or Violation Order for Immediate Compliance is directed may make application for modification or rescission of such Order.

(b) The application shall contain a full and complete statement of all relevant facts pertaining to the circumstances, act or transaction that is the subject of the application and to the DOE action sought; and shall include a discussion of the relevant authorities which support the position asserted, including, but not limited to, DOE rulings, regulations, interpretations and decisions. The applicant shall fully describe the events, acts or transactions that comprise the significantly changed circumstances, as defined in paragraph (e)(2), upon which the application is based. The applicant shall state why, if the significantly changed circumstance is new or newly discovered facts, such facts were not or could not have been presented during the prior proceeding.

(c) The application should indicate whether the person requests an informal conference. A request for a conference must be in writing and shall be governed by the provisions of 10 CFR § 205.171, which are incorporated by reference herein and made a part of this subsection.

(d)(1) If the DOE determines that there is insufficient information upon which to base a decision and if upon request the necessary additional information is not submitted, the DOE may dismiss the application without prejudice. If the failure to supply additional information is repeated or willful the DOE may dismiss the application with prejudice.

(2)(i) If the applicant fails to satisfy the requirements of paragraph (b) of this section, the DOE shall issue an order denying the application. The order shall state the grounds for the denial.

(ii) The order denying the application shall become final within 5 days of its service upon the applicant, unless within such 5-day period an amendment to correct the deficiencies identified in the order is filed with the DOE.

(iii) Within 5 days of the filing of such amendment, the DOE shall notify the applicant whether the amendment corrects the specified deficiencies. If the amendment does not correct the deficiencies, the notice shall be an order dismissing the application as amended. Such order shall be a final agency order subject to judicial review.

(e) *Criteria.* (1) An application for modification or rescission of an order shall be processed only if the application demonstrates that it is based on significantly changed circumstances.

(2) For purposes of this subpart, the term "significantly changed circumstances" shall mean—

(i) The discovery of material facts that were not known or could not have been known at the time of the proceeding and action upon which the application is based;

(ii) The discovery of a law, regulation, interpretation, ruling, order or decision that was in effect at the time of the proceeding upon which the application is based and which, if such had been made known to the DOE, would have been relevant to the proceeding and would have substantially altered the outcome; or

(iii) There has been a substantial change in the facts or circumstances upon which an outstanding and continuing order of the DOE affecting the applicant was issued, which change has occurred during the interval between issuance of such order and the date of the application and was caused by forces or circumstances beyond the control of the applicant.

(f) Upon consideration of the application and other relevant information received or obtained during the proceeding, the DOE shall issue an order granting or denying the application. The order shall include a written statement setting forth the relevant facts and the legal basis of the order. Such order shall be a final agency order subject to judicial review.

§ 490.56 Stay Pending Judicial Review.

(a) Any person to whom a Violation Order or Violation Order for Immediate Compliance is directed may make application for a stay of such Order pending judicial review.

(b) The application shall contain a full and complete statement of all relevant facts pertaining to the act or transaction that is the subject of the application and to the DOE action sought. Such facts shall include, but not be limited to, all information that relates to the satisfaction of the criteria in paragraph (e). A copy of the Order from which a stay is sought shall be included with the application.

(c) If the DOE determines that there is insufficient information upon which to base a decision and if upon request additional information is not submitted by the applicant, the DOE may dismiss the application without prejudice. If the failure to supply additional information is repeated or willful the DOE may dismiss the application with prejudice.

(d) The DOE shall grant or deny the application for stay within 5 business days after receipt of the application.

(e) *Criteria.* The grounds for granting a stay are:

(1) A showing that irreparable injury wll result in the event that the stay is denied;

(2) A showing that denial of the stay will result in a more immediate serious hardship or gross inequity to the applicant than to the other persons affected by the proceeding;

(3) A showing that it would be desirable for public policy or other reasons to preserve the status quo ante pending a decision on the merits of the appeal or exception;

(4) A showing that it is impossible for the applicant to fulfill the requirements of the original order; and

(5) A showing that there is a likelihood of success on the merits.

(f) Upon consideration of the application and other relevant information received or obtained during the proceeding, the DOE shall issue an order granting or denying the application. The order shall include a written statement setting forth the relevant facts and the legal basis of the decision, and the terms and conditions of the stay.

(g) The grant or denial of a stay is not an order of the DOE subject to administrative review.

§ 490.57 Consent Order.

(a) Notwithstanding any other provision of this Subpart, the DOE may at any time resolve an outstanding compliance investigation or proceeding with a Consent Order. A Consent Order must be signed by the person to whom it is issued, or a duly authorized representative, and must indicate agreement to the terms contained therein. A Consent Order need not constitute an admission by any person that DOE regulations have been violated, nor need it constitute a finding by the DOE that such person has violated DOE regulations. A Consent Order shall, however, set forth the

relevant facts which form the basis for the Order. A Consent Order is a final Order of the DOE having the same force and effect as a Violation Order issued pursuant to § 490.53.

(b) At any time and in accordance with the procedures of § 490.55, a Consent Order may be modified or rescinded upon petition by the person to whom the Consent Order was issued, and may be rescinded by the DOE upon discovery of new evidence which is materially inconsistent with the evidence upon which the DOE's acceptance of the Consent Order was based.

(c) Notwithstanding the issuance of a Consent Order, the DOE may seek civil or criminal penalties or compromise civil penalties pursuant to Subpart G concerning matters encompassed by the Consent Order, unless the Consent Order by its terms expressly precludes the DOE from so doing.

(d) If at any time after a Consent Order becomes effective it appears to the DOE that the terms of the Consent Order have been violated, the DOE may refer such violations to the Department of Justice for appropriate action in accordance with Subpart G.

§ 490.58 Remedies.

A Violation Order, a Violation Order for Immediate Compliance, a Modification or Rescission Decision and Order, or a Consent Order may require the person to whom it is directed to make an appropriate adjustment in building or domestic hot water temperature, to post a correct Certificate of Building Compliance, and to take such other action as the DOE determines is necessary to eliminate the effects of a violation.

Subpart G—Investigations, Violations, Sanctions, Injunctions and Judicial Actions

§ 490.61 Investigations.

Investigations will be conducted in accordance with the provisions set forth in 10 C.F.R. § 205.201.

§ 490.62 Violations.

Any practice that circumvents or contravenes or results in a circumvention or contravention of the requirements of any provision of this Part or any order issued pursuant thereto is a violation of the regulations stated in this Part.

§ 490.63 Sanctions.

(a) *General.* Any person who violates any provision of this Part or any Order issued pursuant thereto shall be subject to penalties and sanctions as provided herein.

(1) The provisions herein for penalties and sanctions shall be deemed cumulative and not mutually exclusive.

(2) Each day that a violation of the provisions of this chapter or any order issued pursuant thereto continues shall be deemed to constitute a separate violation within the meaning of the provisions of this chapter relating to criminal fines and civil penalties.

(b) *Civil penalties.* (1) Any person who violates any provisions of this Part or any order issued pursuant thereto shall be subject to a civil penalty of not more than $5,000 for each violation.

(2) The DOE may at any time refer a violation to the Department of Justice for the commencement of an action for civil penalties. When the DOE considers it to be appropriate or advisable, it may compromise, settle and collect civil penalties.

(c) *Criminal penalties.* (1) Any person who willfully violates any provision of this Part or any order issued pursuant thereto shall be fined not more than $10,000 for each violation.

(2) The DOE may at any time refer a willful violation to the Department of Justice for criminal prosecution.

(d) *Other penalties.* Willful concealment of material facts or false or fictitious or fraudulent statements or representations, or willful use of any false writing or document containing false, fictitious or fraudulent statements pertaining to matters within the scope of section 524(c) of the EPCA by any person shall subject such person to the criminal penalties provided in 18 U.S.C. § 1001 (1970).

§ 490.64 Injunctions.

Whenever it appears to the DOE that any person has engaged, is engaged, or is about to engage in any act or practice constituting a violation of any regulation or order issued under this chapter, the DOE may request the Attorney General to bring an action in the appropriate district court of the United States to enjoin such acts or practices and, upon a proper showing, a temporary restraining order or a preliminary restraining order or a preliminary or permanent injuction shall be granted without bond. The relief sought may include, without limitation, a mandatory injunction commanding any person to comply with any such order or regulation.

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

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

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY*	USDA/ASCS		DOT/SECRETARY*	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
DOT/FHWA	USDA/FSQS		DOT/FHWA	USDA/FSQS
DOT/FRA	USDA/REA		DOT/FRA	USDA/REA
DOT/NHTSA	MSPB/OPM		DOT/NHTSA	MSPB/OPM
DOT/RSPA	LABOR		DOT/RSPA	LABOR
DOT/SLS	HEW/FDA		DOT/SLS	HEW/FDA
DOT/UMTA			DOT/UMTA	
CSA			CSA	

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

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

*NOTE: As of July 2, 1979, all agencies in the Department of Transportation, will publish on the Monday/Thursday schedule.

REMINDERS

The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.

Rules Going Into Effect Today

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Food and Drug Administration—

1544 4-5-79 / Bacterial vaccines and bacterial antigens with "No U.S."; standard of potency

Health Care Financing Administration—

32074 6-4-79 / Professional Standards Review Organization review and screening of hospital and health services

INTERIOR DEPARTMENT

Fish and Wildlife Service—

32604 6-6-79 / Determination that Echinacea tenesseenis is an endangered species

NATIONAL CREDIT UNION ADMINISTRATION

32358 6-6-79 / Disclosure requirements and set of maximum maturity and rate of return for borrowings by credit unions

TREASURY DEPARTMENT

Customs Service—

31962 6-4-79 / Customhouse brokers; recordkeeping and reporting; trademarks; disposition of forfeited distilled spirits, wines, and malt liquor

31950 6-4-79 / Customs and navigation; fines, penalties, forfeitures, and liquidated damages for violations

Next Week's Deadlines for Comments On Proposed Rules

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

32224 6-5-79 / Extension of grade and size requirement for nectarines grown in California; comments by 7-9-79

Farmers Home Administration—

27409 5-10-79 / Community domestic water and waste disposal systems; comments by 7-9-79

27130 5-9-79 / Farm labor housing loan and grant policies, procedures and authorizations; comments by 7-9-79

27644 5-11-79 / Rural rental housing loan policies, procedures, and authorizations; comments by 7-10-79

Forest Service—

33711 6-12-79 / Procedures for involving the public in the formulation of standards, criteria, and guidelines that apply to Forest Service programs; comments by 7-9-79

CIVIL AERONAUTICS BOARD

30104 5-24-79 / Air carrier certificates; removal of restrictions; reply comments by 7-9-79

27680 5-11-79 / Free and reduced-rate transportation; comments by 7-9-79

COMMODITY CREDIT CORPORATION

27997 5-14-79 / Cooperative marketing associations; requirement for price support; comments by 7-13-79

CONSUMER PRODUCT SAFETY COMMISSION

27685 5-11-79 / Export of noncomplying products procedures, notification requirements; comments by 7-10-79

ENERGY DEPARTMENT

Economic Regulatory Administration—

31162 5-31-79 / Imports of middle distillates, emergency adoption of final rule providing entitlement benefits; comments by 7-10-79

26712 5-4079 / Mandatory petroleum allocation; motor gasoline allocation base period and adjustments; comments by 7-10-79

Energy Conservation and Solar Applications Office—

27191 5-9-79 / Energy conservation program for consumer products; test procedures for water heaters; comments by 7-9-79

Federal Energy Regulatory Commission—

33410 6-11-79 / Calculation of cash working capital allowance for electric utilities; comments by 7-8-79

Office of the Secretary—

27194 5-9-79 / Federal photovoltaic utilization program; comments by 7-9-79

33632 6-11-79 / Safeguarding of restricted data, comments by 7-11-79

ENVIRONMENTAL PROTECTION AGENCY

27699 5-11-79 / Air quality, proposed revision of Virginia State Implementation Plan; comments by 7-10-79

33433 6-11-79 / Approval of Arizona air quality implementation plan; comments by 7-11-79

33116 6-8-79 / Approval and promulgation of State implementation plans; South Dakota; comments by 7-9-79

27932 5-11-79 / Pesticide programs, conditional registration, interim rules; comments by 7-10-79

33911 6-13-79 / Proposed Approval of an Administrative Order Issued by the Pa. Dept. of Environmental Resources to the Pennsylvania Power and Light Company, Montour Units land 2; comments by 7-13-79

32715 6-7-79 / Proposed delayed compliance order for A. P. Green Refactories Co., Freeport Tex.; comments by 7-9-79

32717 6-7-79 / Proposed delayed compliance order for Airco Alloys division of Airco, Inc., Calvert City, Ky.; comments by 7-9-79

33712, 33713 6-12-79 / Revision of Virginia and Pennsylvania State implementation plans (2 documents); comments by 7-12-79

33911 6-13-79 / State and Federal Administrative Enforcement of Implementation Plan Requirements after Statutory Deadlines; Proposed Delayed Complaince Order for Whitehead Brothers Co. Dividing Creek, N.J.; comments by 7-13-79

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

36432 6-22-79 / 706 agencies; proposed designations; comments by 7-9-79

FEDERAL COMMUNICATIONS COMMISSION

24587 4-26-79 / Allen, S. Dak., TV broadcast table of assignments; reply comments by 7-9-79

20465 4-5-79 / Clean channel broadcasting in the standard broadcast band; comments period extended from 4-9 to 7-10-79

[Originally published at 44 FR 4502, Jan. 22, 1979]

29126 5-18-79 / FM broadcast station in North Platte, Nebr., changes in table of assignments; comments by 7-9-79

30128 5-24-79 / FM quadrophonic broadcasting; reply comments extended to 7-11-79

[*See also* 44 FR 3732, 1-18-79]

24588 4-26-79 / Nevada and Missouri FM boradcast table of assignments; reply comments by 7-9-79

25245 4-30-79 / Reconsideration of provisions on applications for certificates of compliance and Federal-State/local regulatory relationships; reply comments by 7-9-79

25244 4-30-79 / Television broadcast stations in Dayton, Ohio; changes in table of assignments; reply comments by 7-9-79

24589 4-26-79 / TV broadcast station in Orange Park, Fla.; reply comments by 7-9-79

FEDERAL HOME LOAN BANK BOARD

33690 6-12-79 / Exemption from early withdrawal penalty upon death of account owner; comments by 7-9-79

FEDERAL MARITIME COMMISSION

36077 6-20-79 / Agreements by common carriers and other persons subject to the Shipping Act; comments by 7-11-79

26944 5-8-79 / Amendment to financial reports by common carriers by water in domestic offshore traders; comments by 7-9-79

FEDERAL TRADE COMMISSION

27683 5-11-79 / Jonathan Logan, Inc.; consent agreement with analysis to aid; comments by 7-10-79

GENERAL SERVICES ADMINISTRATION

Public Buildings Service—

33714 6-12-79 / Federal space management provisions; comments period extended to 7-13-79

[Originally published at 44 FR 18705, Mar. 29, 1979]

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Education Office—

30636 5-25-79 / Metric Education program provisions; comments by 7-9-79

27630 5-10-79 / Population Education Program; comments by 7-9-79

28012 5-14-79 / Provisions for consolidated grant applications for insular areas; comments by 7-13-79

[Corrected at 44 FR 29121, 5-18-79]

28238 5-14-79 / Revision of provisions for grants to State educational agencies for educational improvement, resources, and support; comments by 7-13-79

28184 5-14-79 / Provisions for grants to State educational agencies to meet the special educational needs of migratory children; comments by 7-13-79

Food and Drug Administration—

33114 6-8-79 / Chlorofluorocarbon propellants in self-pressurized containers; proposed essential uses; comments by 7-9-79

13041 3-9-79 / Establishment of conditions for the safety, effectiveness and labeling of over-the-counter drugs; reply comments by 7-9-79

33694 6-12-79 / New drug status of hydrazine in human drug products; comments by 7-12-79

HISTORIC PRESERVATION ADVISORY COUNCIL

34078 6-13-79 / Handicapped Access to Historic Properties; Proposed Statement of Program Approach; comments by 7-13-79

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Community Planning and Development, Office of Assistant Secretary—

21750 4-11-79 / Section 312 Rehabilitation loan program; legislative amendments; comments by 7-10-79

Federal Disaster Assistance Administration—

27922 5-11-79 / Temporary housing assistance; comments by 7-10-79

Office of Assistant Secretary for Housing—Federal Housing Commissioner—

27926 5-11-79 / Section 8 Housing Assistance payments Program—Existing Housing; Mobile homeowners; comments by 7-10-79

INTERIOR DEPARTMENT

Fish and Wildlife Service—

34082 6-13-79 / Migratory bird hunting, early season; comments by 7-13-79

37857 6-28-79 / Migratory bird hunting regulations; proposed frameworks for early season; comments by 7-13-79

Geological Survey—

27449 5-10-79 / Oil, gas and sulphur operations on Outer Continental Shelf; comments 7-9-79

INTERSTATE COMMERCE COMMISSION

33714 6-12-79 / Change in general policy statement on railroad freight forwarder contract rates; comments by 7-12-79

JUSTICE DEPARTMENT

Drug Enforcement Administration—

33695 6-12-79 / Limitations on imports of narcotic raw materials; comments by 7-12-79

NUCLEAR REGULATORY COMMISSION

26887 5-8-79 / Nondiscrimination in federally assisted commission programs; application to handicapped; comments by 7-9-79

PERSONNEL MANAGEMENT OFFICE

26885 5-8-79 / Apportionment from civil service retirement benefits; comments by 7-9-79

STATE DEPARTMENT

33891 6-13-79 / Privacy Act policies and procedures; comments by 7-13-79

TRANSPORTATION DEPARTMENT

Coast Guard—

33431 6-11-79 / Drawbridge operations, Delaware River, N.J.; comments by 7-13-79

33431 6-11-79 / Drawbridge operations, Greens Bayou, Tex.; comments by 7-10-79

TREASURY DEPARTMENT

Comptroller of the Currency—

27431 5-10-79 / Implementation of the International Banking Act of 1978; comments by 7-10-79

Internal Revenue Service—

27183 5-9-79 / Advance payments of earned income credit; comments by 7-9-79

27180 5-9-79 / Elections relating to the Puerto Rico and possession tax credit; comments by 7-9-79

27089 5-9-79 / Employment taxes; advance payments of earned income credit; comments by 7-9-79

27446 5-10-79 / Exemption for certain amateur athletic organizations; comments by 7-9-79

28001 5-14-79 / Income tax; consolidated returns; comments by 7-13-79

Next Weeks Meetings

ARMS CONTROL AND DISARMAMENT AGENCY

37529 6-27-79 / General Advisory Committee, Washington, D.C. (closed), 7-12 and 7-13-79

ARTS AND HUMANITIES, NATIONAL FOUNDATION

35325 6-19-79 / Architecture, Planning and Design Advisory Panel, Washington, D.C. (closed) 7-9-79

36271 6-21-79 / Humanities Panel, Washington, D.C. (closed), 7-9-79

36271 6-21-79 / Humanities Panel, Washington, D.C. (closed), 7-11 through 7-13-79

CIVIL RIGHTS COMMISSION

35262 6-19-79 / Colorado Advisory Committee, Denver, Colo. (open), 7-14-79

32269 6-5-79 / Iowa Advisory Committee, Des Moines, Iowa (open), 7-10-79

32269 6-5-79 / Michigan Advisory Committee, Detroit, Mich. (open), 7-10-79

33137 6-8-79 / Oklahoma Advisory Committee, Oklahoma City, Okla. (open), 7-12-79

30403 5-25-79 / Vermont Advisory Committee, Montpelier, Vt. (open), 7-10-79

35282 6-19-79 / Wyoming advisory committee, Casper, Wyo. (open), 7-12-79

COMMERCE DEPARTMENT

Industry and Trade Administration—

36092 6-20-79 / Management-Labor Textile Advisory Committee, Washington, D.C. (open), 7-10-79

National Oceanic and Atmospheric Administration—

32019 6-4-79 / Gulf of Mexico Fishery Management Council, Key West, Fla. (open), 7-10 through 7-13-79

33451 6-11-79 / Mid-Atlantic Fishery Management Council, Philadelphia, Pa. (open), 7-11 through 7-13-79

32432 6-6-79 / Pacific Fishery Management Council's Anchovy/Jack Mackerel Subpanel, Los Angeles, Calif. (open), 7-11-79

31033 5-30-79 / Pacific Fishery Management Council's Groundfish Advisory Subpanel, Los Angeles, Calif. (open), 7-11 and 7-12-79

Office of the Secretary—

30144 5-24-79 / Interagency Committee on Standards Policy, Washington, D.C. (open), 7-11-79

35283 6-19-79 / National laboratory accreditation criteria committees for thermal insulation materials and freshly mixed concrete, Washington, D.C. (open), 7-9 and 7-10-79

CONSUMER PRODUCT SAFETY COMMISSION

36446 6-22-79 / Product Safety Advisory Council, Washington, D.C. (open), 7-9-79

DEFENSE DEPARTMENT

37028 6-25-79 / Armed Forces Epidemiological Board, Washington, D.C. (open), 7-11-79

Air Force Department—

36093 6-20-79 / USAF Scientific Advisory Board, Washington, D.C. (closed), 7-10 and 7-11-79

[Previously published at 44 FR 31279, May 31, 1979]

Navy Department—

32434 6-6-79 / Command, Control and Communications Subpanel of the Chief of Naval Operations Executive Panel Advisory Committee, Washington, D.C. (closed), 7-11 and 7-12-79

Office of the Secretary—

37330 6-26-79 / Defense Science Board Task Force on Enduring Strategic Command Control and Communications, Washington, D.C. (closed), 7-11 and 7-12-79

34627 6-15-79 / Defense Science Board Task Force on Naval Surface Ship Vulnerability, Washington, D.C. (closed), 7-12-79

30149 5-24-79 / Wage Committee, Washington, D.C. (closed), 7-10-79

EMPLOYMENT POLICY NATIONAL COMMISSION

36128 6-20-79 / Meeting, Arlington, Va. (open), 7-12-79

ENERGY DEPARTMENT

34192 6-14-79 / Parker-Davis project rate adjustment, Las Vegas, Nev. (open), 7-9-79

ENVIRONMENTAL PROTECTION AGENCY

37554 6-27-79 / Interagency Toxic Substances Data Committee, Washington, D.C. (open), 7-10-79

36241 6-21-79 / State FIFRA Issues Research and Evaluation Group, Washington, D.C. (open), 7-11 and 7-12-79

FEDERAL EMERGENCY MANAGEMENT AGENCY

35289 6-19-79 / Board of Visitors for National Academy for Fire Prevention and Control, Emmitsburg, Md. (open), 7-10 through 7-12-79

FEDERAL PREVAILING RATE ADVISORY COMMITTEE

35290 6-19-79 / Rate system and Prevailing and Other Pertinent Matter, Washington, D.C. (open), 7-12-79

FEDERAL TRADE COMMISSION

34153 6-14-79 / Preservation of Consumers' Claims and Defenses; Trade Regulation; Washington, D.C. (open), 7-10-79

GENERAL SERVICES ADMINISTRATION

37090 6-25-79 / Regional Public Advisory Panel on Architectural and Engineering Services, San Francisco, Calif. (open) 7-9 through 7-13-79

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Education Office—

33022 6-7-79 / Correction Education Demonstration Program, meetings in each of the ten regions, 7-11-79

34024 6-13-79 / Health Education Program; proposed grant regulations, Charlestown, Mass.; New York City, N.Y.; Phila., Pa.; Atlanta, Ga.; Chicago, Ill.; Irving, Tex.; Kansas City, Mo.; Denver, Colo.; San Francisco, Calif.; and Seattle, Wash., (open), 7-11-79

33036 6-7-79 / Preschool Partnership Program; meetings in each of the ten regions, 7-9-79

33028 6-7-79 / Safe Schools Program, meetings in each of the ten regions, 7-11-79

Food and Drug Administration—

37335 6-26-79 / Consumer exchange, New Orleans, La. (open), 7-12-79

34644 6-15-79 / Hematology Devices Section and the clinical Chemistry Section of the Clinical Chemistry and Hematology Devices Panel, Washington, D.C. (partially open), 7-9-79

34644 6-15-79 / Physical Medicine Devices Section of the Surgical and Rehabilitation Devices Panel, Oakland, Calif. (partially open), 7-10 and 7-11-79

36475 6-22-79 / Toxicology Guidelines Subcommittee of the Oncologic Drugs Advisory Committee, Rockville, Md. (partially open), 7-9-79

Health Resources Administration—

35032 6-18-79 / National Council on Health Planning and Development, Subcommittee, Washington, D.C. (open), 7-12 and 7-13-79

National Institutes of Health—

34199 6-14-79 / Cancer Institutes, Clinical Trials Committee, Bethesda, Md. (open), 7-10-79

27265 5-9-79 / Cancer Special Program Advisory Committee, Bethesda, Md. (partially open), 7-11 and 7-12-79

37558 6-27-79 / Clinical Applications and Prevention Advisory Committee, Bethesda, Md. (open), 7-13-79

29973 5-23-79 / National Arthritis Advisory Board, Arlington, Va. (open), 7-11 and 7-12-79

[Corrected at 44 FR 37558, June 27, 1979]

37558 6-27-79 / Research Manpower Review Committee, Bethesda, Md. (open), 7-9 and 7-10-79

Office of Assistant Secretary of Health—

33497 6-11-79 / National Council on Health Care Technology, Washington, D.C. (open), 7-11 and 7-12-79

Office of the Assistant Secretary for Health—

37090 6-25-79 / Select Panel for the Promotion of Child Health, Washington, D.C. (open), 7-9-79

Office of the Secretary—

34780 6-15-79 / Child day care regulations, Denver, Colo. (open) 7-9-79

34780 6-15-79 / Child day care regulations, St. Louis, Mo. (open), 7-11-79

34780 6-15-79 / Child day care regulations, Philadelphia, Pa. (open), 7-10-79

Social Security Administration—

31668 6-1-79 / Freedom of Information, Boston, Mass. and Denver, Colo. (open), 7-10-79

31668 6-1-79 / Freedom of Information, Atlanta, Ga., and San Francisco, Calif.: (open) 7-12-79

INTERIOR DEPARTMENT

Land Management Bureau—

25937 5-3-79 / Accelerated Wilderness Inventory for Certain Lands in Emery County, Utah in connection with the Intermountain Power Project, Castle Dale, Utah, (open), 7-14-79

33160 6-8-79 / Las Cruces District Grazing Advisory Board, Las Cruces, N. Mex. (open), 7-12-79

National Park Service—

32754 6-7-79 / Canaveral National Seashore, Fla.; wilderness study and general management plan, New Smyrna Beach, Fla. and Titusville, Fla., 7-9 and 7-10-79

35060 6-18-79 / Ozark National Scenic Riverways Advisory Commission, Van Buren, Mo. (open), 7-13-79

NATIONAL SCIENCE FOUNDATION

37092 6-25-79 / Advisory Committee on Science and Society, Washington, D.C. (open), 7-11 through 7-13-79

37093 6-25-79 / Advisory Council Task group No. 5, Washington, D.C. (open), 7-13-79

NUCLEAR REGULATORY COMMISSION

37093 6-25-79 / Advisory Committee on Reactor Safeguards, Reactor Safety Research Subcommittee, Washington, D.C. (open), 7-10-79

37094 6-25-79 / Advisory Committee on Reactor Safeguards, Subcommittees on Metal Components and Combination of Dynamic Loads, Washington, D.C. (open), 7-10 and 7-11-79

37349 6-26-79 / Advisory Committee on Reactor Safeguards, Subcommittee on Extreme External Phenomena, Washington, D.C. (open), 7-11-79

37349 6-26-79 / Advisory Committee on Reactor Safeguards, Ad Hoc Subcommittee on the Three Mile Island, Unit 2 Accident—Implications Re Nuclear Power Plant Design, Washington, D.C. (open), 7-11-79

36519 6-22-79 / Advisory Committee on Reactor Safeguards; Subcommittee on the Bailly Generating Station, Nuclear 1, Portage, Ind., 7-9-79

36526 6-22-79 /Advisory Committee on Reactor Safeguards, Ad hoc Subcommittee on the Three Mile Island, Unit 2, Accident Bulletins and Orders, Washington, D.C., 7-9-79

SMALL BUSINESS ADMINISTRATION

36281 6-21-79 / Small Business Conference Commission, Washington, D.C. (open), 7-10-79

STATE DEPARTMENT

Agency for International Development—

36284 6-21-79 / International Food and Agricultural Development Board, Agricultural Development Joint Committee, Arlington, Va. (open), 7-9 and 7-10-79

36284 6-21-79 / International Food and Agricultural Development Board, Joint Research Committee, Arlington, Va. (open), 7-10 and 7-11-79

30002 5-23-79 / Research Advisory Committee, Washington, D.C. (open), 7-12 and 7-13-79

TRANSPORTATION DEPARTMENT

Federal Aviation Administration—

35072 6-18-79 / Radio Technical Commission for Aeronautics, Special Committee 141 Washington, D.C. (open), 7-10 and 7-11-79

VETERANS ADMINISTRATION

33757 6-12-79 / Veterans Administration Wage Committee, Washington, D.C. (closed), 7-12-79

WAGE AND PRICE STABILITY COUNCIL

37572 6-27-79 / Price Advisory Committee, Washington, D.C. (closed), 7-12-79

37572 6-27-79 / Wage Advisory Committee, Washington, D.C. (closed), 7-12-79

WATER RESOURCES COUNCIL

30194 5-24-79 / Water and related land resources; planning; standards; Los Angeles, Calif. (open), 7-10-79

Next Week's Public Hearings

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

36985 6-25-79 / Milk in Middle Atlantic Marketing Area, Philadelphia, Pa., 7-10-79

CIVIL AERONAUTICS BOARD

33919 6-13-79 / Former large irregular air service, investigation, Washington, D.C., 7-9-79

(Corrected at 44 FR 36090, 6-20-79)

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration—

34171 6-14-79 / Mid-Atlantic Fishery Management Council, New Bedford, Mass., 7-10; Narragansett, R.I. 7-11; Pomona, N.J., 7-12-79

ENDANGERED SPECIES SCIENTIFIC AUTHORITY

33916 6-13-79 / Export Findings for American Alligator, Washington, D.C., 7-10-79

ENERGY DEPARTMENT

Economic Regulatory Administration—

37316 6-26-79 / Retailer price rule for motor gasoline, Washington, D.C., 7-12-79

ENVIRONMENTAL PROTECTION AGENCY

34840 6-15-79 / Glass manufacturing plants, standards of performance for new stationary sources, Research Triangle Park, N.C., 7-9-79

27362 5-9-79 / Good laboratory practice standards for health effects, Chicago, Ill., week of 7-9-79

35262 6-19-79 / Motor vehicle pollution control; waiver of carbon monoxide emission standards, Washington, D.C., week of 7-9-79

27334 5-9-79 / Proposed health effects test standards for Toxic Substances Control Act test rules, Chicago, Ill., week of 7-9-79

31564 5-31-79 / Polychlorinated biphenyl manufacturing exemptions, Washington, D.C., 7-9-79

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

National Institutes of Health—

16498 3-19-79 / National Diabetes Advisory Board, long-range plan to combat diabetes, San Francisco, Calif., 7-11-79

INTERIOR DEPARTMENT

National Park Service—

34208 6-14-79 / Monocacy National Battlefield, availability of assessment of alternatives, Frederick, Md., 7-9-79

INTERNATIONAL TRADE COMMISSION

29740 5-22-79 / Porcelain-on-Steel Cooking Ware, Washington, D.C., 7-12-79

LABOR DEPARTMENT

Mine Safety and Health Administration—

29692 5-22-79 / Mine Rescue Teams; Public Hearings, 7-10 and 7-12-79

SUSQUEHANNA RIVER BASIN COMMISSION

32779 6-7-79 / Holtwood and York Haven Hydroelectric Projects, Camp Hill, Pa., 7-12-79

TRANSPORTATION DEPARTMENT

Federal Highway Administration—

28946 5-17-79 / Highway beautification program reassessment hearing, Washington, D.C., 7-10-79

List of Public Laws

This is a continuing list of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the Federal Register but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202-375-3030).

S. 429 / Pub. L. 96-29 "Department of Defense Supplemental Appropriation Authorization Act, 1979". (June 27, 1979; 93 Stat. 78) Price $.75.

S. 1317 / Pub. L. 96-30 To extend the existing antitrust exemption for oil companies that participate in the Agreement on an International Energy Program. (June 30, 1979; 93 Stat. 80) Price $.75.

Last Listing June 26, 1979

Documents Relating to Federal Grants 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

37594 6-27-79 / EPA—Grants for construction of treatment works, amendment Nos. 4, 6, 8, 9, and 10; effective 10-1-79

37478 6-26-79 / HUD/CPD—Small Cities Community Development Block Grants program provisions; effective 7-26-79

DEADLINES FOR COMMENTS ON PROPOSED RULES

37866 6-28-79 / HEW/OE—Adult education; State-administered program and commissioner's discretionary programs; comments by 8-27-79

38416 HEW/OE—Bilingual Education; comments by 8-28-79

38386 HEW/OE—Community Schools and Comprehensive Community Education Act; comments by 8-28-79

38364 6-29-79 / HEW/OE—Emergency School Aid; comments by 8-28-79

38400 HEW/OE—Financial Assistance to Local and State Agencies to Meet Special Educational Needs; comments by 10-1-79

37243 6-26-79 / HEW/OE—Grants to State educational agencies to meet the special educational needs of migratory children; correction to text of proposed provisions

[First published at 44 FR 28187, 5-14-79]

38154 6-29-79 / HEW/OE—Indian Education Act; comments by 8-28-79

38142 6-29-79 / HEW/OE—Law Related Education Program; comments by 8-28-79

38184 6-29-79 / HEW/OE—School Assistance in Areas Affected by Federal Activity; school assistance in cases of certain disasters; comments by 8-28-79

37478 6-26-79 / HUD/CPD—Small Cities Community Development Block Grants Program provisions; comments by 8-27-79

APPLICATIONS DEADLINES

37557 6-27-79 / HEW/HSA—Hypertension, project grants for preventive health services; apply by 7-1-79

37832 6-28-79 / HEW/HDSO—Administration for children, youth, and families; Child Welfare Research and Demonstration Grants Program; apply by 9-11-79

37336 6-26-79 / HEW/PHS—Mid-Career Training in Health Administration/Planning; apply by 8-7-79

MEETINGS

37866 6-28-79 / HEW/OE—Adult education—State-administered programs and Commissioner's discretionary programs; ten cities, 8-7-79

38416 HEW/OE—Bilingual Education, Various locations (open). 7-31-79

38386 HEW/OE—Community Schools and Comprehensive Community Education Act, Various locations (open), 8-7-79

38364 6-29-79 / HEW/OE—Emergency School Aid, Various locations (open), 8-1-79

38400 HEW/OE—Financial Assistance to Local and State Agencies to Meet Special Educational Needs, Various locations (open), 7-30-79

38154 6-29-79 / HEW/OE—Indian Education Act. Various locations (open); 8-13 through 8-22-79

38142 6-29-79 / HEW/OE—Law Related Education Program, Washington D.C., (open); 8-12-79

38184 6-29-79 / HEW/OE—School Assistance in Areas Affected by Federal Activity; School Assistance in Cases of Certain Disasters, Various locations (open); 8-2, 8-7, 8-9, and 8-21-79

OTHER ITEMS OF INTEREST

37631 6-28-79 / HUD—Community Development Block Grants; transmittal of proposal to Congress

37578 6-27-79 / Justice/LEAA—State Planning Agency Grants Guideline, proposed revision for definition of a juvenile detention or correctional facility