7-10-79
Vol. 44 No. 133
Pages 40275-40490

federal register

Tuesday
July 10, 1979

Highlights

40330 **Energy** DOE/FERC gives notice of opportunity for public comment on proposed administrative procedures for adjustments of Natural Gas curtailment Priority Regulations; comments by 8-10-79

40466 **Recovery of Fuel Costs** ICC gives notice of expedited procedures for motor carriers

40354 **Labor Arbitration** Federal Mediation and Conciliation Service prepares to promulgate new regulations concerning its role in the Federal Sector; comments by 9-10-79

40324 **Propane Gas** DOE/ERA proposes to amend the Mandatory Petroleum Price Regulations regarding the wholesale and retail selling prices; comments by 9-7-79

40391 **Gasoline** OHADOE gives notice of standards established in Departmental determinations involving exception relief from motor gasoline allocations

40329 **Gasoline** DOE/ERA gives notice of change of comment period regarding retailer price rules; comments by 7-12-79

40275 **Tobacco Loan Program** USDA/CCC establishes the schedule of grade loan rates which will apply to 1979 crop flue-cured tobacco; effective 7-10-79

CONTINUED INSIDE

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The Federal Register provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The Federal Register will be furnished by mail to subscribers, free of postage, for $5.00 per month or $50 per year, payable in advance. The charge for individual copies of 75 cents for each issue, or 75 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

There are no restrictions on the republication of material appearing in the Federal Register.

Area Code 202-523-5240

Highlights

40284 **Skin Test Antigens** HEW/FDA amends certain provisions for licensing and standards; effective 7-10-79

40276 **Canned Pineapple** HEW/FDA revises U.S. standard of identity; effective 7-1-81; voluntary compliance by 9-10-79; objections by 8-9-79

40283 **New Animal Drugs** HEW/FDA approves labeling revisions for an oleandomycin premix; effective 7-10-79

40283 **Food Additives** HEW/FDA amends food additive regulation for anhydrous ammonia; effective 7-10-79; objections 8-9-79

40336 **Food Standards** HEW/FDA proposes to revise standard of quality for canned pineapple; comments by 9-10-79

40364 **Grants** ACTION issues notice that sets out guidelines under which applications will be accepted in the State Office of Voluntary Citizen Participation Program

40436 **National Environmental Policy Act** Interior/Secy issues notice proposing to revise Departmental policies and procedures for compliance; comments by 8-10-79

40462 **Securities** SEC gives notice to broker-dealers concerning clauses in customer agreements which provide for arbitration of futures disputes

40444 **National Victim/Witness Strategy** Justice/LEAA announces a change to its *Guide for Discretionary Grant Programs* for (FY) 1979

40487 **Sunshine Act Meetings**

Contents

Federal Register
Vol. 44, No. 133
Tuesday, July 10, 1979

ACTION
NOTICES
40364 State office of voluntary citizen participation program grants (s/OVCP); applications; proposed guidelines

Agricultural Marketing Service
PROPOSED RULES
Milk marketing orders:
40313 Indiana
NOTICES
40366 Tobacco inspection and price support services; hearing

Agriculture Department
See also Agricultural Marketing Service; Animal and Plant Health Inspection Service; Commodity Credit Corporation; Food and Nutrition Service; Forest Service; Rural Electrification Administration; Soil Conservation Service.
NOTICES
40367 Privacy Act; systems of records
40368 Rural Transportation Advisory Task Force; hearing schedules

Alcohol, Tobacco and Firearms Bureau
PROPOSED RULES
Alcoholic beverages:
40351 Wine industry; color determinations

Animal and Plant Health Inspection Service
RULES
Livestock and poultry quarantine:
40276 Scabies in cattle

Army Department
See also Engineers Corps.
NOTICES
Environmental statements; availability, etc.:
40374 Fort Carson, Colo.; ongoing mission
40373 Fort Carson, Colo.; training land acquisition

Bonneville Power Administration
NOTICES
Environmental statements; availability, etc.:
40378 Proposed program for FY 1981

Civil Aeronautics Board
PROPOSED RULES
Procedural regulations:
40333 Economic proceedings; lost, damaged, or delayed baggage, liquidated; termination
NOTICES
Hearings, etc.:
40368 Tiger International-Seaboard World Airlines, Inc. acquisition case

Civil Rights Commission
NOTICES
40487 Meetings; Sunshine Act
State advisory committees:
40368 Illinois

Commerce Department
See Economic Development Administration; Industry and Trade Administration; National Oceanic and Atmospheric Administration.

Commodity Credit Corporation
RULES
Loan and purchase programs:
40275 Tobacco

Consumer Product Safety Commission
NOTICES
40487 Meetings; Sunshine Act (2 documents)

Defense Department
See also Army Department; Engineers Corps.
NOTICES
Meetings:
40375 Electron Devices Advisory Group

Economic Development Administration
NOTICES
Import determination petitions:
40369 Safety Systems, Inc. et al.

Economic Regulatory Administration
PROPOSED RULES
Petroleum allocation and price regulations:
40324 Propane; increased non-product costs passthrough
40329, 40330 Retailer price rule for motor gasoline (2 documents)
NOTICES
Consent orders:
40378 T-C Oil Co.
Remedial orders:
40378 N. C. Ginther

Education Office
NOTICES
40411 Information and data acquisition activity, description; inquiry

Employment and Training Administration
NOTICES
40447 Employment transfer and business competition determinations; financial assistance applications

Energy Department
See also Bonneville Power Administration; Economic Regulatory Administration; Federal Energy Regulatory Commission; Hearings and Appeals Office, Energy Department.
NOTICES
International atomic energy agreements; civil uses; subsequent arrangements:
40377 Australia et al.
40377 Switzerland

Engineers Corps
NOTICES
40374 Water resources; district realignment studies; inquiry

Environmental Protection Agency
RULES
Pesticides, tolerances in animal feeds:
40282 4-Amino-6(1,1-dimethylethyl)-3-(methylthio)-1,2,4-triazin-5(4*H*)-one
40281 *O,O*-Dimehtyl *O*-(4-nitro-*m*-tolyl) phosphorothioate
PROPOSED RULES
Air quality implementation plans; approval and promulgation; various States, etc.:
40360 Connecticut
40360 Idaho
40361 Wisconsin
Air quality implementation plans; preparation, adoption, and submittal:
40359 Tall stacks; fluid modeling guidance
NOTICES
Air quality implementation plans; approval and promulgation:
40405 Prevention of significant air quality deterioration (PSD); permits
Pesticides; emergency exemption applications:
40400 Mesurol
Pesticide registration, cancellation, etc.:
40399 Ultra low volume application; advisory opinion
Pesticides; emergency exemption applications:
40401 Azinphos methyl
40403 Bayleton 50% WP
40404 Fenvalerate
40404 Permethrin
40402 Propanil

Equal Employment Opportunity Commission
NOTICES
40489 Meetings; Sunshine Act (2 documents)

Federal Communications Commission
RULES
Radio services, special:
40310 Land mobile services, private; system licensing; identification requirements; correction
40311 Reregulation of radio and TV broadcasting; correction
NOTICES
40406 AM/FM combinations in same market; pre-rulemaking conditions
40488 Meetings; Sunshine Act (2 documents)

Federal Emergency Management Agency
RULES
Flood elevation determinations:
40310 Arkansas
40294 Massachusetts
40294–40296 New York (4 documents)
40297 North Dakota
40297–40299 Ohio (4 documents)
40300 Oklahoma
40300, 40309 Oregon (2 documents)
40300–40305 Pennsylvania (9 documents)
40305 Tennessee
40306 Texas
40306 Vermont
40307 Washington (2 documents)
40308 West Virginia
40308 Wisconsin
Flood insurance; communities eligible for sale:
40290 Illinois et al.
40293 Kansas et al.

Federal Energy Regulatory Commission
PROPOSED RULES
Natural Gas Policy Act of 1978:
40330 Curtailment priority regulations; administrative procedures for adjustments; inquiry
Petroleum allocation and price regulations:
40321 Natural gas liquids; analysis and recommendations to DOE
NOTICES
Hearings, etc.:
40379 Alabama Electric Cooperative
40380 Arizona Public Service Co. (2 documents)
40380 Arkansas Louisiana Gas Co. et al.
40381 Columbia Gulf Transmission Co.
40381 Commonwealth Edison Co.
40381–40383 Connecticut Light & Power Co. (5 documents)
40384 East Tennessee Natural Gas Co.
40384 Indiana & Michigan Electric Co. et al.
40384 Kentucky Utilities Co.
40385 Michigan Wisconsin Pipe Line Co.
40385–40387 Montana Power Co. (9 documents)
40388 New York State Electric & Gas Corp.
40388 Northern Natural Gas Co.
40388 Northwest Pipeline Corp.
40389 Ohio Power Co. et al.
40389 Panhandle Eastern Pipe Line Co.
40390 Public Service Co. of New Mexico (2 documents)
40384 Randolph, Jackson H.
40390 Western Gas Interstate Co.

Federal Home Loan Bank Board
NOTICES
40406 Consumer complaint system; automation

Federal Maritime Commission
NOTICES
40407 Agreements filed, etc.
40488 Meetings; Sunshine Act

Federal Mediation and Conciliation Service
PROPOSED RULES
40354 Mediation assistance in the Federal Sector; advance notice

Federal Reserve System
NOTICES
40488 Meetings; Sunshine Act
Organizations and functions:
40408 Federal Reserve Bank officers and employees; actions and responsibilities

Federal Trade Commission
PROPOSED RULES
Consent orders:
40333 AMF Inc.

Fish and Wildlife Service
NOTICES
40434 Endangered and threatened species permits; applications (2 documents)

Food and Drug Administration
RULES
Animal drugs, feeds, and related products:
40283 Anhydrous ammonia
40283 Oleandomycin
40283 Oxytocin injection
Biological products:
40284 Skin test antigens; efficacy review; implementation
40276 Pineapple, canned; identity standard
PROPOSED RULES
Food additives:
40343 Carrageenan etc.; withdrawal
40336 Pineapples, canned; quality standards
NOTICES
Human drugs:
40410 Papaverine or ethaverine, etc.; hearing

Food and Nutrition Service
NOTICES
Meetings:
40367 Child Nutrition National Advisory Council

Forest Service
PROPOSED RULES
Grazing:
40355 Livestock on National Forest System lands; wild free-roaming horses and burros
NOTICES
Environmental statements; availability, etc.:
40367 Cherokee National Forest, Tenn.
40366 Cherokee National Forest, Tenn. and Chattahoochee National Forest, Ga.

General Accounting Office
NOTICES
40410 Regulatory reports review, proposals, approvals, etc. (CAB)

Geological Survey
PROPOSED RULES
40355 Oil and Gas and Sulfur Operations in the Outer Continental Shelf; extension of comment period

Health, Education, and Welfare Department
See Education Office; Food and Drug Administration; Human Development Services Office.

Hearings and Appeals Office, Energy Department
NOTICES
Applications for exception:
40376 Decisions and orders
40391 Motor gasoline allocations; exception relief applications; guidelines
Remedial orders:
40375 Objections filed

Heritage Conservation and Recreation Service
NOTICES
40435 Historic Places National Register; additions, deletions, etc.

Human Development Services Office
NOTICES
Organization and functions:
40428 Adoption Opportunities Program

Indian Affairs Bureau
PROPOSED RULES
40345 Indian tribe reorganization under federal statute
40349 Indian tribe reorganization under federal statute; petition procedures

Industry and Trade Administration
NOTICES
Scientific articles; duty free entry:
40369 Columbia University
40370 National Radio Astronomy Observatory Associated Universities
40370 Princeton University
40371 Stanford University
40371 SUNY at Stony Brook
40371 University of Florida
40372 University of New Orleans
40372 University of Utah

Interior Department
See also Fish and Wildlife Service; Geological Survey; Heritage Conservation and Recreation Service; Indian Affairs Bureau; Land Management Bureau; National Park Service.
NOTICES
Meetings:
40443 Oil Shale Environmental Advisory Panel
40436 National Environmental Policy Act (NEPA); implementation

Interstate Commerce Commission
NOTICES
40466 Hearing assignments (2 documents)
Motor carriers:
40468 Contract carrier applications; Gelco Courier Services, Inc.
40466 Fuel costs; expedited procedures for recovery
40471 Temporary authority applications
40470 Railroad car service rules, mandatory; exemptions

Justice Department
See Law Enforcement Assistance Administration.

Labor Department
See also Employment and Training Administration; Mine Safety and Health Administration; Occupational Safety and Health Administration.
NOTICES
Adjustment assistance:
40448 A. Jacobs & Sons Co., Inc.
40448 Ark-Less Corp.
40448 Atlantic Products Corp.
40449 E&A Coal Co., Inc.
40449 Flat Top Colliery Corp.
40450 Ford Aerospace & Communications Corp. et al.
40449 GAF Corp.
40450 Igoe Brothers
40451 Jerome Industries Corp.
40451 JLS Coal Corp.
40452 Lawrence Mills, Inc.
40452 Linda-Jo Shoe Co., Inc.
40452 Louis Clark, Inc.

40453 Manila Mining Co.
40453 R. W. Taylor Co.
40453 Revere Copper & Brass, Inc.
40454 River Falls Manufacturing Corp.
40454 Royalty Smokeless Coal Co.
40454 Smith & Stover, Inc.
40455 Tempo Golf & Tennis, Inc.
40455 Trace Fork Coal Co.
40456 United Pants Co., Inc.
40456 Viancha Handbags, Ltd.
40456 Wellco Enterprises, Inc.

Land Management Bureau
NOTICES
Applications, etc.:
40429 Colorado
40429 New Mexico
Meetings:
40428 Grand Junction District Grazing Board
Outer Continental Shelf:
40429 Oil and gas leasing; Gulf of Mexico; area nominations and comments; correction
Wilderness areas; characteristics, inventories, etc.:
40429 Wyoming

Law Enforcement Assistance Administration
NOTICES
Discretionary grant programs guide, 1979 FY:
40444 National victim/witness strategy

Management and Budget Office
NOTICES
40461 "Audit of Federal Operations and Programs"; (OMB A-73); proposed revision; inquiry

Mine Safety and Health Administration
NOTICES
Petitions for mandatory safety standard modification:
40447 Macon Coal Co.

National Oceanic and Atmospheric Administration
NOTICES
Meetings:
40373 Sea Grant Review Panel

National Park Service
NOTICES
Meetings:
40443 Indiana Dunes National Lakeshore Advisory Commission; correction

Nuclear Regulatory Commission
NOTICES
Applications, etc.:
40457 Carolina Power & Light Co.
40457 Duke Power Co.
40458 Florida Power & Light Co.
40458 General Electric Co.
40461 Metropolitan Edison Co.
40458 Northeast Nuclear Energy Co. et al.
40459 Rochester Gas & Electric Corp.
40459 Sacramento Municipal Utility District (2 documents)
40460 Southern California Edison Co. et al.
40460 South Carolina Electric & Gas Co.
40461 Texas Utilities Generating Co. et al.
Meetings:
40461 Reactor Safeguards Advisory Committee; date change

Occupational Safety and Health Administration
NOTICES
Meetings:
40446 Occupational Safety and Health National Advisory Committee

Personnel Management Office
PROPOSED RULES
40313 Life insurance, optional; cancellation of declination for Postal Service employees

Rural Electrification Administration
PROPOSED RULES
Electric borrowers:
40319 Audit of accounting records and accounting interpretations (Bulletins 185-1:465-1, and 181-3); advance notice
Telephone borrowers:
40321 Telephone carrier system specifications (Specification PE-64)

Securities and Exchange Commission
NOTICES
40462 Broker-dealers; customer agreements; arbitration of future disputes; to broker-dealers
Hearings, etc.:
40464 Genesco World Apparel, Ltd.
40465 Westmor Corp.
40488 Meetings; Sunshine Act

Small Business Administration
NOTICES
Disaster areas:
40465 Mississippi (4 documents)

Soil Conservation Service
NOTICES
Environmental statements; availability, etc.:
40367 Attoyac Bayou Watershed, Tex.
40368 Wilkerson Creek Watershed, Ala.

Tennessee Valley Authority
NOTICES
40488 Meetings; Sunshine Act

Trade Negotiations, Office of Special Representative
NOTICES
Import quotas:
40462 Doxycycline

Treasury Department
See also Alcohol, Tobacco and Firearms Bureau.
NOTICES
Meetings:
40466 Debt Management Advisory Committees

Wage and Price Stability Council
NOTICES
Meetings:
40373 Wage and Price Stability Advisory Committee; postponement

MEETINGS ANNOUNCED IN THIS ISSUE

AGRICULTURE DEPARTMENT
Food and Nutrition Service—
40367 National Advisory Council on Child Nutrition, 7-26 through 7-28-79

CIVIL RIGHTS COMMISSION
40368 Illinois Advisory Committee, 7-30-79

COMMERCE DEPARTMENT
40373 National Oceanic and Atmospheric Administration Sea Grant Review Panel, 8-14 and 8-15-79

COUNCIL ON WAGE AND PRICE STABILITY
40373 Price Advisory Committee and Wage Advisory Committee, 7-12-79

DEFENSE DEPARTMENT
Secretary—
40375 DOD Advisory Group on Election Devices, 8-6-79

INTERIOR DEPARTMENT
Bureau of Land Management—
40428 Grand Junction District Grazing Advisory Board, 9-14-79
Secretary—
40443 Oil Shale Environmental Advisory Panel, 7-24 and 7-25-79

LABOR DEPARTMENT
Occupational Safety and Health Administration—
40446 National Advisory Committee on Occupational Safety and Health, 7-23-79

TREASURY DEPARTMENT
Secretary—
40446 Debt Management Advisory Committees, 7-24 and 7-25-79

CHANGED MEETINGS

NUCLEAR REGULATORY COMMISSION
40461 Advisory Committee on Reactor Safeguards; Subcommittee on Evaluation of Licensee Event Reports, 7-18 and 7-19-79

HEARINGS

ENERGY DEPARTMENT
Economic Regulatory Administration—
40324 Propane Increased Non-Product Costs, 8-8-79

HEALTH, EDUCATION, AND WELFARE DEPARTMENT
Food and Drug Administration—
40410 Drug Products Containing Papaverine or Ethaverine and Similar or Related Drugs, 8-27 and 8-28-79

CHANGED HEARINGS

ENERGY DEPARTMENT
Economic Regulatory Administration—
40330 Retailer Price Rule for Motor Gasoline, 7-12 and 7-13-79

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

5 CFR
Proposed Rules:
871 40313

7 CFR
1464 40275
Proposed Rules:
1049 40313
1701 (2 documents) 40319, 40321

9 CFR
73 40276

10 CFR
Proposed Rules:
211 40321
212 (3 documents) 40324, 40329, 40330
580 40330
585 40330

14 CFR
Proposed Rules:
Ch. II 40333

16 CFR
Proposed Rules:
13 40333

21 CFR
145 40276
193 (2 documents) 40281, 40282
522 40283
558 40283
561 40282
573 40283
601 40284
610 40284
650 40284
Proposed Rules:
145 40336
172 40343
182 40343

25 CFR
Proposed Rules:
52 40345
53 40349

27 CFR
Proposed Rules:
240 40351

29 CFR
Proposed Rules:
Ch. XII 40354

30 CFR
Proposed Rules:
250 40355

36 CFR
Proposed Rules:
222 40355

40 CFR
Proposed Rules:
51 40359
52 (3 documents) 40360, 40361

44 CFR
64 (2 documents) 40290, 40293
67 (30 documents) 40294–40310

47 CFR
2 40310
73 40311
90 40310

Rules and Regulations

Federal Register
Vol. 44, No. 133
Tuesday, July 10, 1979

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

7 CFR Part 1464

Tobacco Loan Program; 1979 Crop Grade Loan Rates—Flue-Cured Tobacco

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: This rule establishes the schedule of grade loan rates which will apply to 1979 crop flue-cured tobacco. The rule is needed to provide the statutory level of support for 1979-crop flue-cured tobacco. Eligible tobacco of this kind may be delivered for price support at the specified rates.

EFFECTIVE DATE: July 10, 1979.

FOR FURTHER INFORMATION CONTACT: Robert L. Tarczy, (202) 447-7601.

SUPPLEMENTARY INFORMATION: On May 23, 1979, notice was published in the Federal Register (44 FR 29905) inviting written comments, not later than June 22, 1979, on a proposed schedule of grade loan rates for providing price support for 1979-crop flue-cured tobacco at the statutory level.

Section 106 of the Agricultural Act of 1949, as amended, prescribes a formula for computing, in cents per pound, the level of price support for each crop of tobacco for which marketing quotas are in effect or have not been disapproved by producers. Application of this formula requires that the 1979 crop of flue-cured tobacco be supported at the level of 129.3 cents per pound.

Price support will be provided through loans to producer associations which will receive eligible tobacco from the producers and make price support advances to the producers for the tobacco received. The price support advances will be based on the grade loan rates, which average the required level of support when weighted by estimated grade percentages, in accordance with section 403 of the Act. The price support advances for flue-cured tobacco will be the amounts determined by multiplying the pounds of each grade received by the respective grade loan rate less 1 cent per pound which the producers' association is authorized to deduct and to apply against overhead costs.

Discussion of Comments

Three comments were received with respect to the schedule of loan rates proposed. All concurred with the schedule as proposed. Accordingly, it has been decided to adopt the schedule without change.

Final Rule

Accordingly, 7 CFR Part 1464 is amended by revising § 1464.16 to read as set forth below, effective for the 1979 crop of flue-cured tobacco. The material previously appearing under § 1464.16 remains applicable to the crop to which each refers.

(Secs. 4, 5, 62 Stat. 1070, as amended, (15 U.S.C. 714b, 714c), secs. 101, 106, 401, 403, 63 Stat. 1051, as amended (7 U.S.C. 1441, 1445, 1421, 1423)

This final rule has been reviewed under the USDA criteria established to implement Executive Order 12044, "Improving Government Regulations." A determination has been made that this action should not be classified "significant" under those criteria. A Final Impact Statement has been prepared and is available from Jerome F. Sitter, Price Support and Loan Division, Room 3741-South Building, P.O. Box 2415, Washington, D.C. 20013.

Signed at Washington, D.C. on July 3, 1979.

Jim William,
Acting Secretary.

§ 1464.16 1979 crop Flue-cured tobacco, types 11-14, loan schedule.

[Dollars per hundred pound, farm sales weight]

Grade	Loan rate[1]
A1F	167
A1L	167
B1L	157
B2L	153
B3L	150
B4L	146
B5L	140
B6L	134
B1F	157
B2F	153
B3F	150
B4F	146
B5F	140
B6F	134
B1FR	155
B2FR	151
B3FR	148
B4FR	145
B5FR	139
B6FR	133
B4R	133
B5R	126
B3K	144
B4K	140
B5K	133
B6K	124
B3V	139
B4V	134
B5V	129
B3S	136
B4S	132
B5S	125
X1L	153
X2L	149
X3L	144
X4L	134
X5L	124
X1F	153
X2F	149
X3F	144
X4F	134
X5F	124
X3V	134
X4V	128
X3S	132
X4KL	123
X4KF	123
X4KV	116
X3KR	136
X4KR	131
B3KL	136
B4KL	132
B5KL	126
B6KL	118
B3KF	136
B4KF	132
B5KF	126
B6KF	118
B3KM	139
B4KM	136
B5KM	131
B6KM	120
B3KR	142
B4KR	138
B5KR	132
B4KV	127
B5KV	121
B6KV	114
B4G	125
B5G	120
B6G	113
B5GR	105
B4GK	120
B5GK	116
B6GK	110
B5GG	105
H3L	152
H4L	149
H5L	143
H6L	136
X3KM	130
X4KM	124
X4G	116
X5G	110
X4GK	113
P2L	112
P3L	106
P4L	96
P5L	89
P2F	112
P3F	105
P4F	96
P5F	89
P4G	86

Grade	Loan rate[1]
P5G	79
M4F	124
M5F	119
M4KR	117
H1F	159
H2F	155
H3F	152
H4F	149
H5F	143
H6F	138
H4FR	146
H5FR	140
H6FR	133
H4K	140
H5K	135
H6K	129
C1L	158
C2L	155
C3L	152
C4L	148
C5L	143
C1F	158
C2F	155
C3F	152
C4F	148
C5F	143
C4V	137
C4S	135
C4KL	134
C4KM	136
C4KR	140
C4G	127
C4GK	124
M4KM	115
M5KM	110
M4GK	110
M5GK	103
N1L	81
N1XL	94
N1K	101
N1R	91
N1GL	75
N1GF	92
N1GR	87
N1KV	91
N1GG	84
N1BO	84
N1XO	82
N1PO	70

[1] The loan rates listed are applicable to tied and untied flue-cured tobacco which is (1) eligible tobacco as defined in the regulations and (2) identified by a marketing card which does not bear the notation "Discount Variety—Limited Support." Rates for eligible tobacco identified by a marketing card, which bears the notation "Discount Variety—Limited Support," are 50 percent of the loan rates listed plus fifty cents ($0.50) per hundred pounds. Any grade to which the special factor "sand" or "dirt" is added (denoting a moderate amount of sand or dirt in excess of normal) may be accepted at 90 percent, rounded to nearest dollar, of the loan rate listed. Tobacco graded "W" (doubtful keeping order), "U" (unsound), "N2", "No-G", "No-G-F", "No G-F-sand", "No G-F-dirt", or "scrap" will not be accepted. Tobacco is eligible for advance only if consigned by the original producer. The cooperative association through which advances are made available is authorized to deduct 1 cent per pound to apply against overhead costs.

[FR Doc. 79-21199 Filed 7-9-79; 8:45 am]

BILLING CODE 3410-05-M

Animal and Plant Health Inspection Service

9 CFR Part 73

Scabies in Cattle; Area Quarantined

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final Rule.

SUMMARY: The purpose of this amendment is to quarantine a portion of San Joaquin County in California because of the existence of cattle scabies. Psoroptic cattle scabies was confirmed from specimens collected from cattle in this area by the National Veterinary Services Laboratories in Ames, Iowa. Therefore, in order to prevent the dissemination of cattle scabies it is necessary to quarantine the infested area.

EFFECTIVE DATE: July 3, 1979.

FOR FURTHER INFORMATION CONTACT: Dr. Glen O. Schubert, Chief Staff Veterinarian, Sheep, Goat, Equine, and Ectoparasites Staff, USDA, APHIS, VS, Federal Building, Room 737, 6505 Belcrest Road, Hyattsville, Md 20782, 301-436-8322.

SUPPLEMENTARY INFORMATION: This amendment quarantines a portion of San Joaquin County in California because of the existence of cattle scabies. The restrictions pertaining to the interstate movement of cattle from quarantined areas, contained in 9 CFR Part 73, as amended, apply to the quarantined area.

Accordingly, Part 73, Title 9, Code of Federal Regulations, as amended, restricting the interstate movement of cattle because of scabies, is hereby amended in the following respect:

In § 73.1a, a new paragraph (a) relating to the State of California is added to read:

§ 73.1a Notice of quarantine.

(a) Notice is hereby given that cattle in a certain portion of the State of California are affected with scabies, a contagious, infectious, and communicable disease; and, therefore, the following area in such State is hereby quarantined because of said disease:

The premises of the San Guinette Ranch, San Joaquin County, California, NW ¼ of sec. 11, T. 1 N., R. 7 E.

(Secs. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; secs. 1-4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111-113, 115, 117, 120, 121, 123-126, 134b, 134f; 37 FR 28464, 28477; 38 FR 19141)

The amendment imposes certain further restrictions necessary to prevent the interstate spread of cattle scabies from such area and must be made effective immediately to accomplish its purpose in the public interest.

Therefore, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this final rule are impracticable and contrary to the public interest and good cause is found for making this final rule effective on or before August 9, 1979.

Further, this final rule has not been designated as "significant," and is being published in accordance with the emergency procedures in Executive Order 12044 and Secretary's Memorandum 1955. It has been determined by J. K. Atwell, Assistant Deputy Administrator, Animal Health Programs, APHIS, VS, USDA, that the emergency nature of this final rule warrants publication without opportunity for public comment or preparation of an impact analysis statement at this time.

This final rule implements the regulations in Part 73. It will be scheduled for review in conjunction with the periodic review of the regulations in that Part required under the provisions of Executive Order 12044 and Secretary's Memorandum 1955.

Done at Washington, D.C., this 3rd day of July 1979.

M. T. Goff,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 79-21197 Filed 7-9-79; 8:45 am]

BILLING CODE 3410-34-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

21 CFR Part 145

[Docket No. 76P-0026]

Canned Pineapple; Standard of Identity

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This document amends the U.S. standard of identity for canned pineapple in consideration of the identity features of the Recommended International Standard for Canned Pineapple developed by the Codex Alimentarius Commission to (1) require that canned pineapple be prepared from fresh pineapple, (2) provide for the use of "pineapple juice and water" as an optional packing medium for all styles of canned pineapple, (3) provide for the alternate names "whole slices" or "rings" for the style "slices," and (4) provide for "quarter slices" and "pieces" or "irregular pieces" as additional styles of canned pineapple. This action is for the purpose of promoting honesty and fair dealing in the interest of consumers and facilitating international trade.

EFFECTIVE DATES: July 1, 1981 for all products initially introduced into interstate commerce on or after this date.

Voluntary compliance: September 10, 1979.

Objections by: August 9, 1979.

ADDRESS: Written objections to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: F. Leo Kauffman, Bureau of Foods (HFF-414), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, DC 20204, 202-245-1164.

SUPPLEMENTARY INFORMATION: Based on a petition filed by the California Canners and Growers Association, 3100 Ferry Bldg., San Francisco, CA 94106, the Commissioner of Food and Drugs proposed in the Federal Register of January 21, 1974 (39 FR 2368) to amend the United States definitions and standards of identity for 10 canned fruits (now codified in Part 145 (21 CFR Part 145), formerly Part 27 (21 CFR Part 27) before the recodification published in the Federal Register of March 15, 1977 (42 FR 14302)), including the U.S. standard of identity for canned pineapple, so as to conform to the pattern of the canned plum standard as adopted by the Codex Alimentarius Commission.

The Pineapple Growers Association of Hawaii (PGAH), 1902 Financial Plaza of the Pacific, Honolulu, HI 96813, an association representing all processors of canned pineapple produced in the United States, supported by the members of Congress from Hawaii, opposed the amendment of the canned pineapple standard of identity on the ground that it was proposed without recourse to the views and expert knowledge of the United States pineapple industry. The PGAH simultaneously filed a petition dated April 1, 1974 to amend the U.S. standards of identity, quality, and fill of container for canned pineapple in consideration of the Recommended International Standard for Canned Pineapple (CAC/RS 42-1970) (hereinafter referred to as the Codex standard). In the Federal Register of February 7, 1975 (40 FR 5762), the Commissioner issued a final regulation on all provisions of the January 21, 1974 proposal except for those on canned pineapple. The Commissioner concluded that action on the canned pineapple provisions was then inappropriate and that the final regulation ruling on the canned pineapple amendment would be held in abeyance and would be considered at a later date in conjunction with the April 2, 1974 PGAH petition.

The PGAH subsequently submitted a new petition, dated January 16, 1976 and amended November 7, 1977, to amend the U.S. standards of identity and quality (§ 145.180 (a) and (b) (21 CFR 145.180 (a) and (b), respectively)) for canned pineapple. The Commissioner is considering those parts of the PGAH petitions that seek to amend the U.S. standard of identity as comments to the January 21, 1974 proposal. Elsewhere in this issue of the Federal Register, the Commissioner is proposing to amend the U.S. standard of quality for canned pineapple in consideration of the appropriate provisions of both PGAH petitions and of the Codex standard. A proposal was published in the Federal Register of December 9, 1977 (42 FR 62282) to amend the standards of fill of container for certain canned foods, including canned pineapple, to establish minimum average drained weights.

The Taiwan Canners Association (TCA) submitted a petition to amend the canned pineapple standard of identity to provide for pineapple pieces as an optional style of pack. The petition was rejected for failure to comply with FDA procedural requirements set forth in § 10.30 (21 CFR 10.30); however, the technical aspects of the petition are discussed below.

The following is a discussion of comments received in response to the proposal to amend the canned pineapple standard of identity published in the Federal Register of January 21, 1974; the applicable portions of the PGAH petitions; the TCA petition; and the Commissioner's conclusions:

The Use of Frozen or Previously Canned Pineapple

The PGAH opposed the use of frozen or previously canned pineapple because, it asserted, the resultant product would not be consistently comparable in quality to that prepared from fresh mature pineapple.

The Commissioner has reviewed the proposed provision that would have permitted the use of frozen or previously canned pineapple and now concludes that there is insufficient evidence to support the proposed position. The Commissioner therefore concludes that it is in the best interest of the consumers to provide only for the use of fresh mature pineapple in the regulation as set forth below in § 145.180(a)(1).

Botanical Name

The PGAH requested that canned pineapple conform to the characteristics of *Ananas comosus* (L.) Merrill.

The Commissioner agrees that the U.S. standard should adopt the more complete botanical name *Ananas comosus* (L.) Merrill for pineapple, and this is reflected in § 145.180(a)(1) of the final regulations.

Flavoring

The PGAH opposed the use of natural fruit essences (natural fruit flavors) except as provided for by the use of pineapple juice. However, no grounds were presented in support of this position.

The Commissioner concludes, in the absence of information to the contrary, that the proposed use of natural fruit flavors and mint flavor is reasonable and consistent with similar provisions for other standardized canned fruits and he has so provided in the regulations as set forth below in § 145.180(a)(1) (i) and (ii).

Vitamin C Fortification

A comment on the proposal requested that the standard of identity permit optional fortification with vitamin C to enable industry to develop food products that would be of greater nutritive value to the consumer.

The Commissioner notes that vitamin C fortification is not provided for in other canned fruit standards. In part for this reason, the Commissioner concludes that permitting the addition of vitaman C in canned pineapple is beyond the scope of this final regulation, and a petition proposing to amend the standard would be necessary to provide adequate notice for those who wish to comment.

Slices

The January 1974 proposal listed 12 styles of pack, while the current regulation lists only 8. The proposal called for one style of pack to include "slices or spiral slices or whole slice or rings." The current regulation lists only the "slices" style. The PGAH requested that FDA provide for the optional names "sliced," "slices," or "whole slices." The PGAH considered "spiral slices" as a separate style and stated that the addition of this style to the already long list of the optional styles of pineapple currently provided for in the U.S. standard would be confusing to the consumer and represented a further proliferation of the number of kinds of canned pineapple in the market.

The Commissioner has reconsidered the proposed provision for the alternative name "spiral slices." Information now available reveals that although "spiral slices" may comply with the standard of identity for canned pineapple "slices" as set forth in the regulation below, they generally fail to meet the standard of quality because of excessive trim. The information shows that such slices are excessively trimmed due to the mechanical procedure used in

removing the outer surface of the fresh pineapple. In the procedure, the deep fruit eyes are spirally cut out of the pineapple, and the remaining outer surface is removed with a relatively thin cut. As a result of the deep spiral cuts in the outer edges, the resulting "spiral slices" have uneven surfaces with grooves that are generally considered substandard in quality because they are excessively trimmed. "Slices" are considered excessively trimmed by the U.S. standard of quality (§ 145.180(b)(1)(vii)) and Codex standard (2.2.1.3) if the portion trimmed away exceeds 5 percent of the apparent physical bulk of the perfectly formed unit and if such trimming destroys the normal circular shape of the outer or inner edge of the unit. Thus, the Commissioner fears substandard (excessively trimmed) slices could fall within the "spiral slices"style of pack. Moreover, the Commissioner questions whether consumers will recognize that the name "spiral slices" will deliver a product of the same shape, size, and general appearance as "slices." The Commissioner, therefore, concludes that "spiral slices" is not a suitable alternative name for "slices," although "slices" manufactured by special trimming can be marketed as slices subject to the standard of quality requirements. Further, in the absence of information to the contrary, the Commissioner believes that "whole slices" and "rings" are reasonable as alternative names for "slices" or "sliced," as provided for in the regulation below in § 145.180(a)(2)(i) and (5)(ii).

Whole, Quarter Slices, and Pieces Styles

The January 1974 proposal provided for the following new styles of pack: whole, quarter slices, and pieces. The PGAH requested that FDA adopt the style "quarter slices," in the final regulations but not the styles "whole" and "pieces." The PGAH stated that the addition of the styles "whole" and "pieces" to the already long list of the optional styles of pineapple currently provided for in the U.S. standard would be confusing to the consumer and represented a further proliferation of the number of kinds of canned pineapple in the market. The PGAH further stated that "pieces," by their appearance, represent pineapple as a low quality fruit product.

The Taiwan Canners Association (TCA) petition defined canned pineapple "pieces" as irregular size pieces, the maximum size of which cannot exceed 38 millimeters (mm) (1.5 inches). Further, it stated that the weight of the small "pieces" that pass through an 8-mm (0.31 inch) screen cannot exceed 20 percent of the drained weight per tin. The TCA stated that Taiwan packed about 750,000 cases of pineapple "pieces" annually, which "were sold to worldwide destinations for many years."

The Commissioner concludes that there is reasonable interest in the proposed optional styles "quarter slices" and "pieces," or, optionally, "irregular pieces" to justify providing for them, as proposed, in § 145.180(a)(1) (iii) and (ix), respectively, of the regulation set forth below. He further concludes that the definitions of "quarter slices" as "consisting of uniformly cut, one-forth portions of slices" and of "pieces or irregular pieces" as "consisting of irregular shapes and sizes not identifiable as a specific style and does not include chunks" are reasonable and has so provided for them in the regulation set forth below. Because there was no demonstration of interest in the proposed optional style "whole," the Commissioner is not providing for it. The Commissioner is also providing in § 145.180(a)(5)(ii) that "pieces" or "irregular pieces" may be alternatively designated "mixed pieces of irregular sizes and shapes," consistent with similar provisions for other standardized canned fruits. In the Commissioner's opinion, this will promote honesty and fair dealing in the interest of consumers. Elsewhere in this issue of the Federal Register, the Commissioner is proposing quality criteria for the additional optional styles "quarter slices" and "pieces or irregular pieces."

Crushed or Crisp Cut and Chips Styles

The PGAH petitions were silent on the proposed alternative labeling of "crisp cut" for "crushed" style canned pineapple, but they did oppose "chips" as a separate optional style for the same reason previously discussed regarding the "whole" and "pieces" styles of canned pineapple.

The Commissioner has reconsidered the proposed provision regarding the alternate use of the term "crisp cut" for "crushed" style canned pineapple. The Commissioner now believes that the term "crisp cut" is not generally understood in the United States as an alternative name for "crushed" style of canned pineapple. The regulation as set forth below therefore does not provide for that alternative name. The Commissioner concludes that "chips" should not be provided for as a separate style but should be included in crushed style as defined in the regulation as set forth below in § 145.180(a)(2)(viii).

Crushed Pineapple Packed in Water

The PGAH opposed the proposed use of water as a packing medium for canned crushed pineapple, as opposed to other styles of pineapple, as impractical, i.e., the product could not meet the drained weight/net weight ratio. The other styles (sliced, chunks, etc.), the comment stated, maintain their integrity as pineapple even when packed in water because the juice does not "drain out" as is the case with crushed pineapple. Further, the pineapple companies have never added water to crushed pineapple, and such an addition, particularly in the "heavy" or "solid" packs, where the ratios of the drained fruit weight to net content of the container are no less than 73 percent and 78 percent, respectively, "would not be reasonably possible to accomplish." Overcooking would be necessary to break down further the fruit membranes to reduce the juice content.

The Commissioner notes that water has not historically been considered to be a suitable packing medium for crushed pineapple in the United States; thus, it is not provided for in the current U.S. standard for canned crushed pineapple. Further, the Commissioner is not aware of either consumer or industry interest in providing for crushed pineapple packed in water. Therefore, the Commissioner concludes that the use of water as a suitable packing medium for canned crushed pineapple will not be permitted.

Fruit Juices Other Than Pineapple Juice as Packing Media

The PGAH, supported by the members of Congress from Hawaii, stated that its major objection to the proposal to amend the standard of identity for canned pineapple was the inclusion of other fruit juices as packing media. These ingredients, the PGAH stated, are not provided for by the Codex standard for canned pineapple, and to permit their inclusion would adversely affect domestic producers of canned pineapple.

The Commissioner does not consider an economic disadvantage to be adequate grounds for not providing for the optional use of fruit juices other than pineapple juice as packing media for canned pineapple. The Commissioner is not aware, however, of consumer or industry interest in such use. In the absence of such a showing of interest, the Commissioner is not providing for the use of fruit juices other than pineapple juice as packing media for canned pineapple.

"Water," "Pineapple Juice and Water," and "Pineapple Juice" as Packing Media for Styles Other Than Crushed Pineapple

The PGAH requested that FDA provide for "water" and "pineapple juice" as optional packing media, and proposed that water be defined as water or any mixture of water and pineapple juice. The PGAH objected to changing the existing definitions because such a change would result in making canned pineapple adulterated.

The Commissioner does not agree that packing canned pineapple in the packing media defined in § 145.3 (21 CFR 145.3) would result in adulteration. The Commissioner notes that the required label declaration of the packing medium on the principal display panel will alert the consumer at the time of purchase that the canned pineapple is packed in "water" or "pineapple juice and water" or "pineapple juice." The Commissioner concludes that to provide for "water," "pineapple juice and water," and "pineapple juice" as defined in § 145.3 as packing media for canned pineapple (except for crushed pineapple packed in water) is reasonable, and the regulation as set forth below so provides in § 145.180(a)(3)(i).

Brown Sugar and Honey

The PGAH stated that the provision for brown sugar and honey would have an adverse economic effect on domestic producers of canned pineapple. Further, PGAH noted that the Codex standard does not provide for such sweeteners.

In view of the question raised regarding such ingredients and because no support for sweeteners other than those set forth in the existing standard has been provided, the Commissioner has reconsidered the proposal providing for safe and suitable nutritive carbohydrate sweeteners. The regulation as set forth below in § 145.180(a)(3)(ii) provides for the sweeteners and sweetener proportionality limitations provided for in the existing U.S. standard for canned pineapple and does not provide for brown sugar and honey.

Concentrated Clarified Pineapple Juice

The Commissioner notes that the provision for the designation of concentrated clarified pineapple juice as one of the sirup packing media when it conforms to the density range of one of the specified sirups was inadvertently omitted from the proposal. The Commissioner, therefore, has revised the regulation below in § 145.180(a)(3)(iii) to incorporate that language, which is consistent with the requirements already set forth in the standard being revised.

Label Designation of Packing Medium, Style of Pack, and Country of Origin

The PGAH stated that a designation of the area, State, territory, or possession of the United States or foreign country in which the pineapple was grown may intervene on the label between the words "canned pineapple" and the declaration of packing medium or style of pineapple ingredient. The PGAH did not give any persuasive reason why this intervening material should be allowed.

The Commissioner points out that such information, if truthful, can appear elsewhere on the label. Because the intervening information might distract from the necessary consumer information, the Commissioner does not consider such placement to be in the consumers' interest.

Canned Pineapple With Added Sweetener

The PGAH stated that packing media consisting of water, pineapple juice, or clarified juice to which a sweetener has been added are to be declared as "light sirup," "heavy sirup," or "extra heavy sirup," depending on the density of the packing medium.

The regulation set forth below provides for the use of "water," "pineapple juice and water," or "pineapple juice" as optional packing media and designates other appropriate names when a sweetener is added to such packing media. Thus, while water to which a sweetener is added may be declared as, e.g., "light sirup," the other two packing media are designated as, e.g., "lightly sweetened pineapple juice and water" and "lightly sweetened pineapple juice," respectively. The Commissioner believes that such nomenclature will be more informative to the consumer than providing for the declaration of all such packing media as sirups, and the regulation so provides in § 145.180(a)(3)(iv).

Alternative Labeling of Crushed Pineapple With Added Sweetener

The PGAH requested that FDA permit crushed pineapple packed in pineapple juice and sugar to be labeled as "lightly sweetened" or "heavily sweetened" or "extra heavily sweetened" if the drained liquid conforms to the density ranges specified for light sirup, heavy sirup, or extra heavy sirup, respectively.

The regulation set forth below in § 145.180(a)(3)(iv) requires that packing media consisting of pineapple juice to which a sweetener has been added shall be declared as "slightly sweetened pineapple juice," "lightly sweetened pineapple juice," "heavily sweetened pineapple juice," or "extra heavily sweetened pineapple juice," depending on the density of the resulting packing medium. Because the terms "light sirup," "heavy sirup," and "extra heavy sirup" now apply only to water to which sweetener has been added or to concentrated clarified pineapple juice and not to sweetened pineapple juice, the Commissioner concludes that the alternate labeling is no longer applicable and should not be provided for in the regulation as set forth below.

Unsweetened Juice as a Packing Medium

The Commissioner notes that the provision in the U.S. standard that the label declaration of canned pineapple packed in pineapple juice include the word "unsweetened" in addition to the statement "in pineapple juice" or "packed in pineapple juice" was inadvertently omitted from the proposal. The Commissioner believes that such labeling will better inform consumers of the fact that the juice used as a packing medium for canned pineapple is unsweetened, and the regulation below so provides in § 145.180(a)(5)(ii).

In consideration of the comments received and other relevant information, the Commissioner concludes that it will promote honesty and fair dealing in the interest of consumers to amend the standard of identity for canned pineapple as set forth below.

The Commissioner has considered the environmental effects of the issuance or amendment of food standards and has concluded in § 25.1(d)(4) (21 CFR 25.1(d)(4)) that food standards are not major agency actions significantly affecting the quality of the human environment. Therefore, an environmental impact statement is not required for this regulation.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 401, 701(e), 52 Stat. 1046 as amended, 70 Stat. 919 as amended (21 U.S.C. 341, 371(e))) and under authority delegated to the Commissioner (21 CFR 5.1), Part 145 is amended in § 145.180 by revising paragraph (a) to read as follows:

§ 145.180 Canned pineapple.

(a) *Identity*—(1) *Ingredients.* Canned pineapple is the food prepared from fresh mature pineapple conforming to the characteristics of *Ananas comosus* (L.) Merrill and from which peel and core have been removed. The food consists of one of the optional styles of

the pineapple ingredient specified in paragraph (a)(2) of this section and may be packed in one of the optional packing media specified in paragraph (a)(3) of this section, except water is not a suitable packing medium for crushed style. Crushed style may additionally be packed as a heavy or solid pack as specified in paragraph (a)(4) of this section. The food may also contain one, or any combination of two or more, of the following safe and suitable optional ingredients:

(i) Natural fruit flavors.

(ii) Mint flavor.

(iii) Spices, spice oils

(iv) Vinegar or organic acids.

(v) Dimethylpolysiloxane in an amount not greater than 10 milligrams/kilogram (10 parts per million) by weight of the finished food as a defoaming agent.

The food is sealed in a container and, before or after sealing, is so processed by heat as to prevent spoilage.

(2) *Styles of pack.* The optional styles of the pineapple ingredients referred to in paragraph (a)(1) of this section are:

(i) *Slices or whole slices or rings*—consisting of uniformly cut circular slices or rings cut across the axis of the peeled, cored pineapple cylinders.

(ii) *Half slices*—consisting of uniformly cut, approximately semicircular halves of slices.

(iii) *Quarter slices*—consisting of uniformily cut, one-fourth portions of slices.

(iv) *Broken slices*—consisting of arc-shaped portions which may not be uniform in size and/or shape.

(v) *Spears or fingers*—consisting of long, slender pieces cut radially and lengthwise of the cored pineapple cylinder, predominantly 65 millimeters (2.5 inches) or longer.

(vi) *Tidbits*—consisting of reasonably uniform, wedge-shaped sectors cut from slices or portions thereof, predominantly from 8 millimeters (0.31 inch) to 13 millimeters (0.51 inch) thick.

(vii) *Chunks*—consisting of short, thick pieces cut from thick slices and/or from peeled cored pineapple and predominantly more than 13 millimeters (0.51 inch) in both thickness and width, and less than 38 millimeters (1.5 inches) in length.

(viii) *Cubes or dice*—consisting of reasonably uniform, cube-shaped pieces, predominantly 14 millimeters (0.55 inch) or less in the longest edge dimensions.

(ix) *Pieces or irregular pieces*—consisting of irregular shapes and sizes not identifiable as a specific style and does not include chunks.

(x) *Crushed*—consist of finely cut or finely shredded or grated or diced pieces of pineapple.

(3) *Packing media.* (i) The optional packing media referred to in paragraph (a)(1) of this section and defined in § 145.3 are:

(*a*) Water.

(*b*) Pineapple juice and water.

(*c*) Pineapple juice.

(*d*) Clarified pineapple juice.

Such packing media may be used as such, or any one of the optional sweetening ingredients specified in paragraph (a)(3)(ii) of this section may be added.

(ii) The optional sweetening ingredients referred to in paragraph (a)(3)(i) of this section are:

(*a*) Sugar.

(*b*) Invert sugar sirup.

(*c*) Any mixture of optional sweetening ingredients designated in paragraph (a)(3)(ii)(*a*) and (*b*) of this section.

(*d*) Any of the optional sweetening ingredients designated in paragraph (a)(3)(ii)(*a*), (*b*), and (*c*) of this section with dextrose, as long as the weight of the solids of dextrose does not exceed one-third of the total weight of the solids of the combined sweetening ingredients.

(*e*) Any of the optional sweetening ingredients designated in paragraph (a)(3)(ii)(*a*), (*b*), and (*c*) of this section with corn sirup or with dried corn sirup or with glucose sirup or with dried glucose sirup, or with any two or more of these, as long as the weight of the solids of corn sirup, dried corn sirup, glucose sirup, dried glucose sirup, or the sum of the weights of the solids of corn sirup, dried corn sirup, glucose sirup, and dried glucose sirup, in case two or more of these are used, does not exceed one-fourth of the total weight of the solids of the combined sweetening ingredients.

(*f*) Any mixture of the optional ingredients designated in paragraph (a)(3)(ii)(*d*) and (*e*) of this section.

(iii) If the concentration of clarified pineapple juice is such that the packing medium conforms to the density range for one of the sirups provided for in paragraph (a)(3)(iv)(*b*), (*c*), or (*d*) of this section, the concentrated clarified juice is considered to be light sirup, heavy sirup, or extra heavy sirup, as the case may be.

(iv) When a sweetener is added as a part of any liquid packing medium as provided for in paragraph (a)(3)(i)(*a*), (*b*), and (*c*) of this section, the density range of the resulting packing medium, expressed as percent by weight of sucrose (degrees Brix) as determined by the procedure in § 145.3(m), shall be designated by the appropriate name for the respective density ranges, namely:

(*a*) When the density of the solution is 10 percent or more but less than 14 percent, the medium shall be designated as "slightly sweetened water" or "extra light sirup"; "slightly sweetened pineapple juice and water"; or "slightly sweetened pineapple juice", as the case may be.

(*b*) When the density of the solution is 14 percent or more but less than 18 percent, the medium shall be designated as "light sirup"; "lightly sweetened pineapple juice and water"; or "lightly sweetened pineapple juice," as the case may be.

(*c*) When the density of the solution is 18 percent or more but less than 22 percent, the medium shall be designated as "heavy sirup"; "heavily sweetened pineapple juice and water"; or "heavily sweetened pineapple juice", as the case may be.

(*d*) When the density of the solution is 22 percent or more but not more than 35 percent, the medium shall be designated as "extra heavy sirup"; "extra heavily sweetened pineapple juice and water"; or "extra heavily sweetened pineapple juice", as the case may be.

(v) Determine compliance as specified in § 145.3(o).

(4) *Types of pack.* The optional types of pack for crushed style referred to in paragraph (a)(1) of this section are as follows:

(i) Heavy pack: Crushed style with or without sweetening ingredients and containing at least 73 percent drained fruit weight, as determined by the procedure set forth in § 145.3(n).

(ii) Solid pack: Crushed style with or without sweetening ingredients and containing at least 78 percent drained fruit weight, as determined by the procedure set forth in § 145.3(n).

(5) *Labeling requirements.* (i) The name of the food is "pineapple". The name of the food shall also include a declaration of any flavoring that characterizes the product as specified in § 101.22 of this chapter and a declaration of any spice or seasoning that characterizes the product; for example, "Spice added", or, in lieu of the word "Spice", the common name of the spice; or "Seasoned with vinegar" or, in lieu of the word "vinegar", the name of the vinegar used. When two or more of the optional ingredients specified in paragraph (a)(1)(i) through (iv) of this section are used, such words may be combined, as, for example, "Seasoned with cider vinegar, cloves, and cinnamon oil".

(ii) The style of the pineapple ingredient as provided for in paragraph

(a)(2) of this section and the name of the packing medium as specified in paragraph (a)(3)(i) and (ii) of this section, preceded by "In" or "Packed in" or the words "Heavy pack" or "Solid pack" as specified in paragraph (a)(4) of this section, where applicable, shall be included as part of the name or in close proximity to the name of the food. The word "slices" may be alternatively designated "sliced," "dice" as "diced," and "pieces" or "irregular pieces" as "mixed pieces of irregular sizes and shapes." Whenever pineapple juice, as provided for in paragraph (a)(3)(i)(*c*) of this section, is used, the declaration may be preceded by an appropriate statement such as "unsweetened".

(iii) Each of the optional ingredients used shall be declared on the label as required by the applicable sections of Part 101 of this chapter.

* * * * *

Any person who will be adversely affected by the foregoing regulation may at any time on or before August 9, 1979 submit to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857, written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Four copies of all documents shall be submitted and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this regulation. Received objections may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Effective Date. Except as to any provisions that may be stayed by the filing of proper objections, compliance with this final regulation, including any required labeling changes, may begin September 10, 1979, and all products initially introduced into interstate commerce on or after July 1, 1981, shall fully comply. Notice of the filing of objections or lack thereof will be published in the Federal Register.

(Secs. 401, 701(e), 52 Stat. 1046 as amended, 70 Stat. 919 as amended (21 U.S.C. 341, 371(e)))

Dated: June 28, 1979.

William F. Randolph,

Acting Associate Commissioner, Regulatory Affairs.

[FR Doc. 79-20962 Filed 7-9-79; 8:45 am]

BILLING CODE 4110-03-M

ENVIRONMENTAL PROTECTION AGENCY
Office of Pesticide Programs

21 CFR Part 193

[FAP 9H5225/R52; FRL 1269-1]

Tolerances for Pesticides in Food Administered by the Environmental Protection Agency; O,O-Dimethyl O-(4-nitro-m-tolyl) phosphorothioate

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

ACTION: Final Rule.

SUMMARY: This rule amends 21 CFR 193 by establishing a food additive tolerance for residues of the insecticide *O,O*-dimethyl *O*-(4-nitro-*m*-tolyl) phosphorothioate in wheat gluten at 30 parts per million (ppm). The regulation was requested by Sumitomo Chemical America, Inc. This rule establishes a maximum permissible level for residues of the subject insecticide in wheat gluten.

EFFECTIVE DATE: Effective on July 3, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. William Miller, Product Manager (PM) 16, Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M Street, SW, Washington, DC 20460 (202/426-9458).

SUPPLEMENTARY INFORMATION: On June 27, 1979, notice was given (44 FR 37554) that Sumitomo Chemical America, Inc., 345 Park Ave., New York, NY 10022, had filed a petition (FAP 9H5225) with the EPA. This petition proposed that 21 CFR 193 be amended by establishing a regulation permitting combined residues of the insecticide *O,O*-dimethyl *O*-(4-nitro-*m*-tolyl) phosphorothioate and its metabolites *O,O*-dimethyl *O*-(4-nitro-*m*-tolyl) phosphate and 3-methyl-4-nitrophenol at 30 ppm, of which no more than 15 ppm shall be *O,O*-dimethyl *O*-(4-nitro-*m*-tolyl) phosphorothioate or *O,O*-dimethyl *O*-(4-nitro-*m*-tolyl) phosphate, in wheat gluten resulting from postharvest application of the subject insecticide to stored wheat in Australia. No comments were received by the Agency in response to this notice of filing.

The data submitted in the petition and other relevant material have been evaluated, and it is concluded that the pesticide may be safely used in the prescribed manner. Adequate information has been submitted to provide assurance that sufficient safeguards exist in Australia to ensure proper control over the proposed usage.

The toxicological data considered in support of the proposed tolerance included two-year rat and dog feeding studies with no-observed-effect levels (NOEL) of 10 ppm and 30 ppm, respectively; a three-generation rat reproduction study with an NOEL of 30 ppm; rat and mouse teratology studies, which were both negative; a mouse oncogenicity study, which was negative; and an acute delayed neurotoxicity study which was negative. Based on the two-year rat feeding study with a 10 ppm NOEL and using a safety factor of 10, the acceptable daily intake (ADI) for humans is 0.05 milligram (mg)/kilogram (kg) of body weight (bw)/day, and the maximum permissible intake (MPI) is 3 mg/day for a 60-kg human. The theoretical maximum residue contribution (TMRC) in the human diet from the termporary tolerances for combined residues of the subject insecticide and its metabolites *O,O*-dimethyl *O*-(4-nitro-*m*-tolyl) phosphate and 3-methyl-4-nitrophenol now in effect in or on fresh alfalfa, alfalfa hay, fresh pasture grass, and pasture grass hay at 10 ppm and in milk and the meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep at 0.01 ppm utilizes 0.20 percent of the ADI. The proposed tolerance will utilize 66.27 percent of the ADI. The temporary tolerances and the proposed tolerances result in a TMRC of 1.99 mg/day.

Desirable data lacking from the petition are a mutagenicity study. The study will be requested when suitable test protocols have been finalized. Wheat gluten is not an item of livestock feed. Thus, there is no reasonable expectation of secondary residues in meat, milk, poultry, or eggs in the United States from postharvest treatment of wheat in Australia. An adequate analytical method has been proposed (the method is to be verified by the Agency) for enforcement purposes, and the nature of the subject insecticide is adequately understood.

No permanent tolerances have been established for residues of the subject insecticide. Temporary tolerances have previously been established for combined residues of the insecticide and its metabolites *O,O*-dimethyl *O*-(4-nitro-*m*-tolyl) phosphate and 3-methyl-4-nitrophenol in or on fresh alfalfa, alfalfa

hay, fresh pasture grass, and pasture grass hay at 10 ppm and in milk and the meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep at 0.01 ppm (November 30, 1978 (43 FR 56101)) and have been renewed until June 5, 1980. No actions are pending against registration of the insecticide, and no other considerations are involved in establishing the proposed tolerance.

The pesticide is considered useful for the purpose for which a tolerance is sought. Therefore the regulation amending 21 CFR 193 by establishing a tolerance of 30 ppm for combined residues of the subject insecticide and its aforesaid metabolites (no more than 15 ppm shall be *O,O*-dimethyl *O*-(4-nitro-*m*-tolyl) phosphate or 3-methyl-4-nitrophenol) in wheat gluten from Australia is being promulgated as proposed. Accordingly, a food additive regulation is established as set forth below.

Any person adversely affected by this regulation may, on or before August 9, 1979, file written objections with the Hearing Clerk, Environmental Protection Agency, Rm. M-3708 (A-110), 401 M St., SW, Washington, DC 20460. Such objections should be submitted in triplicate and specify the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

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". This regulation has been reviewed, and it has been determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

Effective on July 3, 1979, 21 CFR 193 is amended as set forth below.

Dated: July 3, 1979.

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

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

Part 193, Subpart A, is amended by adding the new section 193.156 to read as follows:

§ 193.156 O,O-Dimethyl O-(4-nitro-m-tolyl) phosphorothioate.

A tolerance of 30 parts per million, of which no more than 15 parts per million is *O,O*-dimethyl *O*-(4-nitro-*m*-tolyl) phosphorothioate or *O,O*-dimethyl *O*-(4-nitro-*m*-tolyl) phosphate, is established for combined residues of the insecticide *O,O*-dimethyl *O*-(4-nitro-*m*-tolyl) phosphorothioate and its metabolites *O,O*-dimethyl *O*-(4-nitro-*m*-tolyl) phosphate and 3-methyl-4-nitrophenol in wheat gluten resulting from postharvest application of the insecticide to stored wheat in Australia.

[FR Doc. 79-21307 Filed 7-9-79; 8:45 am]

BILLING CODE 6560-01-M

21 CFR Parts 193 and 561

[FAP 8H5187/R51; FRL 1267-3]

4-Amino-6-(1,1-dimethylethyl)-3-(methylthio)-1,2,4-triazin-5(4*H*)-one

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

ACTION: Final rule.

SUMMARY: This rule establishes tolerances for residues of the herbicide 4-Amino-6-(1,1-dimethylethyl)-3-(methylthio)-1,2,4-triazin-5(4*H*)-one in the milled fractions of barley (except flour) and wheat (except flour) at 3 parts per million (ppm). The regulation was requested by Mobay Chemical Corp. This amendment establishes maximum permissible levels for residues of the subject herbicide in the milled fractions of barley and wheat, except flour.

EFFECTIVE DATE: July 10, 1979.

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

SUPPLEMENTARY INFORMATION: On May 7, 1979, the EPA published in the Federal Register (44 FR 26750) a notice of proposed rulemaking to amend 21 CFR 193.25 and 561.41 by establishing a regulation permitting the combined residues of the herbicide 4-Amino-6-(1,1-dimethylethyl)-3-(methylthio)-1,2,4-triazin-5(4*H*)-one and its triazinone metabolites in the milled fractions of barley (except flour) and wheat (except flour) as processed foods and feeds with tolerance limitations of 3 ppm resulting from application of the herbicide to growing crops. This notice was published in connection with a petition (FAP 8H5187) submitted by Mobay Chemical Corp., Chemagro Agricultural Div., PO Box 4913, Hawthorne Road, Kansas City, MO 64120. No comments or requests for referral to an advisory committee were received in response to this notice of proposed rulemaking.

The data submitted in the petition and other relevant material have been evaluated, and it is concluded that the pesticide can be safely used in the prescribed manner when such use is in accordance with the label and labeling registered pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136).

Any person adversely affected by this regulation may, within 30 days after publication in the Federal Register, file written objections with the Hearing Clerk, Environmental Protection Agency, Rm. M-3708 (A-110), 401 M St., SW, Washington, DC 20460. Such objections should be submitted in triplicate and specify the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

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". This regulation has been reviewed, and it has been determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

Effective July 10, 1979, 21 CFR 193.25 and 561.41 are amended as set forth below.

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

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

July 3, 1979.

Parts 193 and 561 are amended as follows:

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

1. Part 193, Subpart A, § 193.25 is revised by reformatting the section into a columnar listing and alphabetically inserting the milled fractions of barley (except flour) and wheat (except flour) at 3 ppm as follows:

§ 193.25 4-amino-6-(1,1-dimethylethyl)-3-methylthio)-1,2,4-triazin-5(4H)-one.

Tolerances are established for combined residues of the herbicide 4-amino-6-(1,1-dimethylethyl)-3-(methylthio)-1,2,4-triazin-5(4*H*)-one and its triazinone metabolites in or on the following processed foods when present therein as a result of application of this herbicide to growing crops:

Food:	Parts per million
Barley, milled fractions (except flour)	3
Potatoes, processed (inc. potato chips)	3
Sugarcane molasses	2
Wheat milled fractions (except flour)	3

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

2. Part 561, § 561.41 is amended by revising the table to include the milled fractions of barley (except flour) and wheat (except flour) at 3 ppm as follows:

§ 561.41 4-Amino-6-(1,1-dimethylethyl)-3-(methylthio)-1,2,4-triazin-5(4H)-one.

* * * * *

Feed:	Parts per million
Barley, milled fractions (except flour)	3
Potato waste, processed (dried)	3
Sugarcane bagasse	0.5
Sugarcane molasses	2
Tomato pomace, dried	2
Wheat, milled fractions (except flour)	3

[FR Doc. 79-21308 Filed 7-9-79; 8:45 am]

BILLING CODE 6560-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

21 CFR Part 522

Implantation or Injectable Dosage Form New Animal Drugs Not Subject To Certification; Oxytocin Injection

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This document amends the animal drug regulations to reinstate a sponsor which was inadvertently dropped by an earlier document.

EFFECTIVE DATE: July 10, 1979.

FOR FURTHER INFORMATION CONTACT: Robert S. Brigham, Bureau of Veterinary Medicine (HFV-238), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-6243.

SUPPLEMENTARY INFORMATION: A change of sponsor resulted from the consolidation of Myers-Carter Laboratories Div., Chromalloy Pharmaceuticals, Inc., and Glogau and Co., Inc., and the change of corporate name to Carter-Glogau Laboratories Div., Chromalloy Pharmaceuticals, Inc. A document reflecting this change published in the Federal Register of May 1, 1975 (40 FR 18993). In that document, Part 522 was amended in § 522.1680(b) (21 CFR 522.1680(b)) by deleting the sponsor 010469 and inserting in its place the sponsor 000381. In a subsequent Federal Register publication of July 9, 1975 (40 FR 28791), this change was accidentally reversed to reestablish sponsor 010469. This document reinstates the May 1, 1975 sponsor change from 010469 to 000381.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))), and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Director of the Bureau of Veterinary Medicine (21 CFR 5.83), Part 522 is amended in § 522.1680 *Oxytocin injection* by deleting from paragraph (b) the number "010469" and inserting in numerical sequence the number "000381."

Effective date. This amendment is effective July 10, 1979.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: June 28, 1979.

Terence Harvey,

Director, Bureau of Veterinary Medicine.

[FR Doc. 79-20951 Filed 7-9-79; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 558

New Animal Drugs for use in Animal Feeds; Oleandomycin

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The animal drug regulations are amended to reflect approval of a supplemental new animal drug application (NADA) filed by Pfizer, Inc., providing labeling revisions for use of an oleandomycin premix used to manufacture complete feeds for chickens, turkeys, and swine.

EFFECTIVE DATE: July 10, 1979.

FOR FURTHER INFORMATION CONTACT: Jack C. Taylor, Bureau of Veterinary Medicine (HFV-136), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-5247.

SUPPLEMENTARY INFORMATION: Pfizer, Inc., 235 East 42nd St., New York, NY 10017, filed a supplemental NADA (35-287) providing labeling revisions for use of a 5-gram-per-pound oleandomycin (as the resin adsorbate) premix used to manufacture complete feeds for broiler chickens, growing turkeys, and growing-finishing swine. The revisions more clearly define the classes of animals for which the drug is intended and eliminate the need for certain limitations on the labeling. Approval of this application, therefore, poses no increased risk from exposure to residues of oleandomycin. Accordingly, under the agency's supplemental policy (see the Federal Register of December 23, 1977 (42 FR 64367)) approval of this application did not require a reevaluation of the safety and effectiveness data in the parent application.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Director of the Bureau of Veterinary Medicine (21 CFR 5.83), § 558.435 is amended by revising paragraph (f) to read as follows:

§ 558.435 Oleandomycin.

* * * * *

(f) *Conditions of use.* It is used in animal feed as follows:

(1) *Chickens and turkeys*—(i) *Amount per ton.* Oleandomycin, 1 to 2 grams.

(ii) *Indications for use.* For increased rate of weight gain and improved feed efficiency for broiler chickens and growing turkeys.

(2) *Swine*—(i) *Amount per ton.* Oleandomycin, 5 to 11.25 grams.

(ii) *Indications for use.* For increased rate of weight gain and improved feed efficiency in growing-finishing swine.

Effective date. This regulation is effective July 10, 1979.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: June 29, 1979.

Terence Harvey,

Director, Bureau of Veterinary Medicine.

[FR Doc. 79-20960 Filed 7-9-79; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 573

[Docket No. 76F-0280]

Food Additives Permitted in Feed and Drinking Water of Animals; Anhydrous Ammonia

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This document amends the food additive regulations to provide for the direct mixing of 15 to 30 percent ammonia solutions with corn plant material prior to ensiling, when the food additive is to be used as a source of nonprotein nitrogen for dairy cattle.

Ruminant Nitrogen Products Co. filed a petition for such use.

DATES: Effective July 10, 1979; objections by August 9, 1979.

ADDRESS: Written objections to the Hearing Clerk (HFA-305), Rm. 4-65, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: William D. Price, Bureau of Veterinary Medicine (HFV-123), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3442.

SUPPLEMENTARY INFORMATION: The Food and Drug Administration (FDA) announced, in a notice published in the Federal Register of October 8, 1976 (41 FR 44442), that a petition (MF-3555) had been filed by Ruminant Nitrogen Products Co., 2347 Science Parkway, Okemos, MI 48864, proposing to amend § 121.209 *Anhydrous ammonia* (21 CFR 121.209), recodified § 573.180 *Anhydrous ammonia* (21 CFR 573.180), to provide for the direct mixing of 15 to 30 percent ammonia solutions with freshly chopped corn plant material before ensiling when the food additive is used as a source of nonprotein nitrogen in dairy cattle feed.

The agency, having evaluated data in the petition and other relevant material, concludes that the food additive regulations should be amended as set forth below.

In addition, the current regulation concerning use of anhydrous ammonia is editorially revised.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), Part 573 is amended by revising § 573.180 to read as follows:

§ 573.180 Anhydrous ammonia.

(a) The food additive anhydrous ammonia is applied directly to corn plant material and thoroughly blended prior to ensiling. It is used or intended for use as a source of nonprotein nitrogen in cattle feed in accordance with paragraphs (a)(1), (2), or (3) as follows:

(1)(i) The food additive anhydrous ammonia is applied as a component of an aqueous premix containing 16 to 17 percent ammonia, with molasses, minerals, and not less than 83 percent crude protein. The premix is a source of nonprotein nitrogen and minerals.

(ii) In addition to the requirements of paragraph (b) of this section, the labeling shall bear an expiration date of not more than 10 weeks after date of manufacture; a statement that additional protein should not be fed to lactating dairy cows producing less than 32 pounds of milk per day nor beef cattle consuming less than 1 percent of body weight daily in shelled corn; and a warning not to use additional trace mineral supplementation with treated silage.

(2)(i) The food additive anhydrous ammonia is applied directly to corn plant material for use in dairy or beef cattle rations.

(ii) The anhydrous ammonia is applied at a rate not to exceed the equivalent of 0.35 percent of the corn plant material.

(iii) It is applied to corn plant material containing 30 to 35 percent dry matter.

(iv) It is applied so that 75 to 85 percent of the additive is liquid at ambient pressure.

(3)(i) The food additive anhydrous ammonia is applied after being diluted to a 15 to 30 percent aqueous ammonia solution (by weight).

(ii) The anhydrous ammonia solution is applied at a rate not to exceed anhydrous ammonia equivalent to 0.3 percent of the corn plant material.

(iii) It is applied to corn plant material containing 28 to 38 percent dry matter.

(iv) The silage treated with aqueous ammonia is to be fed to dairy cattle only.

(b) Its labeling shall bear, in addition to the other requirements of the act, the name of the additive, the concentration of ammonia, the maximum percentage of equivalent crude protein from nonprotein nitrogen, and directions for use consistent with this section.

Any person who will be adversely affected by the foregoing regulation may at any time on or before August 9, 1979 submit to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857, written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Four copies of all documents shall be submitted and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this regulation. Received objections may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall become effective July 10, 1979.

(Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1)))

Dated: June 29, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-20965 Filed 7-9-79; 8:45 am]

BILLING CODE 4110-03-M

---

21 CFR Parts 601, 610, and 650

[Docket No. 76N-0480]

Skin Test Antigens; Implementation of Efficacy Review

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending certain licensing and standards provisions of the biologics regulations in response to the recommendations of the Panel on Review of Skin Test Antigens. The agency is announcing its adoption of the Panel Report, with modifications of certain portions, based on comments received. The modifications are made for clarity and regulatory accuracy and to reflect any new information that has come to the agency's attention. In addition, the agency is reclassifying Histoplasmin, manufactured by Parke, Davis & Co. and Tuberculin, PPD, Multiple Puncture Device (Heaf), manufactured by Connaught Laboratories Limited from Category IIIA to Category I.

DATES: Effective July 10, 1979, except that recommended labeling changes become effective January 7, 1980.

ADDRESS: Additional background data and information are on public display in the office of the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Michael L. Hooton, Bureau of Biologics (HFB-620), Food and Drug Administration, Department of Health, Education, and Welfare, 8800 Rockville Pike, Bethesda, MD 20205, 301-443-1300.

SUPPLEMENTARY INFORMATION: In the Federal Register of September 30, 1977

(42 FR 52674), FDA published a proposal containing findings of the Panel on Review of Skin Test Antigens. The Panel evaluated the safety and effectiveness of 23 skin test antigen products and recommended that: (a) 5 products be placed in Category I (those biological products determined to be safe, effective, and not misbranded); (b) 2 products be placed in Category II (those biological products determined to be unsafe, ineffective, or misbranded); (c) 6 products be placed in Category IIIA (those biological products for which available data are insufficient to classify their safety and effectiveness but which may remain in the interstate commerce pending completion of testing and conformance with the recommendations of the Panel); and (d) 10 products be placed in Category IIIB (those biological products for which available data are insufficient to classify their safety and effectiveness and which should not continue in interstate commerce).

The Commissioner of Food and Drugs agreed with the Panel's recommendations concerning the classification of these products and accordingly announced the intention to publish a Notice of Opportunity for Hearing to revoke the licenses for those products placed in Categories II and IIIB. At the request of the licensees, the licenses for the 2 products in Category II and 2 of the 10 products in Category IIIB were revoked before publication of the Notice of Opportunity for Hearing. The Notice of Opportunity for Hearing for the remaining 8 Category IIIB products was published in the Federal Register of October 28, 1977 (42 FR 56800). Interested persons were advised that they could submit additional data in response to the revocation notices; for products placed in Category IIIA, comments or additional data concerning the classification were also invited. Because manufacturers of those licensed products placed in Category IIIB either did not request a hearing, requested a hearing and submitted additional data that justified reclassification of products without the need for the requested hearing, or requested that the licenses be revoked, FDA published in the Federal Register of October 27, 1978 (43 FR 50250), a notice reclassifying certain products into Category IIIA and revoking the remaining product licenses.

In addition, the September 1977 proposal contained the Commissioner's responses to other panel recommendations concerning the testing, content, and labeling of skin test antigens. In view of these recommendations, the Commissioner proposed the following amendments to the biologics regulations:

(1) In § 601.25(h) (21 CFR 601.25(h)), to require that the labeling for Category IIIA skin test antigens contain a prominent boxed statement referencing the Panel's findings of insufficient data on safety and effectiveness, and that written informed consent be obtained from participants in the additional studies performed pursuant to § 601.25(h);

(2) In § 610.13 (21 CFR 610.13), to clarify the regulation by specifying that products need to be free of avoidable extraneous material;

(3) In § 650.13 (21 CFR 650.13), to require chemical characterization of each batch of powdered tuberculin material; and

(4) To redesignate existing § 650.15 as § 650.16 *Equivalent methods* and add new § 650.15 to require potency testing of each batch of tuberculin material in humans.

Interested persons were given until November 29, 1977 to file comments on these proposals with the Hearing Clerk. Eleven letters were received, many of which contained more than one comment. This final rule announces the agency's adoption of the Panel's conclusions and recommendations for classifying skin test antigens, as modified on the basis of comments received and FDA's independent evaluation of the Panel Report. Modifications have been made for clarity and regulatory accuracy, and to reflect any new information that has come to the agency's attention. FDA's agreement with comments suggesting modification of the Panel's findings is reflected in the following summary of the comments and FDA's responses to them.

Panel Report

Basis of Evaluation

1. One comment concerning the Panel's statement on the characteristics of an ideal skin test antigen (42 FR 52675–6) suggested that the skin test material should not cause a local (irritant) reaction, i.e., it should be used at the concentration that produces an antigenic response only.

FDA agrees and interprets the Panel's use of the phrase "immune response" to mean that the skin test antigen should be used at a concentration that induces a specific skin reaction only and not a local irritant reaction.

2. One comment concerning test material (paragraph (2) *Test material*, 42 FR 52675) suggested that diluents should be used as control materials and should be injected separately and simultaneously when the skin test antigen is injected.

The Panel recommended that the solution (diluents) into which the testing material is dissolved must neither sensitize the immune system nor elicit any other form of host reaction, local or systemic. As a requisite for approval of a license application for skin test antigens, a product must be tested in nonsensitive individuals, thereby detecting any reactions that may be attributed to the diluent used. Therefore, it is unnecessary to subject a person to an additional and unwarranted injection of control diluent. Accordingly, FDA rejects the comment.

3. One comment concerning the test method (paragraph (3) *Test method*, 42 FR 52675) stated that it is difficult precisely to inject skin test antigens with resulting clear-cut reproducible reactions in the host as prescribed for an ideal skin test method. The comment suggested that it would be more realistic to provide a range of reaction sizes (in millimeters) for each concentration of antigen.

The Panel noted in its report that the ideal skin test method is a conceptualization that the scientific community should strive to achieve. The agency agrees with the comment that given the current state of the art, it is not possible to require all the characteristics of the ideal skin test method. New and modified methods will be required as they are developed and are proven to be more sensitive and accurate.

Histoplasmin by Parke, Davis & Co.

4. The Panel recommended in its report that Histoplasmin manufactured by Parke, Davis and Company be placed in Category IIIA because the available data were insufficient to satisfy its safety and effectiveness. Since publication of the Panel's report, the firm has submitted data with an amended license application demonstrating safety and effectiveness of its product. FDA has reviewed the data and found them adequate to approve the license amendment and reclassify the product to Category I. Accordingly, Histoplasmin manufactured by Parke, Davis and Company is reclassified from Category IIIA to Category I.

Mumps Skin Test Antigen

5. One comment requested that Mumps Skin Test Antigen manufactured by Eli Lilly & Co. be placed in Category IIIA rather than IIIB for its use in assessing immunocompetence.

FDA advises that Mumps Skin Test Antigen manufactured by Eli Lilly & Co. was assigned to Category IIIB by the Panel for its licensed and labeled use for identifying immunity to mumps virus infection. However, the Panel noted the widespread use and apparent value of the product for the purpose of ascertaining immunocompetence and recommended that additional data be submitted to demonstrate the product's safety and effectiveness for this use. Eli Lilly & Co. has submitted data in support of using the product for testing immunocompetence. As stated in the October 1978 notice, the Commissioner decided to hold in abeyance a ruling on Eli Lilly & Co.'s request for a hearing, pending receipt from the firm and evaluation by FDA of an appropriate license amendment and a commitment to undertake additional studies as required by § 601.25(h)(1) (21 CFR 601.25(h)(1)). The amendment has been submitted and Mumps Skin Test Antigen has been placed into Category IIIA for further evaluation of its use for immunocompetence testing. Therefore, no hearing will be necessary.

Tuberculin, Old, General Statement; Characteristics of Effectiveness

6. One comment concerning the measurement in the test method for Tuberculin, Old suggested that a statement be added to distinguish the type of reaction produced by Tuberculin Mono-Vacc and other multiple puncture devices.

Although the comment does not require a change in the regulation, the agency agrees that it would be appropriate to distinguish the type of reaction described in the comment. Thus, the Panel Report is adopted with a modification in paragraph (ii)(2) *Measurement* (42 FR 52700) to delete the last sentence and add a new sentence as follows:

The close spacing of the Mono-Vacc points usually produces a single area of induration while the more distant spacing of other multiple puncture devices may produce multiple areas of induration which may coalesce to form a circular reaction.

Tuberculin, Old (Tine Test) by Lederle; Characteristics of Effectiveness

7. The agency advises that in the Federal Register of July 29, 1977 (42 FR 38567), FDA amended § 650.14 (21 CFR 650.14) to change the assay requirements for multiple puncture devices from ±50 percent of the tuberculin units claimed by the manufacturer in its license application to ±20 percent of the tuberculin units.

The Panel Report to the agency did not reflect the amendment to § 650.14 published in the Federal Register of July 29, 1977. Therefore, to reflect the correct assay requirement accurately, the Panel Report is adopted with a modification in paragraph (i)(3) *Standardization* in the discussion concerning test material for Tuberculin, Old (Tine Test) by Lederle, (42 FR 52702), to revise the phrase "the average potency for each Tine Test unit must be equivalent to $\frac{1}{2700}$ to $\frac{1}{1350}$ of the undiluted U.S. Standard Old Tuberculin (an allowable variation of 33 percent)" to read "the average potency of each Tine Test unit must be equivalent to $\frac{1}{1666}$ to $\frac{1}{2500}$ of the undiluted U.S. Standard Old Tuberculin (an allowable variation of 20 percent)."

8. One comment concerning certain Panel recommendations on Lederle's Tuberculin, Old (Tine Test), (paragraph 4). *Recommendations* (b), 42 FR 52703) stated that use of individuals with bacteriologically confirmed tuberculosis in in vivo testing with tuberculin may create a legal dilemma for manufacturers because tuberculin testing of infective persons may reactivate quiescent or healed-over lesions. No data accompanied the comment.

The agency is not aware of any information to support the suggestion that tuberculin testing of infected persons may reactivate quiescent foci. Skin testing of individuals, both infected and noninfected, has been carried out for many years in millions of persons and when the correct doses are properly administered, adverse reactions to tuberculin are limited only to those who are very sensitive. These reactions are localized and usually self limited. Accordingly, the comment is rejected.

Tuberculin, Old by Institut Merieux; Characteristics of Effectiveness

9. One comment on test material standardization for Institut Merieux's Tuberculin, Old recommended that, to ensure reproducibility, the degree of reactivity should be tested with material derived from 20 randomly selected Mono-Vacc test devices as required for the Lederle Laboratories Division product (characteristics of effectiveness, (i)(3) *Standardization*) at 42 FR 52702.

Although the comment does not require a change in the regulation, the agency agrees that it would be appropriate to clarify the procedure for standardization of Institut Merieux's Tuberculin, Old test material. Thus, the Panel Report is adopted with a modification in characteristics of effectiveness, (i)(3) *Standardization*, (42 FR 52708) to revise the first paragraph to read as follows:

The standardization of each lot is accomplished by injecting 0.5, 1, 2, and 4 TU of the U.S. Standard tuberculin (Bureau of Biologics) intracutaneously by the Mantoux method into hypersensitive guinea pigs and comparing the degree of reactivity to four comparative levels of activity of the test lot with material derived from 20 randomly selected Mono-Vacc test devices.

Tuberculin, PPD, Multiple Puncture Device (Aplitest) by Parke-Davis

10. One comment concerning the Panel's quality control recommendations for Parke-Davis' Tuberculin, PPD, Multiple Puncture Device (Aplitest) (paragraph 4. *Recommendations* (a), 42 FR 52715) suggested that the required quality control test is unnecessary because, except for human error, the mechanical dipping process will always coat tines.

FDA believes that the required testing is necessary to compensate for human error and to ensure that all tines are dipped satisfactorily, thus preventing the marketing of inadequately coated tines that would result in false negative reactions. Accordingly, the comment is rejected.

Tuberculin, PPD (Mantoux) by Connaught

11. One comment concerning Connaught's Tuberculin, PPD (Mantoux) suggested that the title should include the trade name, "Tubersol[R]," after the word "Mantoux."

The agency advises that the trade name "Tubersol[R]" for Connaught's Tuberculin, PPD (Mantoux) was inadvertently omitted from the September 30, 1977 proposal. Wherever the name "Tuberculin, PPD (Mantoux)" by Connaught appears in the proposal, it should be considered to include the trade name "Tubersol[R]." For consistency, the agency also advises that the name of the Parke, Davis & Co. Tuberculin, PPD product should read "Tuberculin, PPD (Mantoux) Aplisol[R]" wherever it appears.

12. Connaught Laboratories Limited commented that certain portions of the Panel Report under the heading "Characteristics of Effectiveness" should be clarified to reflect accurately the characteristics of Tuberculin, PPD (Mantoux) Tubersol[R]. Although the comment does not require a change in the regulation, the agency agrees that it would be appropriate to clarify the Panel Report. Therefore, the Panel

Report is adopted with the following modifications:

(a) Paragraph (i)(1) *Chemical composition* (42 FR 52716) is modified by revising the last sentence to read as follows:

The Kjeldahl nitrogen content is used in the preparation of a 1 mg/ml stock solution from the Master Batch PPD–CT68. One mg PPD–CT68 has been found by the Kjeldahl method to correspond to 0.91 plus or minus 0.02 mg of proteins.

(b) In (i)(3) *Standardization* (42 FR 52716), the last paragraph is modified to read as follows:

Bioequivalency of PPD–CT68 to PPD–S was determinded in man, and the 5 TU bioequivalent PPD–CT68 preparation is confirmed on the basis of the guinea pig potency test. The 1 TU and 250 TU strengths are made by appropriate dilutions of the stock material in reference to the 5 TU dose. They are therefore calculated potencies and not directly bioequivalent to a standard, although each strength is standardized in guinea pigs against PPD–S and the Connaught Laboratories Limited house standard Tuberculin, PPD. This would seem to be an acceptable compomise, however, since most of the clinical data on which interpretation of reaction sizes are based have been collected only with the 5 TU dose. One TU and 250 TU PPD are used only in special instances and interpretations of reactions with these doses are limited.

(c) The typographical error in paragraph (i)(4) *Stability* (42 FR 52716) is corrected by revising the phrase "50 PPm" to read "50 ppm."

(d) In 4. *Recommendations*, the first sentence of paragraph (b) (42 FR 52717) is modified to read as follows:

The labeling should indicate that storage in secondary containers (such as a syringe) is not recommended because of possible contamination of the product during transfer from container to container.

Tuberculin, PPD, Multiple Puncture Device (Heaf) by Connaught

13. Connaught Laboratories Limited also commented that certain portions of the Panel Report under discussion of "Tuberculin, PPD, Multiple Puncture Device (Heaf)" should be clarified to describe this product accurately. Although the comment does not require a change in the regulation, the agency agrees that it would be appropriate to clarify the Panel Report. Thus, the Panel Report is adopted with the following modifications:

(a) The typographical error "250 TP" in paragraph 3. (a) *Effectiveness* (42 FR 52717), in the next to the last sentence is corrected to read "250 TU."

(b) The third sentence of paragraph 3. (a)(i)(3) *Standardization* (42 FR 52717) is modified to read as follows:

The reaction sites are randomized and the reactions are read blindly.

(c) Paragraph 3. (a)(i)(1)(7) *Diluent* (42 FR 52717) is modified to read as follows:

The material itself is prepared in a solution which contains sodium phosphate, sodium chloride, 50 percent w/v glycerol, and 0.5 percent w/v phenol, and is not known to be sensitizing. No further diluent is used.

14. Connaught Laboratories Limited also requested reclassification of its Tuberculin, PPD, Multiple Puncture Device (Heaf) from Category IIIA to Category I and submitted data from clinical studies performed on 50 individuals with bacteriologically confirmed tuberculosis.

FDA finds that the data submitted adequately support reclassification of the Tuberculin, PPD, Multiple Puncture Device from Category IIIA to Category I. Accordingly, the product is reclassified to Category I.

Proposed Amendments to the Regulations

15. One comment concerning proposed § 601.25(h)(4) objected to the requirement that labeling and promotional material for products requiring additional studies contain a box statement concerning the effectiveness of the product because the statement will result in a marked reduction in the use of the product by the medical community.

FDA does not agree. Section 601.25(h)(4), requiring the boxed labeling referred to in the comment, was codified in the final rule concerning Bacterial Vaccines and Bacterial Antigens with "No U.S. Standards of Potency," which was published in the Federal Register of January 5, 1979 (44 FR 1544). The response to comment 8 of that final rule (see 44 FR 1547) sets forth the reasons for the adoption of the boxed labeling, which references the need for further data to establish effectiveness of Category IIIA products fully.

Section 601.25(h)(5), requiring written informed consent from participants in the requisite additional studies on Category IIIA products, was also codified in the January 5, 1979 final rule concerning Bacterial Vaccines and Bacterial Antigens with "No U.S. Standards of Potency." No comments were received on the proposal to require informed consent for studies on skin test antigens. The agency has now concluded that § 601.25 should be amended as proposed for skin test antigens (1) in paragraph (h)(4) to preclude misleading labeling, which results in misbranding of the products, by requiring disclosure in the boxed labeling that the data in support of the products' safety and effectiveness are currently insufficient, and (2) in paragraph (h)(5) to give participants in the additional studies an explanation of the product and purpose of the study, and provide them a clear opportunity to refuse to participate in the study. Accordingly, the comment is rejected and § 601.25(h) (4) and (5) is amended by requiring skin test antigens to meet the labeling provisions set forth in each paragraph.

16. One comment concerning §§ 650.13 and 650.15 recommended use of the term "master lot" rather than "batch" in the regulations.

FDA believes that the term "batch" is more appropriate. "Master lot" may be confused with the term "lot," which is used in the biologics field to identify final production material. In addition, use of the term "batch" for tuberculin products is consistent with its use for other drug products (see § 210.3(b)(2) (21 CFR 210.3(b)(2)). Each batch of tuberculin material is intended to last for a number of years and is chemically characterized and tested for potency in humans. Tuberculin production lots are final material manufactured from a batch of material. Accordingly, the comment is rejected and the term "batch" is retained in §§ 650.13(c) and 650.15 (a) and (b).

17. Four comments on the Panel's recommendations for tuberculin products and proposed § 650.15(a) expressed concern over the requirement that multiple puncture devices for screening purposes be sufficiently sensitive to elicit reactions in 100 percent of at least 50 persons who are known to have had bacteriologically confirmed tuberculosis. The comments suggested that a margin be permitted for human error and that there is no practical difference in the effectiveness of tuberculin materials that elicit positive reactions in 95 percent of persons tested.

FDA acknowledges, and experience has demonstrated, that certain false positive and false negative reactions are associated with all tuberculin tests. Consequently, the 100 percent reactivity requirement may result in rejection of a satisfactory batch of tuberculin material. Accordingly, the comment is accepted and § 650.15(a) is amended to require that the sensitivity of each batch of tuberculin material be demonstrated to

be sufficient to elicit positive reactions at a 95 percent rate.

18. One comment concerning proposed § 650.15(a) requested a definition of what constitutes a positive skin test reaction for multiple puncture devices. Another comment recommended that a positive test for certain multiple puncture devices be defined as an induration of 2 millimeters (mm) or more at one or more of the puncture sites and a positive Mantoux test be defined as an induration of 5 mm or more.

FDA agrees that the reaction sizes recommended in the comment will ensure that the batch being tested is at least as sensitive as the standard and will define the testing requirements for batches of both liquid tuberculins and tuberculins dried on tines in § 650.15(a). Accordingly, the comment is accepted and § 650.15(a) is amended to require minimum reaction sizes of 2 mm or more at one or more of the puncture sites or at a coalescence of more than one site for all multiple puncture devices and 5 mm or more for the Mantoux test.

19. One comment concerning proposed § 650.15(a) recommended that the proposed standards include defined retest provisions, as has been permitted under § 650.14 concerning animal potency testing.

FDA advises that § 650.15(a) permits additional data to be accumulated to obtain the 95 percent reactivity rate in bacteriologically confirmed tuberculosis subjects by testing additional individuals who react to the 5 TU dose in the Mantoux test. To clarify the retest provisions concerning animal potency tests, the agency is amending § 650.14 by revising the title of the section and by adding the phrase "using results from all valid tests performed" to the last sentence in paragraph (b).

20. One comment on proposed § 650.15(a) questioned the availability of PPD-S for use in characterizing master lots of tuberculin.

FDA advises that the Bureau of Biologics will supply adequate amounts of PPD-S reference material to all manufacturers for use in characterizing tuberculin products.

21. One comment on proposed § 650.15(b) suggested that the requirement for potency testing in the population subgroups specified under paragraph (b)(2) may not be achievable because of the problem of finding such individuals in certain locations in the United States.

FDA believes that manufacturers will be able to locate the population subgroups specified under § 650.15(b). Moreover, the testing is required only for a batch. A batch may be manufactured from large volumes of pooled material and should last for a number of years. Accordingly, the burden imposed by the testing requirement will not be frequent or continuous. For these reasons, the comment is rejected.

22. One comment suggested that proposed § 650.15(b) be modified to require that the effectiveness of each batch of tuberculin material for use by the Mantoux method include a determination of the bioequivalent dose by comparing the product with a standard using dose response curves for two population subgroups known or presumed to be infected with *Mycobacterium tuberculosis* and a third population subgroup composed of persons presumed to be infected with other mycobacteria. The comment suggested that the bioequivalent dose then be verified by comparing the distribution of reaction sizes of the product and standard separately for each of those three population subgroups and a fourth subgroup composed of persons presumed to be without mycobacterial infection.

FDA believes that the use of four separate population subgroups for testing each batch of tuberculin is not warranted. Tuberculin products are primarily intended to diagnose people infected with *Mycobacterium tuberculosis,* and it is necessary only that the selective dose be bioequivalent to the 5 TU of the standard as determined by the dose response assays identified in § 650.15(b). Accordingly, the comment is rejected.

23. One comment on proposed § 650.15 suggested that persons performing the tests will anticipate that their subjects should be positive. Because of this bias, borderline negative reactions for both tests may be read as positive. The comment also suggested that bias would not necessarily be predictive for both the testing material and the control in the same subject because the two tests may be read by different persons and because bias may play a part in one test and not in the other.

FDA agrees that bias may enter into the evaluation of the test results. To preclude such bias, the agency is amending § 650.15 by adding a new paragraph (c) requiring that all trials be performed in randomized double-blind fashion whenever possible and all reactions in each test subject be read by more than one competent and responsible individual.

24. One comment on proposed § 650.15 suggested that the Bureau of Biologics conduct and monitor the human testing that is required of manufacturers in the proposed regulations. The comment provided no reason for the suggestion.

The agency advises that it is the manufacturer's responsibility to conduct testing to develop data supporting the safety, effectiveness, and quality of a drug product. FDA will review the resulting data to determine whether the product is satisfactory for release. Accordingly, the comment is rejected.

Having considered the comments and other relevant information, FDA concludes that the proposal, with changes, is adopted as set forth below.

(a) *Category I. Biological products determined to be safe and effective and not misbranded and which should continue in interstate commerce.* Histoplasmin, Parke, Davis & Co., License No. 1; Tuberculin, Old (Multiple Puncture Device), Lederle Laboratories Division, American Cyanamid Co., License No. 17; Tuberculin, Old (Multiple Puncture Device), Institut Merieux, License No. 384; Tuberculin, PPD (Mantoux) Tubersol[R], Connaught Laboratories Limited, License No. 73; Tuberculin, PPD (Mantoux) Aplisol[R], Parke, Davis & Co., License No. 1; Tuberculin, PPD, Multiple Puncture Device, (Aplitest) Parke, Davis & Co., License No. 1; and Tuberculin, PPD, Multiple Puncture Device (Heaf), Connaught Laboratories Limited, License No. 73. Licenses remain in effect for these products pending conformance with the Panel's recommendations. Labeling changes recommended by the Panel and now adopted by FDA become effective January 7, 1979.

(b) *Category II. Biological products determined to be unsafe or ineffective or to be misbranded and which should not continue in interstate commerce.* At the request of the manufacturer, Category II product licenses were revoked before publication of the Panel Report, as announced in the Federal Register proposal on September 30, 1977 (42 FR 52721).

(c) *Category IIIA. Biological products for which available data are insufficient to classify their safety and effectiveness but which may remain in interstate commerce.* Coccidioidin, Cutter Laboratories, Inc., License No. 8; Coccidioidin, Iatric Corporation, License No. 416; Histoplasmin, Bureau of Laboratories, Michigan Department of Public Health, License No. 99; Diphtheria Toxin for Schick Test, Massachusetts Public Health Biologic Laboratories, License No. 64; and Mumps Skin Test Antigen, Eli Lilly & Co., License No. 56. Licenses remain in

effect for these Category IIIA products pending conformance with the Panel's recommendations and completion of testing in accordance with § 601.25(h) (21 CFR 601.25(h)).

For products now herein classified in Category IIIA for which license revocations have not been issued at the request of the licensee, manufacturers shall submit, on or before August 9, 1979, a written statement of the studies that the licensee proposes to undertake to resolve the questions raised about the products. If no such commitment is made or adequate or appropriate studies are not undertaken, the Commissioner shall institute proceedings to revoke the license (21 CFR 601.25(h)(1)). Licenses for Category IIIA products will remain in effect pending the conduct of studies as recommended by the Panel and adopted by the Commissioner.

Labeling changes recommended by the Panel and now adopted by FDA become effective January 7, 1979.

(d) *Category IIIB. Biological products for which available data are insufficient to classify their safety and effectiveness and which should not continue in interstate commerce.* Product licenses for Category IIIB products were revoked or the products were reclassified to Category IIIA as announced in the Federal Register notice of revocations and reclassifications on October 27, 1978 (43 FR 50250).

A summary of the category changes that have been made from those originally recommended by the Panel is as follows:

(1) Data submitted by Eli Lilly & Co. have been found adequate to reclassify its Mumps Skin Test Antigen from Category IIIB to Category IIIA;

(2) Data submitted by Connaught Laboratories Limited have been found adequate to reclassify its Tuberculin, PPD Multiple Puncture Device (Heaf) from Category IIIA to Category I; and

(3) Data submitted by Parke, Davis & Co. with an amended license application for a dye-free, stable product have been found adequate to approve the license amendment and to reclassify the firm's Histoplasmin from Category IIIA to Category I.

In addition, FDA had reclassified Diphtheria Toxin for Schick Test and Schick Test Control, manufactured by Texas Department of Health Resources, from Category IIIB to Category IIIA. However, the establishment and product licenses of this manufacturer were later revoked at the manufacturer's request.

Additional background data and information on which the agency relies in promulgating these regulations are on public display in the office of the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201, 502, 505, 701, 52 Stat. 1040-1042 as amended, 1050-1053 as amended, 1055-1056 as amended (21 U.S.C. 321, 352, 355, 371)), the Public Health Service Act (sec. 351, 58 Stat. 702 as amended (42 U.S.C. 262)), and the Administrative Procedure Act (secs. 4, 10, 60 Stat. 238 and 243 as amended (5 U.S.C. 553, 702, 703, 704)), and under authority delegated to the Commissioner (21 CFR 5.1), Parts 601, 610, and 650 are amended as follows:

PART 601—LICENSING

1. Part 601 is amended in § 601.25 by revising the opening text of paragraph (h)(4) and paragraph (h)(5) to read as follows:

§ 601.25 Review procedures to determine that licensed biological products are safe, effective, and not misbranded under prescribed, recommended, or suggested conditions of use.

* * * * *

(h) * * *

(4) Labeling and promotional material for Bacterial Vaccines and Bacterial Antigens with "No U.S. Standards of Potency" and Skin Test Antigens requiring additional studies shall bear a box statement in the following format: * * *

(5) A written informed consent shall be obtained from participants in the requisite additional studies for Bacterial Vaccines and Bacterial Antigens with "No U.S. Standards of Potency" and Skin Test Antigens, explaining the nature of the product and the investigation. The explanation shall consist of such disclosure and be made so that intelligent and informed consent be given and that a clear opportunity to refuse is presented.

* * * * *

PART 610—GENERAL BIOLOGICAL PRODUCTS STANDARDS

2. Part 610 is amended by revising the introductory paragraph of § 610.13 to read as follows:

§ 610.13 Purity.

Products shall be free of extraneous material except that which is unavoidable in the manufacturing process described in the approved license. In addition, products shall be tested as provided in paragraphs (a) and (b) of this section.

* * * * *

PART 650—ADDITIONAL STANDARDS FOR DIAGNOSTIC SUBSTANCES FOR DERMAL TESTS

3. Part 650 is amended:

a. In § 650.13 by adding new paragraph (c) to read as follows:

§ 650.13 Production.

* * * * *

(c) *Chemical characterization.* Each batch of powdered tuberculin material shall be chemically characterized, including protein, carbohydrate, lipid, and nucleic acid content to assess consistency of production.

b. In § 650.14, by revising the section heading and revising the last sentence of paragraph (b) to read as follows:

§ 650.14 Potency testing in animals.

* * * * *

(b) *Test procedure.* * * * The number of U.S. units in the lot under test shall be estimated from its relationship to the reactivity of the appropriate standard preparation using results from all valid tests performed.

* * * * *

§ 650.15 [Redesignated as § 650.16]

c. By redesignating existing § 650.15 *Equivalent methods* as § 650.16 *Equivalent methods.*

d. By adding new § 650.15 to read as follows:

§ 650.15 Potency testing in humans.

(a) The sensitivity of each batch of tuberculin material for use on multiple puncture devices for screening purposes shall be demonstrated to be sufficient to elicit an induration of 2 millimeters or more at one or more of the puncture sites or at a coalescence of more than one site in at least 95 percent of at least 50 persons who are known to have had bacteriologically confirmed tuberculosis and who are tuberculin positive as demonstrated by a simultaneous Mantoux test that elicits an induration of 5 millimeters or more when tested with 5 TU of Tuberculin, Purified Portein Derivative.

(b) The product effectiveness of each batch of tuberculin material for use by the Mantoux method shall include comparison of the product with the standard by means of (1) dose response curves, and (2) distribution of reaction sizes in persons presumed to be uninfected with *Mycobacterium tuberculosis* or other mycobacteria, in persons known to be infected with *Mycobacterium tuberculosis*, and in persons presumed to be infected with other mycobacteria.

(c) All trials in paragraphs (a) and (b) of this section shall be performed in a

randomized double-blind fashion whenever possible and all reactions in each test subject shall be read by more than one competent and responsible individual.

Effective date. This regulation is effective July 10, 1979, except that recommended labeling changes shall become effective January 7, 1979.

(Secs. 201, 502, 505, 701, 52 Stat. 1040–1042 as amended, 1050–1053 as amended, 1055–1056 as amended (21 U.S.C. 321, 352, 355, 371); sec. 351, 58 Stat. 702 as amended (42 U.S.C. 262); secs. 4, 10, 60 Stat. 238 and 243 as amended (5 U.S.C. 553, 702, 703, 704).)

Dated: June 26, 1979.

Sherwin Gardner,

Acting Commissioner of Food and Drugs.

[FR Doc. 79-21201 Filed 7-9-79; 8:45 am]

BILLING CODE 4110-03-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 5634]

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

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

ACTION: Final rule.

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

EFFECTIVE DATES: The date listed in the eighth column of the table or 30 days after the date of this Federal Register publication (August 9, 1979), whichever is later.

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

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

One year after the identification of the community as flood prone, the requirement applies to all identified special flood hazard areas within the United States, so that, after that date, no such financial assistance can legally be provided for acquisition and construction in these areas unless the community has entered the program. The prohibition, however, does not apply to loans by federally regulated, insured, supervised, or approved lending institutions (1) to finance the acquisition of a residential dwelling occupied as a residence prior to March 1, 1976, or one year following identification of the area within which such dwelling is located as an area containing special flood hazards, whichever is later, or made to extend, renew, or increase the financing or refinancing in connection with such a dwelling, (2) to finance the acquisition of a building or structure completed and occupied by a small business concern, as defined by the Director, prior to January 1, 1976, (3) any loan or loans, which in the aggregate do not exceed $5,000, to finance improvements to or rehabilitation of a building or structure occupied as a residence prior to January 1, 1976, or (4) any loan or loans, which in the aggregate do not exceed an amount prescribed by the Director, to finance nonresidential additions or improvements to be used solely for agricultural purposes on a farm.

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

This identification is made in accordance with Part 64 or Title 44 of the Code of Federal Regulations as authorized by the National Flood Insurance Program (42 U.S.C. 4001–4128).

Section 65.3 is amended by adding in alphabetical sequence a new entry to the table:

§ 65.3 List of communities with special hazard areas (FHBM's in effect).

State, county, community name and number of panels	Community number and suffix	Program and change code	Inland or coastal	Hazard F/M/E	Identification date(s)	Effective date of this map action	Local map repository
Illinois, McHenry, Village of Sunrise Ridge, 0001A.	170976	N-5	I	F	July 6, 1979	July 6, 1979	Julius Stelter, Village Pres., Village Hall, Wonder Lake, IL 60097, Phone: (815) 653-7197.
Indiana, Pike, City of Petersburg, 0001B	180199	E-8, 11, 12, 14	I	F	May 17, 1974, Sept. 12, 1975.	July 6, 1979	Thomas F. O'Rourke, 704 Main St., Petersburg, IN 47567, Phone: (812) 354-8511.
Ohio, Clinton, Village of Sabina, 0001A	390627	N-11, 12, 14	I	F	July 25, 1975	July 6, 1979	Roy Arrowsmith, Mayor, 99 North Howard St., Sabina, OH 45169, Phone: (513) 584-4322.
Pennsylvania, Huntingdon, Township of Barree, 0001A-0002A.	421683	N-11, 12, 14	I	F	Dec. 6, 1974	July 6, 1979	Amos D. Lightner, Chairman, R.D. #1, Petersburg, PA 16669, Phone: (814) 667-3472.
Pennsylvania, Venango, Township of Pinegrove, 0001A-0004A.	422538	N-11, 12, 14	I	F	Jan. 24, 1975	July 6, 1979	Eugene Miller, Chairman, R.D. #1, Venus, PA 16364, Phone: (814) 354-2500 Twp., (814) 354-2843 Home.
Pennsylvania, Huntingdon, Township of Wood, 0001B-0002B.	421707	E-11, 12, 14	I	F	Dec. 20, 1974, Oct. 31, 1975.	July 6, 1979	Adolph Brennan, Chairman, Robertsdale, PA 16674, Phone: (314) 635-2335.
Maine, Cumberland, City of South Portland, 0001-0005.	230053B	E-8, 12	I	F	Feb. 22, 1974, Sept. 3, 1976.	July 6, 1979	City of South Portland, City Hall, 25 Cottage Road, South Portland, Maine 04106, (202) 767-3201.
New Hampshire, Sullivan, Town of Croydon, 0002, 0004.	330156A	E-11, 12	I	F	Nov. 29, 1974	July 6, 1979	Town Clerk, Rita D. Groff, Town of Croydon, Croydon, New Hampshire 03747.
New Hampshire, Cheshire, Town of Jaffrey, 0004.	330215A	E-10, 11, 12	I	F	Jan. 24, 1975	July 6, 1979	Board of Selectmen, Town of Jaffrey, Jaffrey, New Hampshire 03452.
Alabama, Dallas, City of Selma, 0001, 0002	010065B	E-11, 12	I	F	Dec. 17, 1973, May 21, 1976.	July 6, 1979	City Clerk, City of Selma, P.O. Drawer L, Selma, Alabama 36071, (205) 875-7411.
Maine, York, Town of North Berwick, 0001, 0002.	230197B	E-11, 12	I	F	Feb. 21, 1975, Oct. 15, 1976.	July 6, 1979	Selectman's Office, Town of North Berwick, Main Street, North Berwick, Maine 03906, (207) 676-3353.
Alabama, DeKalb, Town of Geraldine, 0001, 0002.	010356B	N-8, 11, 12	I	F	Jan. 13, 1978	July 6, 1979	Town Hall, Town of Geraldine, P.O. Box 71, Geraldine, Alabama 36974, (205) 659-2122.
Alabama, Marion, City of Bear Creek, 0001	010352A	N-11, 12	I	F	June 18, 1976	July 6, 1979	City Hall, City of Bear Creek, P.O. Box 42, Bear Creek, Alabama 35543, (205) 486-3842.
Maine, York, Town of South Berwick, 0001, 0002.	230157B	E-10, 12	I	F	Aug. 9, 1974, Oct. 15, 1976.	July 6, 1979	Town Office, Town of South Berwick, P.O. Box 236, South Berwick, Maine 03908, (207) 384-2263.
Alabama, Jefferson, City of Fultondale, 0001, 0003.	010121B	E-10, 11, 12	I	F	May 24, 1974, Jan. 9, 1976.	July 6, 1979	City Hall, City of Fultondale, P.O. Box 378, Fultondale, Alabama 35068, (205) 841-6456.
Arkansas, Greene, Town of Lafe, 0001A	050569A	N-5	I	F	July 10, 1979	July 10, 1979	Honorable Virgil L. Robinson, Mayor, Office of Mayor, Lafe, AR 72436 (501) 586-0269.
Nebraska, Cass, Village of South Bend, 0001A.	310034A	N-5	I	F	July 10, 1979	July 10, 1979	Mr. L. M. Snodgrass, Chairman, Office of Chairman, Village Hall, South Bend, NB 68058, (402) 944-8794.
New Mexico, Unincorporated Area, Bernalillo County, 0001B-0010B; 0012B-0015B.	350001B	E-8, 11, 12	I	F	Dec. 20, 1974, Sept. 6, 1977.	July 10, 1979	Mr. David Sanchez, Chairman, Board of County Commissioners, Bernalillo County, County Courthouse, Albuquerque, NM 87100, (505) 766-4000.
Texas, Cass, City of Domino, 0001A	481515A	N-5	I	F	July 10, 1979	July 10, 1979	Honorable Charles A. Richie, Mayor, P.O. Box 178, Domino, TX 75572 (214) 796-4765.
Illinois, Monroe, Village of Fults, 01	170511B	E-12, 14	I	F	Dec. 17, 1973, Jan. 30, 1976.	July 13, 1979	Roy Kramble, Mayor, P.O. Box 5, Fults, IL 62244, Phone: (518) 458-6329.
Illinois, Sangamon, Village of Thayer, 0001B	170804	E-8, 11, 12, 14	I	F	Mar. 22, 1974, June 4, 1976.	July 13, 1979	Rudolph Buyan, Village Pres., Village Hall, Thayer, IL 62589, Phone: (217) 965-3130.
Ohio, Crawford, City of Bucyrus, 0001B	390090	E-8, 11, 12, 14	I	F	Nov. 16, 1973, May 21, 1976.	July 13, 1979	Paul Outhwaite, Mayor, 500 South Sandusky Avenue, Bucyrus, OH 44820, Phone: (419) 562-6767.
Ohio, Hocking, City of Logan, 0001B	390274	E-8, 11, 12, 14	I	F	May 31, 1974, Sept. 10, 1976.	July 13, 1979	Evan Hard, Jr., Mayor, 101 East Main Street, Logan, OH 43138, Phone: (614) 385-8310.
Ohio, Logan, Logan County,[1] 0001B, 0004B-0005B, 0007B-0008B only.	390772	E-11, 12, 14	I	F	Feb. 3, 1978	July 13, 1979	G. Parker Kennedy, Ch. Co. Comm., Bellefountaine, OH 43311, Phone: (513) 592-0931.
Ohio, Scioto, Village of Harden, 01	390499B	E-8, 11, 12, 14	I	F	Aug. 23, 1974, May 21, 1976.	July 13, 1979	Forest Thompson, Mayor, Box 77, Harden, OH 45671, Phone: (614) 372-4085.
Pennsylvania, Venango, Township of Scrubgrass, 0001A-0003A.	422542	E-11, 12, 14	I	F	Feb. 23, 1975	July 13, 1979	Dick Leya, Chairman, R.D. #3, Emlenton, PA 16373, Phone: (412) 867-8421.

State, county, community name and number of panels	Community number and suffix	Program and change code	Inland or coastal	Hazard F/M/E	Identification date(s)	Effective date of this map action	Local map repository
Alabama, Blout, City of Oneonta, 01	010015B	E—10, 11, 12	I	F	Sept. 13, 1974	July 13, 1979	City of Oneonta, City Hall, P.O. Box 369, Oneonta, AL 35121
Arkansas, Van Buren, City of Clinton, 0001B	050211B	E-8, 11, 12	I	F	June 21, 1974, June 4, 1976.	July 17, 1979	Honorable Charles Bradley, Mayor, City of Clinton, City Hall, Clinton, AR 72031, (501) 745-8110.
Louisiana, Lafayette, City of Lafayette, 0001B-0002B.	220105B	E-8, 11, 12	I	F	Mar. 1, 1974, May 14, 1976.	July 17, 1979	Honorable Kenneth F. Bowen, Mayor, City of Lafayette, P.O. Box 4071-C, Lafayette, LA 70501, (318) 233-6611.
Texas, Kaufman, Town of Oak Grove, 0001A.	481533A	N-5	I	F	July 17, 1979	July 17, 1979	Honorable Richard H. Harris, Mayor, Town of Oak Grove, Office of Mayor, Route 1, Box 240, Kaufman, TX 75142, (214) 932-2465.
Texas, Ector, City of Odessa, 0001B-0004B	480206B	N-8, 11, 12	I	F	June 28, 1974, Nov. 14, 1975.	July 17, 1979	Mr. Bryan Henderson, Director of Public Works, P.O. Box 4398, 411 West 8th, Odessa, TX 79760, (915) 337-7381.
Washington, Unincorporated Area, Thurston County, 0001B-0011B.	530188B	E-11, 12	I	F	Sept. 13, 1977	July 17, 1979	Mr. Alva Williams, Jr., P.E., Director of Public Works, Thurston County, County Courthouse, Olympia, WA 98502, (206) 753-8051.
Illinois, Coles, Coles County,[1] 0001A-0008A	170986	N-5	I	F	July 20, 1979	July 20, 1979	Peter Leigh, Ch. Co. Bd., 2615 South Fourth, Charleston, IL 61920, Phone: (217) 581-2523.
Indiana, Madison, Town of Alexandria, 0001B	180149	E-8, 11, 12, 14	I	F	Nov. 23, 1974, Sept. 26, 1976.	July 20, 1979	Max Branch, Mayor, P.O. Box 160, Alexandria, IN 46001, Phone: (317) 724-2541.
Indiana, Kosciusko, Town of Mentone, 0001A	180459	N-5	I	F	July 20, 1979	July 20, 1979	Frank Hardesty, Town Bd. Pres., P.O. Box 62, Mentone, IN 46539, Phone: (219) 353-7749.
Minnesota, Sherburne, Sherburne County,[1] 0006B and 0009B only.	270435	E-10	I	F	Nov. 29, 1974	July 20, 1979	Ch. Co. Bd. of Commissioners, Courthouse, Elkriver, MN 55330, Phone: (612) 441-1441.
Ohio, Crawford, City of Galion, 0001B	390092	E-8, 11, 12, 14	I	F	Mar. 15, 1974, Aug. 27, 1976.	July 20, 1979	Donald Yunker, Mayor, City Hall, Galion, OH 48331, Phone: (419) 468-1857, Office (419) 468-1102 Work.
Ohio, Perry, Village of Glenford, 01	390442B	E-12, 14	I	F	Aug. 23, 1974, May 21, 1976.	July 20, 1979	Noland Henderson, Mayor, Box 22, Glenford, OH 43739, Phone: (614) 659-2360.
Ohio, Columbiana, Village of New Waterford, 0001B.	390663	E-8, 11, 12, 14	I	F	Apr. 5, 1974, May 21, 1976.	July 20, 1979	James Rupert, Mayor, Town Hall, East Main Street, New Waterford, OH 44445, Phone: (216) 457-2813.
Ohio, Seneca, City of Tiffin, 0001B	390502	E-8, 11, 12, 14	I	F	Mar. 1, 1974, June 25, 1976.	July 20, 1979	Thomas Yager, Mayor, City Hall, Tiffin, OH 44883, Phone: (419) 447-3440.
Pennsylvania, Huntingdon, Township of Franklin, 0002A and 0003A only.	422573	E-11, 12, 14	I	F	Dec. 27, 1974	July 20, 1979	John Lake, Chairman, R.D. #4, Tyrone, PA 16686, Phone: (814) 632-6756.
Pennsylvania, Huntingdon, Township of Hopewell, 0001A-0002A.	421690	N-11, 12, 14	I	F	Dec. 6, 1974	July 20, 1979	Ronald Baker, Chairman, James Creek, PA 16657, Phone: (814) 658-3748.
Pennsylvania, Venango, Borough of Polk, 0001B.	420838	E-11, 12, 14	I	F	Apr. 5, 1974, June 4, 1976.	July 20, 1979	Marlo Adams, Mayor, P.O. Box 1006, Polk, PA 16342, Phone: (814) 437-5393.
Pennsylvania, Huntingdon, Township of Springfield, 0001A-0003A.	421701	E-11, 12, 14	I	F	Dec. 13, 1974	July 20, 1979	Paul Gutshall, Chairman, Star Route, Orbisonia, PA 17243, Phone: (814) 448-2252.
Pennsylvania, Huntingdon, Township of Spruce Creek, 0001A.	422621	E-11, 12, 14	I	F	Dec. 20, 1974	July 20, 1979	W. R. Marshall, Chairman, Spruce Creek, PA 16683, Phone: (814) 632-5773.
Virginia, Buchanan, Town of Grundy, 0001B	510025	E-8, 11, 12, 14	I	F	May 24, 1974, May 14, 1976.	July 20, 1979	Blaine Griffith, Mayor, P.O. Box 771, Grundy, VA 24614, Phone: (703) 935-2551.
New Hampshire, Cheshire, Town of Winchester, 0001-0004.	330028A	E-10, 11, 12	I	F	Mar. 15, 1974	July 20, 1979	Town Clerk, Town of Winchester, Winchester, NH 03470, (603) 239-6233.

[1] Unincorporated area.

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

Issued: June 29, 1979.

Charles M. Plaxico, Jr.,

Acting Federal Insurance Administrator.

[FR Doc. 79-21046 Filed 7-9-79; 8:45 am]

BILLING CODE 4210-23-M

44CFR Part 64

[Docket No. FEMA-5635]

List of Communities Eligible for the Sale of Insurance Under the National Flood Insurance Program

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

ACTION: Final rule.

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

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

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

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

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

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

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

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

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

§ 64.6 List of eligible communities.

State	County	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified
Kansas	Harvey	North Newton, city of	200542	June 23, 1979, emergency.	Nov 5, 1976.
Michigan	Clare	Redding, township of	260382	do	Nov 19, 1976.
Pennsylvania	Greene	Aleppo, township of	421607	do	Dec. 27, 1974
Do	Indiana	South Mahoning, township of	422439	do	Jan. 24, 1975.
Minnesota	Norman	Halstad, city of	270324-B	Feb. 5, 1975, emergency, June 15, 1979, regular, June 15, 1979, suspended, June 29, 1979, reinstated.	May 24, 1974 and Dec. 13, 1974
Do	do	Perley, city of	270326-A	Apr 28, 1974, emergency, June 15, 1979, regular, June 15, 1979, suspended, June 29, 1979, reinstated.	Oct. 25, 1974
Pennsylvania	Wyoming	Lemon, township of	422200	July 2, 1979, emergency	Nov 29, 1974
Do	Lackawanna	Newton, township of	421756	do	Oct. 29, 1976.
Do	Juniata	Spruce Hill, township of	421745	do	Nov 22, 1974
Georgia	Decatur	Unincorporated areas	130451	July 3, 1979, emergency	June 30, 1978.
Texas	Collins	Lucas, city of	481545-New	do	
Illinois	McHenry	Woodstock, city of	170483-B	June 12, 1974, emergency, June 15, 1979, regular, June 15, 1979, suspended, July 3, 1979, reinstated.	Mar 22, 1974 and Mar 19, 1976.

State	County	Location	Community No.	Effective dates of authorization/ cancellation of sale of flood insurance in community	Special flood hazard area identified
Wisconsin	Pierce	Plum City, city of	550328-B	May 12, 1975, emergency, Nov. 15, 1978, regular, July 2, 1979, reinstated.	July 19, 1974 and June 4, 1976.

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

Issued: June 29, 1979.

Charles M. Plaxico, Jr.,

Acting Federal Insurance Administrator.

[FR Doc. 79-21047 Filed 7-9-79; 8:45 am]

BILLING CODE 4210-23-M

44 CFR Part 67

[Docket No. FI-4752]

Final Flood Elevation Determination for the Town of Foxborough, Norfolk County, Mass., 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 Foxborough, Norfolk County, Massachusetts.

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

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Foxborough, Norfolk County, Massachusetts, are available for review at Town Hall, 40 South Street, Foxborough, Massachusetts.

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 Foxborough, Massachusetts.

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 Part 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
Canoe River	East Street—50 feet*	171
	East Street—25 feet**	175
	Willow Street—50 feet**	201
Robinson Brook	Commercial Street (downstream crossing)—25 feet**.	186
	Interstate 95—100 feet**	211
	Walnut Street—25 feet**	225
	Central Street—200 feet*	243
	Central Street—at centerline.	250
Rumford River	Spring Street—at centerline	174
	Private Road (at downstream end of Glue Factory Pond)—100 feet*.	174
	Private Road (at downstream end of Glue Factory Pond)—at centerline.	182
	Cocasset Street—75 feet*	196

*Downstream of centerline.
**Upstream of centerline.

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

Issued: June 22, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-21015 Filed 7-9-79; 8:45 am]

BILLING CODE 4210-23-M

44 CFR Part 67

[Docket No. FI-4962]

Final Flood Elevation Determination for the Town of Bedford, Westchester County, N.Y., 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 Bedford, Westchester County, New York.

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

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Town of Bedford, Westchester County, New York.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Bedford, Westchester County, New York, are available for review at the Office of the Town Clerk, Townhouse, 321 Bedford Road, Bedford Hills, New York.

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 Bedford, Westchester County, New York.

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 Part 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 67.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Stone Hill River	Matthews Mill Road	315
	Cantitoe Street	318
	The Hook Road	383
	The Old Post Road	400
Mianus River	Downstream Corporate Limits.	333
	Millers Mill Road	350
	Patent Road	353
	Greenwich Road	354
	Mill Brook Road (Extended)	360
	The Old Post Road	364
David's Brook	Harris Road	335
	300' downstream of Guard Hill Road.	339

(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 22, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-21016 Filed 7-9-79; 8:45 am]

BILLING CODE 4210-23-M

---

44 CFR Part 67

[Docket No. FI-5073]

Final Flood Elevation Determination for the City of Cohoes, Albany County, N.Y., 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 Cohoes, Albany County, New York.

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

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of Cohoes, New York.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Cohoes, are available for review at City Engineer's Office, City Hall, Mohawk Street, Cohoes, New York.

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 Cohoes, New York.

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 Part 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 67.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Hudson River	112th Street—100 feet*	32
Fifth Branch Mohawk River.	Delaware and Hudson Railroad—100 feet*.	32
	Bridge Avenue—40 Feet*	35
First Branch Mohawk River	Ontario Street—60 feet**	36
	Ontario Street—60 feet*	39
Second Branch Mohawk River.	Ontario Street—at centerline.	38
Third Branch Mohawk River.	Delaware and Hudson Railroad—40 feet*.	34
Mohawk River	State Highway 32 (Saratoga Street)—100 feet**.	55
	State Highway 32 (Saratoga Street)—200 feet*.	63
	Cohoes Falls—50 feet downstream of the downstream end.	75
	Cohoes Falls—180 feet upstream of the upstream end.	143
Salt Kill	Walkway—50 feet*	29
	Dam upstream from Private Road—20 feet**.	38
	Dam upstream from Private Road—20 feet*.	44

*Upstream from centerline.
**Downstream form 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 22, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-21017 Filed 7-9-79; 8:45 am]

BILLING CODE 4210-23-M

---

44 CFR Part 67

[Docket No. FI-5018]

Final Flood Elevation Determination for the Town of North Dansville, Livingston County, N.Y., 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 North Dansville, Livingston County, New York.

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

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Town of North Dansville, Livingston County, New York.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of North Dansville, Livingston County, New York, are available for review at the Town Hall, 14 Clara Barton Street, Dansville, New York.

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 North Dansville, Livingston County, New York.

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 Part 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 managemnt in flood-prone areas in accordance with 44 CFR Part 67.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Canaseraga Creek	Downstream Corporate Limits.	614
	Hartman Road (Upstream Side).	631
	State Route 436 (Upstream Side.	652
	Upstream Corporate Limits	731
Mill Creek	Confluence with Canaseraga Creek.	672
	Upstream Corporate Limits (Village of Dansville).	779
Little Mill Creek	Confluence with Mill Creek	796
	Stone Falls Road (Upstream Side).	836

(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 1, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-21018 Filed 7-9-79; 8:45 am]

BILLING CODE 4210-23-M

44 CFR Part 67

[Docket No. FI-5074]

Final Flood Elevation Determination for the Town of Waterford, Saratoga County, N.Y., 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 Waterford, Saratoga County, New York.

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

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Waterford, are available for review at Town Hall, 65 Broad Street, Waterford, New York.

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 Waterford, New York.

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 Part 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 67.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Hudson River	U.S. Highway 4—100 feet*	34
	U.S. Highway 4—100 feet**	34
Mohawk River	State Highway 32—100 feet*	55
	State Highway 32—100 feet**.	62
	Cohoes Falls—50 feet*	75
	Cohoes Falls—50 feet**	141
	Dam upstream from Cohoes Falls—100 feet*.	149
	Dam upstream from Cohoes Falls—50 feet**.	165
	Crescent Dam—150 feet downstream of the downstream end.	167
	Crescent Dam—50 feet upstream of the upstream end.	193
Third Branch Mohawk River.	Delaware and Hudson Railroad—40 feet**	34
	Falls upstream from Delaware and Hudson Railroad—at centerline.	34
Fourth Branch Mohawk River.	Delaware and Hudson Railroad—20 feet**	34
	Dam upstream from Erie (Barge) Canal—50 feet*	35
	Dam upstream from Erie (Barge) Canal—100 feet**	37
Fourth Branch Mohawk River (Right Channel).	Confluence with Fourth Branch Mohawk River (Middle Channel)—at centerline.	36
Fourth Branch Mohawk River (Middle Channel).	Confluence with Fourth Branch Mohawk River (Right Channel)—at centerline.	36
Fourth Branch Mohawk River (Left Channel).	Confluence with Fourth Branch Mohawk River—at centerline.	36

*Downstream from centerline.
**Upstream from centerline.

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

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

Issued: June 1, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-21019 Filed 7-9-79; 8:45 am]

BILLING CODE 4210-23-M

44 CFR Part 67

[Docket No. FI-5019]

Final Flood Elevation Determination for the City of Hunter, Cass County, N. Dak., 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 Hunter, Cass County, North Dakota.

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 Hunter, North Dakota.

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

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 Hunter, North Dakota.

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 Part 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 67.

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

Source of Flooding	Location	Elevation in feet, national geodetic vertical datum
South Branch Elm River.	North Dakota Highway 18—50 feet*.	969
	Burlington Northern Railroad—100 feet*.	970
	Dam approximately 3,000 feet upstream from the Burlington Northern Railroad—150 feet**.	972
	Dam approximately 3,000 feet upsteam from the Burlington Northern Railroad—100 feet*.	983

*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 1, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-21020 Filed 7-9-79; 8:45 am]

BILLING CODE 4210-23-M

44 CFR Part 67

[Docket No. FI-5077]

Final Flood Elevation Determination for the Village of Geneva-on-the-Lake, Ashtabula County, Ohio, 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 listed below for selected locations in the Village of Geneva-on-the-Lake, Ashtabula County, Ohio.

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

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Village of Geneva-on-the-Lake, Ashtabula County, Ohio.

ADDRESSES: Maps and other information showing the detailed outlines of the flood prone areas and the final elevations for the Village of Geneva-on-the-Lake are available for review at the Mayors Office, 4964 South Spencer Street, Geneva-on-the-Lake, Ohio.

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 Village of Geneva-on-the-Lake, Ashtabula County, Ohio.

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 Part 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 had developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 67.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Cowles Creek	Mouth at Lake Erie	575
	Just upstream from Park Drive.	577
	Just upstream from confluence of Cowles Creek Tributary.	578
Cowles Creek Tributary.	Just upstream from confluence with Cowles Creek.	578
	1900 feet downstream of Austin Road.	591
	Just upstream from Austin Road.	603
Unnamed Stream No. 1.	550 feet downstream from South Geneva Drive.	584
	Just upstream from South Geneva Drive.	589
	565 feet upstream from South Geneva Drive.	596

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Unnamed Stream No. 2.	Mouth at Lake Erie	576
	Just upstream from abandoned bridge 2200 feet upstream from Lake Erie.	580
	Just upstream from Lake Road.	582
	Just downstream of Palmer Road.	585
	Just upstream of Palmer Road.	596
	1170 feet upstream of Palmer Road.	597
Unnamed Stream No. 5.	Just upstream from Cart Bridge.	594
	Just upstream from Shadow Brook Road.	596
	Just upstream from Taylor Drive.	599
	Just downstream of corporate limits.	601
Lake Erie	Shoreline of community	576

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1978), 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 1, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-21021 Filed 7-9-79; 8:45 am]

BILLING CODE 4210-23-M

44 CFR Part 67

[Docket No. FI-4515]

Final Flood Elevation Determination for the City of Dayton, Montgomery County, Ohio, 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 the City of Dayton, Montgomery County, Ohio.

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

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

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

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 Dayton, Montgomery County, Ohio.

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 Part 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 67.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Great Miami River	500 feet downstream of the Chessie System railroad bridge.	752
	1,700 feet upstream of the Chessie System railroad bridge.	754
	4,350 feet upstream of the Chessie System railroad bridge.	756
	7,525 feet upstream of the Chessie System railroad bridge.	757
	3,750 feet downstream of Needmore Road.	758
	1,850 feet downstream of Needmore Road.	759
	Just upstream of Needmore Road.	760
Stillwater River	160 feet downstream of Ridge Avenue.	746
	2,270 feet upstream of Ridge Avenue.	748
	Just downstream of Siebenthaler Avenue.	750
	1,050 feet upstream of Siebenthaler Avenue.	751
	2,650 feet upstream of Siebenthaler Avenue.	753
	2,100 feet downstream of Shoup Mill Road.	755
	1,000 feet downstream of Shoup Mill Road.	756
	2,160 feet upstream of Shoup Mill Road.	758
	Upstream corporate limits	760

(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, 1978), 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 1, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-21022 Filed 7-9-79; 8:45 am]

BILLING CODE 4210-23-M

44 CFR Part 67

[Docket No. FI-5108]

Final Flood Elevation Determination for the Village of Madison, Lake County, Ohio, 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 Village of Madison, Lake County, Ohio.

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

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood prone areas and the final elevations for the Village of Madison are available for review at the Village Administrator's Office, Madison, Ohio.

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 Village of Madison, Lake County, Ohio.

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 Part 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 67.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Rand Ditch	At downstream corporate limits.	674
	100 feet downstream from Middle Ridge Road.	681
	100 feet upstream from Middle Ridge Road.	684
	Approximately 3,500 feet upstream from Middle Ridge Road.	687
	Approximately 2,700 feet downstream from Edwards Street.	695
	Approximately 100 feet downstream from Edwards Steet.	704
	Just downstream from Conrail.	707
	Just upstream from Union Street.	714
	Just downstream from Main Street.	718
	Approximately 200 feet upstream from Main Street.	726
	Approximately 200 feet upstream from Parkway Boulevard.	734
	Approximately 2,900 feet upstream from Parkway Boulevard.	749
Balch Ditch	Approximately 620 feet downstream from Dirt Road.	667
	At Dayton Drive	687
East Branch Rand Ditch.	Approximately 320 feet downstream from Norfolk and Western Railway Mouth at Rand Ditch.	707
	Approximately 60 feet downstream from Lake Street.	712
	Just upstream of Field Road	715
	Approximately 80 feet upstream from Sanford Street.	716
	Just downstream from Main Street.	719
	Approximately 140 feet upstream from Main Street.	720
	Approximately 80 feet downstream from Hyder Road.	727
	Approximately 120 feet upstream from Hyder Road.	729
	Approximately 850 feet upstream from Hyder Road.	735
	Approximately 1,400 feet upstream from Hyder Road.	740
	Approximately 2,400 feet upstream from Hyder Road.	753
Branch Rand Ditch Tributary No. 1.	Approximately 640 feet downstream from Main Street.	716
	100 feet downstream from Main Street.	718
	100 feet upstream from Main Street.	721
	Approximately 1,050 feet upstream from Main Street.	730
	Approximately 1,800 feet upstream from Main Street.	737
Branch Rand Ditch Tributary No. 2.	At confluence with East Branch Rand Ditch.	723
	Approximately 950 feet upstream of confluence with East Branch Rand Ditch.	736
Rand Ditch Tributary No. 1.	At confluence with Rand Ditch.	729
	Approximately 1,470 feet upstream of confluence with Rand Ditch.	748
Rand Ditch Tributary No. 2.	At confluence with Rand Ditch.	726
	Approximately 2,320 feet upstream of confluence with Rand Ditch.	745
Miller's Ditch	Approximately 420 feet downstream from Middle Ridge Road.	682
	Approximately 500 feet upstream from Middle Ridge Road.	685
	Upstream corporate limits	687

(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, 1978), 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 1, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-21023 Filed 7-9-79; 8:45 am]

BILLING CODE 4210-01-M

44 CFR Part 67

[Docket No. FI-4914]

Final Flood Elevation Determination for the City of Willowick, Lake County, Ohio, 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 Willowick, Lake County, Ohio.

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

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

ADDRESS: Maps and other information showing the detailed outlines of the flood prone areas and the final elevations for the City of Willowick are available for review at the City Hall, 30435 Lakeshore Boulevard, Willowick, Ohio.

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 Willowick, Lake County, Ohio.

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 Part 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 67.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Lake Erie	Entire shoreline of community.	576

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

Issued: June 1, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-21024 Filed 7-9-79; 8:45 am]

BILLING CODE 4210-23-M

44 CFR Part 67

[Docket No. FI-4819]

Final Flood Elevation Determination for the Town of Haskell, Muskogee County, Okla., 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 Haskell, Muskogee County, Oklahoma.

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

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

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Haskell, Muskogee County, Oklahoma are available for review at City Hall, Haskell, Oklahoma.

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 Haskell, Muskogee County, Oklahoma.

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 Part 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 67.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Haskell Creek	Just upstream of Osage Avenue.	564
	Just upstream of Elm Street	570

(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 1, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-21025 Filed 7-9-79; 8:45 am]

BILLING CODE 4210-23-M

44 CFR Part 67

[Docket No. FI-5020]

Final Flood Elevation Determination for the City of Eagle Point, Jackson County, Oreg., 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 Eagle Point, Jackson County, Oregon.

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 Eagle Point, Oregon.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Eagle Point, are available for review at City Hall, 136 Main Street, Eagle Point, Oregon.

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 Eagle Point, Oregon.

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 Part 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 67.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Little Butte Creek	Corporate Limits (approximately 90 feet upstream, from State Highway 62)—at centerline	1281
	Eagle Point Bridge—80 feet upstream from centerline	1297

(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 1, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-21026 Filed 7-9-79; 8:45 am]

BILLING CODE 4210-23-M

44 CFR Part 67

[Docket No. FI-4988]

Final Flood Elevation Determination for the Borough of Stockertown, Northampton County, Pa., 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 Borough of Stockertown, Northampton County, Pennsylvania.

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

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

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

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 Borough of Stockertown, Northampton County, Pennsylvania.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 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 67.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Bushkill Creek	Downstream Corporate Limit	335
	Confluence of Little Bushkill Creek.	338
	Bushkill Street	344
	Conrail Bridge Upstream from State Route 33.	351
	West Centre Street (Downstream).	362
	West Centre Street (Upstream).	367
	State Route 191	370
	Upstream Corporate Limit	373

(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 1, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-21035 Filed 7-9-79; 8:45 am]

BILLING CODE 4210-23-M

---

44 CFR Part 67

[Docket No. FI-4821]

Final Flood Elevation Determination for the Borough of Jonestown, Lebanon County, Pa., 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 Borough of Jonestown, Lebanon County, Pennsylvania.

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

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Borough of Jonestown, Lebanon County, Pennsylvania, are available for review at the lobby of the Jonestown Bank, Market Street, Jonestown, Pennsylvania.

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 Borough of Jonestown, Lebanon County, Pennsylvania.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 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 67.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Swatara Creek	Upstream Corporate Limits	413
	Market Street (Upstream)	412
	Downstream Corporate Limits.	410
Little Swatara Creek	Upstream Corporate Limits	412
	South Lancaster Street (Upstream).	412
	Confluence with Swatara Creek.	410

(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 1, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-21023 Filed 7-9-79; 8:45 am]

BILLING CODE 4210-23-M

---

44 CFR Part 67

[Docket No. FI-5118]

Final Flood Elevation Determination for the City of Lebanon, Lebanon County, Pa., 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 Lebanon, Lebanon County, Pennsylvania.

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

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

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Lebanon, Lebanon County, Pennsylvania, are available for review at the City Clerk's Windows, City Hall, 400 South 8th Street, Lebanon, Pennsylvania.

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 Lebanon, Lebanon County, Pennsylvania.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR Part 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 67.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Quittapahilla Creek	Sixteenth Street	443
	Twelfth Street	451
	Willow Street	453
	Ninth Street	456
	Seventh Street	462
	Fourth Street	465
	Green Street	466
	Lincoln Avenue	467
	Cumberland Street	471
Hazel Dyke Creek	Chestnut Street	451
	South 10th Street	458
	Liberty Street	463
	Broad Street	466
	South 3rd Street (Upstream)	470
	Lincoln Avenue (Upstream)	476
	South 3rd Avenue	477
Brandywine Creek	Cumberland Street	449
	Willow Street	453
	Lehman Street	465
	State Route 72	496
	North Eighth Street (Upstream).	504
	Baldwin Street	504

(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 1, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-21029 Filed 7-9-79; 8:45 am]

BILLING CODE 4210-23-M

---

44 CFR Part 67

[Docket No. FI-4885]

Final Flood Elevation Determination for the Borough of Lemoyne, Cumberland County, Pa., 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 Borough of Lemoyne, Cumberland County, Pennsylvania.

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

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Borough of Lemoyne, Cumberland County, Pennsylvania, are available for review at the Borough Office, 665 Market Street, Lemoyne, Pennsylvania.

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 Borough of Lemoyne, Cumberland County, Pennsylvania.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR Part 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 67.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Susquehanna River	Downstream Corporate Limits.	315
	Dam (Upstream) 1,425 feet upstream of Corporate Limits.	317
	Upstream Corporate Limits	320

(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 1, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-21030 Filed 7-9-79; 8:45 am]

BILLING CODE 4210-23-M

44 CFR Part 67

[Docket No. FI-4984]

Final Flood Elevation Determination for the Borough of Monaca, Beaver County, Pa., 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 Borough of Monaca, Beaver County, Pennsylvania.

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

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Borough of Monaca, Beaver County, Pennsylvania, are available for review at the Borough Building, 928 Pennsylvania Avenue, Monaca, Pennsylvania.

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 Borough of Monaca, Beaver County, Pennsylvania.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 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 67.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Ohio River	Pittsburgh and Lake Erie Railroad Bridge.	703
	Monaca-Rochester Bridge	704
	Monaca-East Rochester Bridge.	705

(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 1, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-21031 Filed 7-9-79; 8:45 am]

BILLING CODE 4210-23-M

44 CFR Part 67

[Docket No. FI-4928]

Final Flood Elevation Determination for the Township of Monroe, Cumberland County, Pa., 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 Township of Monroe, Cumberland County, Pennsylvania.

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

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

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

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 Township of Monroe, Cumberland County, Pennsylvania.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 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 67.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Yellow Breeches Creek.	U.S. Route 15 Bridge	421
	Old U.S. Route 15 Bridge	421
	Dam 600 feet upstream	421
	From Old U.S. Route 15 Bridge Confluence of Dogwood Run.	425
	Legislative Route 66026 Bridge.	425
	Conrail Bridge	427
	Dam 320 feet upstream from Conrail Bridge.	427
	Private Road 1,060 feet upstream from Conrail Bridge.	428
	Confluence of Hertzlers Run	432
	Legislative Route 21012	434
	Pennsylvania Route 74 Bridge.	441
	Dam 800 feet upstream from Pennsylvania Route 74 Bridge.	442
	Conrail Bridge	457
	Confluence of Indian Peg Run.	457
	Leidgh Drive	458
	Conrail Bridge	460
	Dam 830 feet downstream from confluence of Slought Run.	462
	Confluence of Slought Run	462
	Confluence of Reading Banks.	465
	Dam 3,520 feet upstream from confluence of Reading Banks.	469
Trindle Spring Run	Conrail Bridge	424
	Sinclair Road Bridge	426
	Conrail Bridge	428
	Dirt Lane 600 feet upstream from Conrail Bridge.	428
	Conrail Bridge	430

(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 1, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-21032 Filed 7-9-79; 8:45 am]

BILLING CODE 4210-23-M

---

44 CFR Part 67

[Docket No. FI-4730]

Final Flood Elevation Determination for the Borough of Pine Grove, Schuylkill County, Pa., 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 Borough of Pine Grove, Schuylkill County, Pennsylvania.

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

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

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

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 Borough of Pine Grove, Schuylkill County, Pennsylvania.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR Part 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 67.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Swatara Creek	Corporate Limits—Upstream	530
	Confluence of Wide Wake Creek.	518
	Conrail 10 feet downstream from confluence of Wide Wake Creek.	515
	Confluence with Daubert Creek.	514
	Wood Street—Upstream	507
	Corporate Limits—Downstream.	501
Wide Wake Creek	Corporate Limits—Upstream	531
	Tulpehocken Street—Upstream.	521
	Conrail 200 feet downstream from Tulpehocken Street—Upstream.	521
	Confluence with Swatara Creek.	518

(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 1, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-21033 Filed 7-9-79; 8:45 am]

BILLING CODE 4210-23-M

---

44 CFR Part 67

[Docket No. FI-4989]

Final Flood Elevation Determination for the Borough of Tatamy, Northampton County, Pa., 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 Borough of Tatamy, Northampton County, Pennsylvania.

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

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

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

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 Borough of Tatamy, Northampton County, Pennsylvania.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR Part 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 67.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Bushkill Creek	At downstream Corporate Limits near L.R. 48021.	312
	Confluence with Little Bushkill Creek.	339

(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 1, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-21036 Filed 7-9-79; 8:45 am]

BILLING CODE 4210-23-M

44 CFR Part 67

[Docket No. FI-4822]

Final Flood Elevation Determination for the Township of Union, Lebanon County, Pa., 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 Township of Union, Lebanon County, Pennsylvania.

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

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

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

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 Township of Union, Lebanon County, Pennsylvania.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR Part 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 67.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Swatara Creek	Market Street (Upstream)	412
	U.S. Route 22 (Upstream)	413
	Confluence of Forge Creek	425
	State Route 343 (Upstream)	426
	Legislative Route 38049 (Upstream).	436

(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 1, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-21037 Filed 7-9-79; 8:45 am]

BILLING CODE 4210-23-M

44 CFR Part 67

[Docket No. FI-5146]

Final Flood Elevation Determination for the City of Kingsport, Sullivan County, Tenn., 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 Kingsport, Sullivan County, Tennessee.

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 Kingsport, Sullivan County, Tennessee.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Kingsport, Sullivan County, Tennessee are available for review at the Planning Department, City Hall, 225 West Center Street, Kingsport, Tennessee.

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 Kingsport, Sullivan County, Tennessee.

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 Part 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 67.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Holston River	At Inter-Plant Railroad	1,175
North Fork Holston River	Just upstream of U.S. Highway 11W-State Route 1.	1,180
South Fork	At Inter-Plant Railroad	1,183
Holston River	Approximately 300 feet upstream of Wilcox Drive.	1,189
	Just upstream of U.S. Highway 23.	1,207
South Fork Holston River Sulce	Approximately 300 feet downstream of Wilcox Drive.	1,186
Mad Branch	Intersection of Wilcox Drive and Lincoln Street.	1,208
	Just downstream of Lamont Street.	1,237
	Approximately 100 feet upstream of Midland Drive.	1,251
Reedy Creek	Approximately 200 feet upstream of West Center Street.	1,190
	Approximately 250 feet upstream of Gibson Mill Road.	1,136
	Just upstream of State Highway 93.	1,216

(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. 79-21038 Filed 7-9-79; 8:45 am]

BILLING CODE 4210-23-M

---

44 CFR Part 67

[Docket No. FI-5008]

Final Flood Elevation Determination for the City of Richardson, Collin and Dallas Counties, Tex., 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 Richardson, Collin and Dallas Counties, Texas.

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

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the City of Richardson, Collin and Dallas Counties, Texas.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Richardson, Collin and Dallas Counties, Texas are available for review at the Director of Public Works Office, Richardson, Texas.

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 Richardson, Collin and Dallas Counties, Texas.

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 Part 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 67.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Rowlett Creek	At the confluence of Beck Branch.	505
Beck Branch	Approximately 200 feet upstream of North Star Road.	535
Spring Creek	Approximately 100 feet upstream of Jupiter Road.	552
	Approximately 200 feet upstream of Greenville Ave. (State Hwy. 5).	569
	Approximately 100 feet upstream of U.S. Hwy. 75.	586
Stream 2I7	Just upstream of Campbell Rd.	561
Stream 2I8	Confluence with Prairie Creek.	573
Prairie Creek	Just upstream of Hwy. 75 North Bound.	579
	Just upstream of Felt Creek Road Drive.	603
	Just upstream of Custer Road.	618
	Just downstream of Renner Rd..	647
Duck Creek	Just upstream of Jupiter Rd.	596
	Just upstream of Yale Boulevard.	605
	Just upstream of Plano Road	616
Stream 2C7	Approximately 100 feet upstream of Yale Boulevard.	605
	Just upstream of N. Plano Rd.	619
Floyd Branch	Approximately 100 feet upstream Spring Valley Road.	607
	Just upstream of Phillips St.	620
Stream 5B11	At Abrams Road	611
	Just upstream of Highland Boulevard.	629
Cottonwood Creek	Approximately 60 feet upstream of Spring Valley Road.	565
	Approximately 80 feet upstream of Beltline Road.	582
	Approximately 120 feet upstream of Arapaho Drive.	620
	Approximately 70 feet downstream of Campbell Road.	650
	Just upstream of Lookout Dr.	676
Hunt Branch	Just upstream of Spring Valley Road.	563
	Just upstream of Dumont Dr..	604
Stream 5B12	Just upstream of Waterview Drive.	600
	Just upstream of Arapaho Dr.	623
	Just upstream of Melrose Dr.	637
	Just upstream of Campbell Rd.	659

(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. 79-21039 Filed 7-9-79; 8:45 am]

BILLING CODE 4210-23-M

---

44 CFR Part 67

[Docket No. FI-5080]

Final Flood Elevation Determination for the Town of Springfield, Windsor County, Vt., 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 Springfield, Windsor County, Vermont.

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

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Springfield, are available for review at Town Hall, 96 Main Street, Springfield, Vermont.

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 Springfield, Vermont.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to

the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 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 67.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Connecticut River	Cheshire Bridge (State Route 11)—10 feet*.	302
Black River	U.S. Highway 5—50 feet*	902
	Slack Dam—30 feet**	351
	Slack Dam—10 feet*	371
	State Route 106—centerline	455
Seaver Brook	State Routes 11 and 106—25 feet*.	327
	Seaver Brook Road (most downstream crossing)—10 feet**.	431
	Seaver Brook Road (most downstream crossing)—15 feet*.	438
	Hard Scrabble Corner Road—10 feet*.	642
Valley Street Brook	At Confluence with Black River.	404
	Bridge at Warren's—30 feet*	477
	Valley Street (most upstream crossing)—35 feet*.	570
Chester Road Brook	State Route 11 (downstream crossing near confluence with Black River)—10 feet*.	450
	Walker Road—30 feet**	514
	Walker Road—30 feet*	525
	State Route 11 (most upstream crossing)—30 feet*.	590
Carley Road Brook	State Route 106—20 feet*	453
	Carley Road—20 feet*	467
Spoonerville Brook	Fairground Road—10 feet*	463
	Spoonerville Road—10 feet*.	515
Great Brook	Elm Street—15 feet*	477
	Main Street (most upstream crossing)—20 feet*.	579
Spencer Brook	Spencer Hollow Road—75 feet*.	537
Williams River	At Upstream Corporate Limits.	512

*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 1, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-21040 Filed 7-9-79; 8:45 am]

BILLING CODE 4210-23-M

44 CFR Part 67

[Docket No. FI-5124]

Final Flood Elevation Determination for the City of Kelso, Cowlitz County, Wash., 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 Kelso, Cowlitz County, Washington.

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

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Kelso, are available for review at City Hall, P.O. Box 209, Kelso, Washington.

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 Kelso, Washington.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 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 67.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Coweman River	Talley Way*	17
	Interstate 5*	17
Cowlitz River	Washington Highway 4*	21

*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 1, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-21041 Filed 7-9-79; 8:45 am]

BILLING CODE 4210-23-M

44 CFR Part 67

[Docket No. FI-5024]

Final Flood Elevation Determination for the City of Morton, Lewis County, Wash., 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 Morton, Lewis County, Washington.

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

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

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

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 Morton, Washington.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 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 67.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Tilton River	County Bridge (State Highway 508)—50 feet upstream of centerline.	911
Lake Creek	Bridge Crossing (1200 feet downstream of U.S. Highway 12)—centerline.	933

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

Issued: June 1, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-21042 Filed 7-9-79; 8:45 am]

BILLING CODE 4210-23-M

44 CFR Part 67

[Docket No. FI-5026]

Final Flood Elevation Determination for the City of Charles Town, Jefferson County, W. Va., 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 Charles Town, Jefferson County, West Virginia.

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

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the City of Charles Town, Jefferson County, West Virginia.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Charles Town, Jefferson County, West Virginia, are available for review at the Municipal Building, Charles Town, West Virginia.

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 Charles Town, Jefferson County, West Virginia.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 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 67.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Evitts Run	Downstream Corporate Limits.	473
	Saint Augustine Avenue Bridge.	480
	Washington Street Bridge	491
	Upstream Corporate Limits	495

(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 1, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-21043 Filed 7-9-79; 8:45 am]

BILLING CODE 4210-23-M

[44 CFR Part 67]

[Docket No. FI-4936]

Final Flood Elevation Determination for the Village of North Fond Du Lac, Fond Du Lac County, Wis., 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 Village of North Fond Du Lac, Fond Du Lac County, Wisconsin.

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

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Village of North Fond Du Lac are available for review at the City Clerk's Office, North Fond Lac City Hall, North Fond Du Lac, Wisconsin.

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 Village of North Fond Du Lac, Fond Du Lac County, Wisconsin.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 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 67.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Supple Creek	Downstream corporate limits.	752
	Upstream corporate limits	752
Mosher Creek	Downstream corporate limits.	754
	200 feet upstream of the downstream corporate limit.	757
	Just downstream of the Chicago and North Western Railroad bridge located 870 feet upstream of the downstream corporate limit.	758
	Just upstream of the Chicago and North Western Railroad bridge located 1,550 feet downstream of Wisconsin Avenue.	764
	Just downstream of Clinton Street.	765
	Just upstream of Polk Street.	767
	Approximately 80 feet upstream of McKinley Street.	769
	Just downstream of Prospect Avenue.	772
	Upstream corporate limits	774

(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, 1978), 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 1, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-21044 Filed 7-9-79; 8:45 am]

BILLING CODE 4210-23-M

---

44 CFR Part 67

[Docket No. FI-5078]

Final Flood Elevation Determination for the of City Jacksonville, Jackson County, Oreg., 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 Jacksonville, Jackson County, Oregon.

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 Jacksonville, Oregon.

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

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 Jacksonville, Oregon.

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 Part 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 67.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Daisy Creek	Phoenix Canal Gate—90 feet*.	1486
	Phoenix Canal Gate—20 feet**.	1495
	Hueners Lane—30 feet**	1505
	D Street—160 feet*	1535
	D Street—20 feet**	1540
	C Street—140 feet*	1544
	C Street—20 feet**	1549
	California Street—110 feet*	1554
	California Street—20 feet**	1559
	Fourth Street—90 feet*	1566
	Fourth Street—80 feet**	1571
	Elm Street—150 feet*	1602
	Elm Street—20 feet**	1608
	Third Street—90 feet*	1621
	Third Street—40 feet**	1632
	2nd Private Drive (upstream from Third Street)—110 feet*.	1657
	2nd Private Drive (upstream from Third Street)—50 feet**.	1664
	3rd Private Drive (upstream from Third Street)—40 feet**.	1679
	Third Street (second crossing)—80 feet*.	1689
	Third Street (second crossing)—20 feet**.	1696
Jackson Creek	Bridge over Phoenix Canal—80 feet**.	1492
	G Street—80 feet*	1511
	G Street—20 feet**	1515
	Blackstone Alley—60 feet*	1522
	Blackstone Alley—60 feet**	1528
	E Street—50 feet*	1546
	E Street—20 feet**	1553
	Oregon Street—20 feet**	1557
	California Street—20 feet**	1583

*Downstream from centerline.
**Upstream from centerline.

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

Issued: June 1, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-21027 Filed 7-9-79; 8:45 am]

BILLING CODE 4210-23-M

44 CFR Part 67

[Docket No. FI-5033]

Final Flood Elevation Determination for the City of Forrest City, St. Francis County, Ark., 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 Forrest City, St. Francis County, Arkansas.

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

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

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Forrest City, St. Francis County, Arkansas are available for review at the Mayor's Office, 224 North Rosser, Forrest City, 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 Forrest City, St. Francis 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 Part 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 had developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 67.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
MD-1	Just upstream of U.S. Highway 70.	218
Lateral 1-E	Just downstream of U.S. Route 70.	230
Lateral 1-B	Just downstream of Arkansas Route 1.	268

(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 1, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-21045 Filed 7-9-79; 8:45 am]

BILLING CODE 4210-23-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2 and 90

[RM-2406, RM-2543, RM-3108, RM-3111, and RM-3136]

Public Safety, Special Emergency, Industrial and Land Transportation Radio Services; Licensing System; Call Signs; Correction

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: The FCC corrects § 90.117 of its rules to make February 1, 1980, the mandatory effective date for the system licensing of land mobile systems meeting the requirements of the rule section, and clarifies that the Special Emergency Radio Service is also included in the system licensing approach.

EFFECTIVE DATE: August 1, 1979.

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

FOR FURTHER INFORMATION CONTACT: Eugene C. Bowler, Private Radio Bureau, Room 5120, Telephone number (202) 632-6497.

In the matter of amendment of Parts 2 and 90 of the Commission's Rules to provide for system licensing in the Public Safety, Industrial, and Land Transportation Radio Services and to provide for the assignment of call signs on a system, rather than a single station, basis in these services; amendment of Part 89 (§ 89.153) to allow stations in different Public Safety Radio Services to use the same call sign when controlled from a single dispatch center. (RM-2406; RM-2543); amendment of Parts 2 and 91 of the Commission's Rules and Regulations to revise the station identification requirements for mobile stations in the Industrial Radio Services (RM-3108); amendment of Parts 91.56(a) and 91.57(a) to simplify the application procedure as it pertains to a Base/Mobile/Relay System (RM-3111); amendment of Parts 89, 91, and 93 to eliminate the requirement of separate licensing of control stations that use antennas under 20 feet in height (RM-3136). *See also* 44 FR 29067, May 18, 1979.

Released: July 6, 1979.

In its Memorandum Opinion and Order FCC 79-259, adopted May 2, 1979, and released May 11, 1979, the caption is amended to include the Special Emergency Radio Service and Appendix A is corrected by the substitution of February 1, 1980, for January 1, 1980, as the mandatory effective date for the submission of applications for land mobile radio systems to which the provisions of Section 90.117 apply.

The caption is amended to read:

In the matter of amendment of Parts 2 and 90 of the Commission's Rules to provide for system licensing in the Public Safety, Special Emergency, Industrial and Land Transportation Radio Services and to provide for the assignment of call signs on a system, rather than a single station, basis in these services (RM-2406, RM-2543, RM-3108, RM-3111, RM-3136).

Part 90 is amended as follows:

Section 90.117 is amended by correcting January 1, 1980, to read February 1, 1980.

§ 90.117 Applications for radio station or radio system authorizations.

Persons desiring a radio station or radio system authorization must first submit the appropriate application(s). Prescribed application forms are listed in § 90.119. They may be obtained from the Washington, D.C. office of the Commission, or from any of its engineering field offices. (See § 90.145 for information regarding special temporary authorizations.) Beginning August 1, 1979, the Commission will accept applications for land mobile radio systems as defined in § 90.7 of this Part. Until further notice, the following limitation shall apply to systems for which authorization is being sought:

Systems, except those utilizing frequencies exclusively in the 470–512 MHz band, shall consist of not more than two land stations at different locations, unless the land stations are control stations meeting the requirements of § 90.119(a)(2)(ii), and a mobile station. No restrictions will be placed on the complexity of a system to operate exclusively in the 470–512 MHz band. Effective February 1, 1980, applicants for new stations which comprise a system, or applicants modifying or renewing a station which is part of a system, shall file an application for a system authorization. (In the latter case, the applicant may select one of the land station call signs as the call sign of the system.) The obligation to file for system authorization falls only upon those applicants with a system falling within the purview of the limitation set forth above.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 79-21230 Filed 7-9-79; 8:45 am]

BILLING CODE 6712-01-M

---

47 CFR Part 73

Reregulation of Radio and TV Broadcasting; Correction

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: Erratum issued to correct certain paragraphs of final order to reflect rule amendments made in a separate proceeding.

EFFECTIVE DATE: July 9, 1979.

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

FOR FURTHER INFORMATION CONTACT: Steve Crane, Philip Cross, John Reiser, Broadcast Bureau, (202) 632–9660.

SUPPLEMENTARY INFORMATION:

In the matter of reregulation of radio and TV broadcasting; correction.

Released: July 6, 1979.

PART 73—RADIO BROADCAST SERVICES

1. In the above-captioned *Order*, FCC 79–371, adopted June 7, 1979, and published in the Federal Register on July 2, 1979, at 44 F.R. 38481, certain paragraphs require correction to incorporate previous amendments adopted on June 1, 1979, by *Report and Order*, FCC 79–331, published in the Federal Register on June 18, 1979, at 44 F.R. 34947. The required corrections are as follows:

1. In § 73.3522, paragraphs (a)(2) and (b)(2) and a Note 1 following paragraph (c) should read as follows:

§ 73.3522 Amendment of applications.

(a) * * *

(2) Subject to the provisions of §§ 73.3525, 73.3571, 73.3572, 73.3573, and 73.3580, mutually exclusive broadcast applications may be amended as a matter of right by the date specified (not less than 30 days after publication) in the FCC's public notice announcing the acceptance for filing of the last-filed mutually exclusive application. Subsequent amendments prior to designation of the proceeding for hearing will be considered only upon a showing of good cause for late filing or pursuant to §§ 1.65 or 73.3514. Unauthorized or untimely amendments are subject to return by the FCC's staff without consideration.

(b) * * *

(2) In comparative broadcast cases (including comparative renewal proceedings), amendments relating to issues first raised in the designation order may be filed as a matter of right within 30 days after that Order is published in the Federal Register, or by a date certain to be specified in the Order.

* * * * *

Note 1.—When two or more broadcast applications are tendered for filing which are mutually exclusive with each other but not in conflict with any previously filed applications which have been accepted for filing, the FCC, where appropriate, will announce acceptance of the earliest tendered application and place the later filed application or applications on a subsequent public notice of acceptance for filing in order to establish a deadline for the filing of amendments as a matter of right for all applicants in the group.

2. In § 73.3564, paragraph (c) should read as follows:

§ 73.3564 Acceptance of applications.

* * * * *

(c) At regular intervals the FCC will issue a Public Notice listing all applications and major amendments thereto which have been accepted for filing. Pursuant to §§ 73.3571(c), 73.3572(c), and 73.3573(d), such notice shall be published in the Federal Register and shall establish a cut-off date (no less than 30 days from the date of publication) for the filing of mutually exclusive applications and petitions to deny. However, no application will be accepted for filing until a statement establishing compliance with the local notice requirements of § 73.3580 has been received by the FCC.

3. In § 73.3571, paragraph (a)(3) should be deleted entirely, paragraph (d) deleted and marked "Reserved," and the introduction of paragraph (a) corrected, paragraph (a)(1), and paragraph (c) corrected to read as follows:

§ 73.3571 Processing of AM broadcast station applications.

(a) Applications for AM broadcast facilities are divided into two groups.

(1) In the first group are applications for new stations or for major changes in the facilities of authorized stations. A major change is any increase in power, or any change in frequency, hours of operation, or station location. However, the FCC may, within 15 days after the acceptance for filing of any other application for modification of facilities, advise the applicant that such application is considered to be one for a major change and therefore is subject to the provisions of §§ 73.3580 and 1.1111 pertaining to major changes.

* * * * *

(3) [Deleted]

* * * * *

(c) Applications for new stations or for major changes in the facilities of authorized stations are processed as nearly as possible in the order in which they are filed. Such applications will be placed in the processing line in numerical sequence, and are drawn by the staff for study, the lowest file number first. Thus, the file number determines the order in which the staff's work is begun on a particular application or group of conflicting applications. In order that those applications which are entitled to be grouped for processing may be fixed prior to the time processing of the earliest filed application is begun, the FCC will periodically publish in the Federal Register a Public Notice listing applications which have been accepted for filing and announcing a date (not less than 30 days after publication) on which the listed applications will be considered available and ready for processing and by which all mutually exclusive applications and petitions to deny the listed applications must be filed.

(d) [Reserved]

* * * * *

4. In § 73.3572, paragraph (c) should read as follows:

§ 73.3572 Processing TV broadcast and TV translator station applications.

* * * * *

(c) Applications for TV stations will be processed as nearly as possible in the order in which they are filed. Such applications will be placed in the processing line in numerical sequence, and will be drawn by the staff for study,

the lowest file number first. In order that those applications which are entitled to be grouped for processing may be fixed prior to the time processing of the earliest filed application is begun, the FCC will periodically publish in the Federal Register a Public Notice listing applications which have been accepted for filing and announcing a date (not less than 30 days after publication) on which the listed applications will be considered available and ready for processing and by which all mutually exclusive applications and petitions to deny the listed applications must be filed.

* * * * *

5. In § 73.3573, paragraph (d) should read as follows:

§ 73.3573 Processing FM broadcast and FM translator station applications.

* * * * *

(d) Applications for FM broadcast stations will be processed as nearly as possible in the order in which they are filed. Such applications will be placed in the processing line in numerical sequence, and will be drawn by the staff for study, the lowest file number first. In order that those applications which are entitled to be grouped for processing may be fixed prior to the time processing of the earliest filed application is begun, the FCC will periodically publish in the Federal Register a Public Notice listing applications which have been accepted for filing and announcing a date (not less than 30 days after publication) on which the listed applications will be considered available and ready for processing and by which all mutually exclusive applications and petitions to deny the listed applications must be filed.

* * * * *

6. In § 73.3591, paragraph (b) should read as follows:

§ 73.3591 Grants without hearing.

* * * * *

(b) In making its determinations pursuant to the provisions of paragraph (a) of this Section, the FCC will not consider any other application, or any application if amended so as to require a new file number, as being mutually exclusive or in conflict with the application under consideration unless such other application was substantially complete and tendered for filing by:

(1) The close of business on the day preceding the day designated by Public Notice published in the Federal Register as the day the listed application is to be available and ready for processing; or

(2) The date prescribed in § 73.3516(e) in the case of applications which are mutually exclusive with applications for renewal of license of broadcast stations.

* * * * *

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 79-2123T Filed 7-9-79; 8:45 am]

BILLING CODE 6712-01-M

Proposed Rules

Federal Register
Vol. 44, No. 133
Tuesday, July 10, 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.

OFFICE OF PERSONNEL MANAGEMENT

[5 CFR Part 871]

Optional Life Insurance; Cancellation of Declination of Certain Postal Service Employees

AGENCY: Office of Personnel Management.

ACTION: Proposed rulemaking.

SUMMARY: The Office of Personnel Management proposes to provide for automatic permanent cancellation of an employee's declination of optional life insurance when he or she enters the Postal Career Executive Service (PCES) and for full payment by the Postal Service of optional life insurance preminums for all members of the PCES.

DATE: Comments must be received on or before September 10, 1979.

ADDRESS: Comments should be directed to Craig B. Pettibone, Office of Policy Development and Technical Services (Retirement and Insurance), Office of Personnel Management, 1900 E Street, N.W., Washington, D.C. 20415.

FOR FURTHER INFORMATION CONTACT: Gay Gardner, Office of Policy Development and Technical Services (Retirement and Insurance), Room 4351, Office of Personnel Management, 1900 E Street, N.W. Washington, D.C. 20415. 202-632-4634.

It is proposed to add a new paragraph (d) to 5 CFR 871.205, as set out below:

PART 871—OPTIONAL LIFE INSURANCE

Subpart B—Coverage

§ 871.205 Cancellation of declination.

* * * * *

(d) Notwithstanding paragraphs (a) and (b) and (c) of this section, the declination of optional life insurance coverage of an employee who is or becomes a member of the Postal Career Executive Service on or after June 2, 1979 is automatically and permanently cancelled and he is insured for optional life insurance on the first day he enters on duty in a pay status on or after June 2, 1979.

(5 U.S.C. 8716.)

It is proposed to add a new paragraph (f) to 5 CFR 871.401, as set out below:

PART 871—OPTIONAL LIFE INSURANCE

Subpart D—Withholdings

§ 871.401 Withholdings.

* * * * *

(f) Notwithstanding paragraphs (a), (b), (c), (d), and (e) of this section, the United States Postal Service contributes the full cost of optional life insurance, this is, the sum of the amounts otherwise to be withheld and contributed under paragraphs (a), (b), (c), (d), and (e) of this section, for each period in which a member of the Postal Career Executive Service is insured.

(39 U.S.C. 1005(f).)

Office of Personnel Management.

Beverly Jones,

Issuance System Manager.

[FR Doc. 79-21067 Filed 7-9-79; 8:45 am]
BILLING CODE 6325-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1049]

[Docket No. AO-319-A29]

Milk in the Indiana Marketing Area; Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This decision changes the present order provisions based on proposals by a cooperative association that were considered at a public hearing held January 9, 1979. The amendments would increase the Class I differential 6 cents and would modify the location adjustment and payment provisions of the order. The changes are necessary to reflect current marketing conditions and to insure orderly marketing in the area.

FOR FURTHER INFORMATION CONTACT: Martin J. Dunn, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-7311.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding:

Notice of Hearing: Issued December 14, 1978, published December 20, 1978 (43 FR 59390).

Recommended Decision: Issued May 7, 1979, published May 10, 1979 (44 FR 27426).

A public hearing was held upon proposed amendments to the marketing agreement and the order regulating the handling of milk in the Indiana marketing area. The hearing was held, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice (7 CFR Part 900), at Indianapolis, Indiana, on January 9, 1979, pursuant to notice thereof issued on December 14, 1978 (43 FR 59390).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Marketing Program Operations, on May 7, 1979, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision are hereby approved and adopted and are set forth in full herein, subject to the following modifications:

In Issue No. 1:

1. Paragraphs 14 and 15 are revised and two new paragraphs are added after each of paragraphs 14 and 15.

2. Paragraph 22 is revised, and a new paragraph is added after each of paragraphs 20, 23, and 26.

3. A sentence is added at the end of paragraph 25.

The material issues on the record of the hearing relate to:

1. Level of Class I price.

2. Location adjustments.

3. Payments to producers and to cooperative associations.

Findings and Conclusions

The following findings and conclusions on the material issues are

based on evidence presented at the hearing and the record thereof:

1. *Level of Class I price.* The Class I differential (the amount added to the basic formula price of the second preceding month in computing the Class I price) should be increased from the present $1.47 to $1.53.

A cooperative association proposed a 10-cent increase in the Class I differential, to $1.57. Another cooperative supported the proposal. The cooperatives claimed that the higher Class I differential is needed to assure a continuing adequate supply of milk for the fluid milk needs of pool distributing plants under the Indiana order, and to improve the alignment of Class I prices between the Indiana and Chicago Regional markets and other nearby markets.

A spokesman for a group of milk handlers in the Indianapolis, Indiana, area opposed the proposed 10-cent increase. The witness for the group stated that some of the handlers who are regulated by the Indiana milk order compete for fluid milk sales with handlers who are regulated by the Southern Illinois and Central Illinois orders. He stated that increasing the Class I differential for the Indiana order only would place such handlers at a disadvantage in competing for fluid milk sales in part of western Indiana. The witness stated that the Class I price issue of this proceeding should be deferred until it can be considered in connection with other milk orders in the Midwest region which may also require higher Class I prices.

The witness testified further that if the Indiana Class I differential is increased on the basis of this proceeding, the increase should not exceed 6 cents per hundredweight. He stated that the Class I differentials of the Chicago Regional and Upper Midwest orders have been increased 6 cents per hundredweight in recent years, while the Indiana Class I differential remained unchanged. He testified that a 6-cent increase in the Indiana Class I differential would achieve better alignment with the Chicago Regional market and that such improvement would be a benefit to the Indiana market.

Two Wisconsin-based cooperatives that operate plants pooled on the Chicago Regional market also opposed the proposal to increase the Indiana Class I differential 10 cents. The witnesses for the cooperatives stated that the prices paid to the Indiana order producers residing in Wisconsin are higher than the prices the two cooperatives can pay to their members on the Chicago market. This, they claimed, has caused their cooperative associations to lose members to the proponent cooperative, which is then marketing their milk on the Indiana market. In their view, any increase in the Indiana Class I price which would increase producer pay prices would result in a further loss of their producer-members to the Indiana market. These spokesmen urged that any Class I price increase, or any change in location adjustment rates under the orders, be done on a regional or national basis. In their view, the question of proper Class I differentials and location adjustment rates for milk orders is an important current concern throughout the dairy industry and cannot properly be addressed in piecemeal fashion.

The Class I price under an order must be established at a level which, in conjunction with other class prices, results in sufficient returns to producers to maintain an adequate supply of milk for consumers' needs. While the class prices of individual milk orders attract milk to a particular market, such as Indiana, the aggregate result under the milk order program, in conjunction with the price support program, is an adequate supply of milk for the nation.

The present price system under Federal orders operates in such a way that it provides uniform Class I price changes in all orders. This is accomplished by adding a specific differential directly to a basic formula price (the Minnesota-Wisconsin price) that is the same under all orders. The system evolved from the necessity to coordinate Class I price changes within regions and also to provide coordination on an interregional basis.

Further, the coordination of Class I prices is needed throughout the milk order program because milk can move readily between and among Federal order markets. Without price coordination, disparities in the normal price relationships will encourage uneconomic movement of milk and disruption of markets. Accordingly, inter-order Class I price alignment is a necessary pricing feature under the milk order program.

There is extensive overlapping of route distribution between Indiana handlers and handlers regulated by other Federal milk orders. The record evidence established that Indiana pool plants account for about 85 percent of all fluid milk products distributed in the Indiana marketing area. Handlers regulated by the Indiana order also distribute fluid milk products in seven other Federal order areas, while handlers regulated by four Federal milk orders distribute a substantial quantity of milk in the Indiana marketing area.

Also, there is a major overlapping of the Indiana order supply area with that of the Chicago Regional order which stems from circumstances unique to the Indiana market. Even though there is sufficient fluid grade milk produced in the State of Indiana to meet the fluid milk needs of handlers regulated by the Indiana order, not all of it is pooled under the Indiana order. As a result, the proponent cooperative association, which has assumed the function of supplying a major portion of the Indiana market's fluid milk needs, must import about 45 million pounds of milk each month from producers whose farms are in Wisconsin. The milk is assembled at reload stations in the supply area and delivered to Indiana pool distributing plants where it is considered as a receipt of producer milk. In 1978, this milk represented about 29 percent of all the producer milk pooled under the Indiana order.

With this incidence of overlapping sales, in which handlers regulated under nine Federal orders [1] actively compete for fluid outlets, and with a substantial proportion of the supply for the Indiana market coming from the supply area of the Chicago Regional market, it would not be possible to maintain orderly marketing over time without a close intermarket alignment of Class I prices.

The existing Class I pricing structure under the Indiana order was established at the time the order was promulgated—January 1, 1969. In the intervening period, price adjustments made in competing markets (particularly the 1970 increase in the Class I differential under the Chicago Regional order from $1.20 to $1.26) were not made in the Indiana order. However, both producer and handler witnessess testified that the prices being paid in the Indiana market and in nearby Federal order markets for Class I milk currently are in relatively close alignment due to the over-order charges being paid to suppliers by handlers regulated by the respective orders. In their view, this is the reason that little or no disorderly marketing has resulted from the present relationship of order Class I differentials. Nevertheless, the existing institutional arrangements should not be the sole means of achieving continued orderly marketing. The Class I differential of the Indiana order should be increased somewhat to improve the interorder Class I price

[1] Indiana, Ohio Valley, Southern Michigan, Louisville-Lexington-Evansville, Chicago Regional, Southern Illinois, Central Illinois, Iowa and Georgia orders.

alignment that is a necessary pricing feature of the milk order program.

The Chicago milkshed has been a major source of supplemental milk supplies for markets throughout the United States, including the Indiana market. The record established that supplemental milk is supplied to Indiana order pool plants from Chicago Regional pool plants. This is in addition to the producer milk obtained from the Chicago order supply area. In some months these supplemental supplies amount to as much as 13 million pounds. To reflect the variable cost of moving milk from the Chicago milkshed to distant markets, Class I prices in Federal order markets are generally structured to increase in relation to the distance from the Chicago milkshed. Generally, the gradation of prices from market to market from north to south reflects a differential approximating 1.5 cents per hundredweight of milk per 10 miles.

The Class I differentials in some order marketes reflect the variable cost of moving milk from the heavy milk production areas within the Chicago Regional market (e.g., Madison, La Crosse and other locations in Wisconsin). However, the Class I differentials in the nearby markets to the east and south of the Indiana market (Ohio Valley and Louisville-Lexington-Evansville) reflect the variable costs from the city of Chicago, Illinois. Because Indiana handlers compete for milk supplies and for retail sales with handlers regulated under the Ohio Valley, Chicago Regional and Louisville-Lexington-Evansville orders, it is appropriate to use Chicago as the basing point for determining the Indiana Class I differential.

In its exceptions to the recommended decision, proponent cooperative excepted to the preceding findings and conclusions, claiming that the base point for pricing milk in all Federal orders has been the heavy milk production areas in Wisconsin. The cooperative also claimed that Chicago is not appropriate as a point from which to establish milk prices because there is no milk produced in the city or its environs.

We cannot agree. In some of the markets that are located east and southeast of Chicago the Class I differentials are related to the $1.26 Class I differential under the Chicago Regional order, which applies to milk received at plants located in the city of Chicago. Since any milk that might move from Wisconsin to markets in the east or southeast would have to pass the city of Chicago, handlers in the eastern and southeastern markets would need to pay the extra cost of hauling the milk from Chicago to their plants. As stated previously, the Class I differentials in the nearby markets of Ohio Valley and Louisville-Lexington-Evansville were based on the variable hauling costs from the city of Chicago. Similarly, the Indiana Class I differential should be related to the Class I price at Chicago.

Proponent cooperative also excepted to the finding in the recommended decision that the distance from Chicago to Indianapolis is 177 miles. Exceptor stated that the "Household Goods Carriers' Bureau Mileage Guide No. 10", the document cited in footnote 2, indicates that the distance from Chicago to Indianapolis is 181 miles. The cooperative pointed out that the amount computed at 1.5 cents per 10 miles for the 181 miles from Chicago to Indianapolis is 29 cents, and requested that the Indiana Class I differential be increased to $1.55. Exceptor is correct that Mileage Guide No. 10 indicates that the distance from Chicago to Indianapolis is 181 miles. The mileage that was cited in the recommended decision was cited inadvertently from another source.

On a straight mileage basis, both the 177 miles and the 181 miles would result in an adjustment of 27 cents on the basis of 1.5 cents per 10 miles. However, in applying the location adjustment rate that is used throughout the Federal order system, i.e., 1.5 cents per 10 miles or fraction thereof, the 181 miles cited by proponent would result in an adjustment of 28.5 cents, which proponent then rounded to the next higher cent.

Even though the Mileage Guide distance of 181 miles might indicate a Class I differential at Indianapolis of $1.54 instead of the $1.53 adopted herein, the Indiana Class I differential should not be increased more than 6 cents. In addition to price alignment with the city of Chicago, the alignment of Class I prices with the Ohio Valley, Louisville-Lexington-Evansville and Southern Illinois markets also should be taken into consideration as indicated below. Further, the 6-cent increase in the Indiana Class I differential will result in the same price alignment with plants in Chicago that existed prior to the 1970 increase in the Chicago Regional order Class I differential. For these reasons, the request to increase the Indiana Class I differential to $1.55 is denied.

A Class I differential of $1.53 under the Indiana order not only would improve the alignment of the Indiana Class I price with the Chicago Regional Class I price but also with the Class I prices under the orders for the neighboring Louisville-Lexington-Evansville and Ohio Valley markets. Each of these orders has a Class I differential of $1.70. A principal city in the Louisville-Lexington-Evansville market is Louisville, Kentucky, while in the Ohio Valley market a principal city is Cincinnati, Ohio. The distance from Chicago to Louisville is 292 miles and from Chicago to Cincinnati it is 287 miles. The $1.70 Class I differential at these two cities reflects the Chicago $1.26 Class I differential plus 44 cents that reflects a rate of 1.5 cents per 10 miles distance from Chicago. Louisville is 111 miles south and Cincinnati is 106 miles southeast of Indianapolis.[2] Based on the 1.5 cents per 10 mile rate, the Class I differential at Indianapolis should be 18 cents lower than at Louisville and 16.5 cents lower than at Cincinnati. Thus, the $1.70 Class I differential under these two orders would suggest a Class I differential at Indianapolis of $1.52 ($1.70–.18) and $1.535 ($1.70–.165), respectively.

In the interest of assuring market stability throughout the region, some improvement of interorder price alignment is appropriate, even though it is clear on the record that prevailing Class I prices in the Indiana and surrounding Federal order markets exceed the order prices. To this end it is concluded that the Class I differential of the Indiana order should be increased from the present $1.47 to $1.53. This will result in an Indiana Class I price level under the order that is more closely aligned with the Class I prices of neighboring Federal order markets, and particularly with the Chicago Regional market from which Indiana pool plants obtain a substantial portion of their supply. To the extent that some distributing plants may not be paying over-order charges, the possibility for disorderly marketing exists. Such condition would create economic pressures to change the existing institutional arrangements. This means that if the over-order charges that are presently being paid were discontinued, the resulting Class I price would be too low to attract needed supplies of milk for the market. The action adopted herein to raise the Class I differential would tend to mitigate this problem.

The unit cost of a 6-cent increase in the Indiana Class I differential would be one-eighth of a cent per quart or one-half cent per gallon. If the increase had been in effect in 1978, it would have raised the order Class I prices one-half of one percent. The higher order prices

[2] Official notice is taken of the "Household Goods Carriers' Bureau Mileage Guide No. 10", issued by Household Goods Carriers' Bureau, Arlington, Virginia 22201, July 1, 1973.

would have applied to 13,259,180 hundredweight of Class I milk with an additional value of $795,550. However, since the effective Class I prices in the market have exceeded minimum order prices by more than the adopted 6-cent increase, such price adjustment could have reduced by 6 cents the "over order payment" negotiated by the cooperatives, thereby resulting in no impact on consumer prices.

The cooperative supplying milk from the Wisconsin part of the Chicago market has been paying competitive prices to Indiana market producers in Wisconsin. The funds for this payment by the cooperative have been obtained by charging handlers more than the order Class I price and is consistent with the competitive supply and demand situation. With the higher Class I differential provided herein, the cooperative will not need to rely as much as heretofore on an over-order price structure to supply milk to the market.

The Class I differential should not be increased by 10 cents as was proposed by proponent. Proponent's testimony was directed mainly at justifying the proposed 6-cent increase based on price alignment with nearby markets. No testimony was offered supporting the need for a 10-cent increase. Instead, proponent testified that a much larger increase in the Class I differential was justified but that probably 10 cents was the maximum amount the Class I differential could be raised and still retain interorder price alignment. As indicated, the structure of Class I prices under Federal orders generally reflects a transportation rate of 1.5 cents per 10 miles. On this basis, raising the Indiana Class I differential 6 cents improves the alignment of Class I prices throughout the region. Within the same price framework, raising the differential an additional 4 cents would worsen the alignment of prices by that magnitude.

Proponent cooperative association excepted to the finding that no testimony was offered supporting the need for a 10-cent increase. Exceptor claimed that the record is replete with testimony related to the cost of hauling milk from Wisconsin to Indiana and, in exceptor's view, demonstrates that Indiana is a deficit market. A substantial part of exceptor's testimony was addressed to the need for improving the alignment of Class I prices between the Indiana and Chicago Regional markets and other nearby markets. An evaluation of this testimony and other testimony and evidence in the record led to the conclusion in the recommended decision that the Class I differential should be increased 6 cents. Proponent's testimony concerning the full 10-cent increase was not aimed at demonstrating why the differential should be increased to exactly 10 cents, or to an unspecified higher level. Nothing in the record indicates that the proposed 10-cent increase in the Class I differential would alleviate deficit market conditions more significantly than the proposed 6-cent increase. Raising the differential an additional 4 cents would only worsen the alignment of Class I prices throughout the region. Accordingly, the exception is denied.

The adoption of a higher Class I differential should not be deferred due to the competition in western Indiana of some Indiana order handlers with handlers in other markets. The witness for the Indianapolis handlers stated that some Indiana handlers compete for fluid milk sales in western Indiana with several handlers regulated by the Central Illinois and Southern Illinois orders. His primary concern, however, appeared to be the competition of Indiana handlers with two handlers regulated under the Southern Illinois order. One of the Southern Illinois handlers operates a distributing plant at Champaign, Illinois, a major consumption center in that market. The witness testified that the territory in western Indiana in which Indiana and Southern Illinois handlers compete is about equidistant from Champaign and Indianapolis. He claimed that presently the Class I prices are in reasonable alignment because the Southern Illinois Class I differential at Champaign is $1.46, which is one cent below the Indiana Class I differential. He stated that any increase in the Indiana Class I differential would disadvantage the Indiana handlers who are competing for fluid milk sales in western Indiana.

Champaign is 135 miles south of Chicago, or about 46 miles closer to Chicago than is Indianapolis. Applying the differential of 1.5 cents per 10 miles to the 46-mile difference, the Class I price level at Champaign would be 7.5 cents lower than at Indianapolis instead of the one-cent difference that applies presently. To the extent that some Indiana order handlers distribute milk in western Indiana in competition with Southern Illinois handlers, a $1.53 Class I differential at Indianapolis would increase the Indiana Class I price level for these handlers by 6 cents per hundredweight relative to the Southern Illinois Class I price level at Champaign, or to within one-half cent of the price alignment that results from applying the adjustment rate of 1.5 cents per 10 miles as previously indicated. However, the overriding purpose in establishing the higher Class I price level adopted herein is to assist the Indiana market in maintaining adequate supplies of milk. In achieving this, however, it may not be possible to assure each handler an identical procurement cost with competitors at any location in which he may choose to sell milk.

The witness for the two Wisconsin cooperative associations expressed concern that the higher uniform prices that would result from increasing the Indiana Class I differential would be reflected in the pay price to Wisconsin producers. In 1978, a 6-cent increase in the Class I differential would have raised the order uniform prices about 4 cents per hundredweight. This, they testified, would allow proponent cooperative to attract producers away from the Chicago Regional order plants of the Wisconsin associations and put them on the Indiana market. The same concern was expressed by one of these cooperatives in its exceptions to the recommended decision.

It does not appear that this would happen as a result of increasing the Class I differential by 6 cents. A witness for the proponent cooperative testified that the individual producers pay the cost of hauling milk from their farms in Wisconsin to the Indiana pool distributing plants. Currently, he stated, the average cost for transporting the milk is 85 cents per hundredweight. In the areas of Wisconsin where producers shipping to Indiana are locatd, cheese plant operators pay dairy farmers more for their milk than the Indiana uniform price at Indianapolis minus the 85-cent hauling charge. For November 1978, the average price paid by cheese plants to dairy farmers at 7 locations in the Wisconsin supply area was $11.09 per hundredweight for milk of 3.5 percent content. The Zone 1 Indiana uniform price for milk from the same area less the average hauling charge was $10.29—a difference of 80 cents.

To meet this disparity in pay prices, it has been necessary for proponent cooperative to use revenue obtained from over-order prices received from Indiana distributing plants to pay a competitive price to its producers in the Wisconsin supply area. To do otherwise would jeopardize the ability of the cooperative to obtain a continuous supply of milk from the Wisconsin supply area for the Indiana market. In this circumstance, it does not apear that the limited increase in the Indiana uniform price as a result of the higher Class I differential would induce producers to shift from the Chicago

Regional market to the Indiana market. Accordingly, the exception is denied.

The witnesses for the Indianapolis handlers and the two Wisconsin cooperative associations urged that the present hearing be recessed and that a new hearing be held to consider increasing the Class I differentials on a regional or national basis. If such parties desire another hearing that would involve more markets and additional issues, they may, of course, petition the Department for such a hearing at any time. However, as described previously in this decision, there is sufficient reason for increasing the Indiana Class I differential 6 cents at this time. Accordingly, the request to defer such an increase until it can be considered at an expanded hearing is denied.

An exception was filed by an Indiana dairy farmer in which he expressed reservations about cooperative associations speaking on behalf of dairy farmers and his concern that young people cannot afford to enter the dairy farming business. Since these matters relate to issues that are outside the scope of this hearing, no change in the recommended decision can be made on the basis of this exception.

2. *Location adjustments.* The order should provide that when the Class I price is adjusted for the location of the plant the adjusted price shall be not less than the Class III price for the month. The order also should provide that when adjusting the uniform price for location the adjusted uniform price plus 5 cents, which represents the amount of the advertising and promotion program deduction, shall be not less than the Class III price for the month, except for the months of April–July and September–December when an additional factor must be recognized. For the months of April through July, the order should provide that the adjusted uniform price plus 5 cents plus an additional 20 cents for the seasonal incentive plan "takeout" shall be not less than the Class III price. For the months of September through December the order should provide further that the adjusted uniform price plus 5 cents but minus the amount of the "payback" specified in § 1049.61(i) for the seasonal incentive plan shall be not less than the Class III price.

A cooperative in the market proposed that in adjusting the Class I and uniform prices for location such adjusted prices should be floored at the Class III (basic formula) price. Proponent's witness testified that the Class III price should be the minimum price under the order for all milk since dairy farmers presumably would be able to get at least this price if they were off the regulated market. There was no opposition to this proposal and it was supported by another cooperative.

Presently, there is no limit on the location adjustment applied to either the Class I price to handlers or the uniform price to producers. Even though the Class I price is equal to the basic formula price for the second preceding month plus a Class I differential of $1.47 (as presently provided in the order), there have been instances in the past few years when the Class I prices, adjusted to locations in Wisconsin, have nearly equalled the basic formula price, i.e., the Class III price for the month. This has occurred when the basic formula price (the Minnesota-Wisconsin price) has increased sharply in a two-month period.

Similarly, there have been times when the adjusted uniform price could have been less than the Class III price in cases where producer milk was diverted to manufacturing plants located in western Wisconsin. Exhibits introduced at the hearing indicated that producer milk under the Indiana order has at times been diverted to plants in western Wisconsin that are subject to a minus 75-cent location adjustment. Thus, any time the difference between the announced uniform price (the base zone price) and the Class III price is less than 75 cents, producer milk diverted to these western Wisconsin plants would be subject to a uniform price that is less than the Class III price. On 12 different occasions during the 47-month period of January 1975 through November 1978, the base zone uniform price (exclusive of the seasonal incentive plan adjustments and the 5 cents for the advertising and promotion program deduction) did not exceed the Class III price by at least 75 cents. The evidence does not indicate, however, that producer milk was diverted to these western Wisconsin plants during those 12 months.

Any Grade A milk pooled under the order should have a value equal to at least the value of manufacturing grade milk, since there are manufacturing plants throughout the Wisconsin segment of the supply area that could realize at least the manufacturing use value for such milk. Therefore, it is inappropriate to charge a handler less than the Class III price or for producers to be paid a price that is below the Class III price (except for the adjustments for the seasonal incentive plan and advertising and promotion program). If the uniform price were substantially below the Class III price, this could discourage producers from making milk available to the Indiana market for fluid use. Producers might find it more profitable to deliver their milk to an unregulated manufacturing plant and receive the manufacturing price for it. This would make it more difficult to assure distributing plants of an adequate supply of milk.

In limiting the amount the location adjustment may lower the uniform price, as provided herein, it can happen that during the "takeout" months of April through July, the pay price to a producer in outlying areas may actually be less than the Class III price by the amount of the seasonal incentive plan deduction, and the advertising program deduction (the latter being refundable on request). However, such occurrence would be at a time of year when alternative opportunities for switching markets is not readily available to producers because manufacturing plants normally are operating at capacity. If such opportunity to switch markets were available at the Class III price or better, a producer should have the option of seeking such outlet or in participating in the seasonal incentive plan.

In the fall months, when seasonal incentive payments are added to a producer's pay price, the method of adjustment adopted herein would provide the incentive in outlying areas to assure the delivery of milk to the Indiana market by providing blend prices, adjusted for location, that are above the Class III price by the amount of the seasonal incentive payment, less the refundable advertising program deduction.

In the course of proponent's testimony, it was stated that under the proposal the Class I price should not be reduced to a level that is less than the Class III price plus 90 cents. In proponent's view the 90-cent limit would be justified because 90 cents has long been accepted in the industry as the minimum fluid differential under Federal milk orders because it is the Class I differential under the Chicago Regional order at Eau Claire, Wisconsin.

In a 1977 decision the minimum Class I differential of the Chicago Regional order was established at 90 cents.[3] This was accomplished by limiting the location adjustment on Class I milk to 36 cent ($1.26—.36=.90). In the decision the Department found that it was necessary to limit the location adjustment to maintain proper alignment of Chicago Regional order Class I prices with Class I prices under the Upper Midwest order

[3] Official notice is taken of the Assistant Secretary's decision on proposed amendments to the Chicago Regional order that was issued on July 15, 1977 (42 FR 37400).

at the same plant locations. It was found that some distributing plants regulated by the two orders were located relatively close to one another and competed for Class I sales. There is no indication on the present record that a similar situation exists between plants regulated under the Indiana order and plants regulated under other nearby Federal orders. Accordingly, the proposal is denied.

3. *Payments to producers and to a cooperative association.* The provisions authorizing a cooperative association to collect payments on behalf of its members from a pool plant handler should be changed.

The order now provides that a cooperation may collect such payments for producer milk if it *caused* the milk to be delivered to a pool plant and it is authorized to collect such payments for its members. The change adopted herein will permit a cooperative association to collect monies that are due a producer member of the association whether or not the cooperative actually directed the delivery of the member's milk to a pool plant.

The witness for the cooperative proposing this change testified that the cooperative markets the milk of all its members, as provided by a written membership agreement. However, he indicated that an isolated instance might occur in which a member might shift deliveries of milk from one handler to another on the member's own initiative. The spokesman stated that even though the cooperative did not cause the milk to be delivered to the new handler it should not be precluded from collecting the proceeds for the member's deliveries and paying the member. As indicated, the present order provisions would prevent the cooperative from collecting the proceeds in the situation described.

A cooperative association normally performs certain obligations under the terms of its contract with individual producer members. For example, it bargains for the collective sale of member's milk and assures them of a market for their milk. A cooperative association normally receives payment from handlers of the money that is due individual members for the milk delivered to the handlers' plants. Receiving the payments assures the cooperative that handlers are paying their obligations fully and promptly.

Also, a cooperative performs numerous management, financial, and marketing services that are established by policy of the cooperative's elected officials. The total program is financed by members of the cooperative. By collecting the money that is due their individual members, a cooperative can implement the total market program it is obligated to carry out. This means of carrying out its marketing obligations to members should not be denied to a cooperative association over the question of whether the cooperative or the member had caused a given load of milk to be delivered to a pool plant. It is concluded that the order should be revised to provide that a cooperative association may collect from handlers on all member milk, regardless of who causes the milk to be delivered to the handler, if the association is authorized by the member producer to collect such payments.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General Findings

The following findings and determinations supplement those that were made when the order was first issued and when it was amended. The previous findings and determinations are hereby ratified and confirmed, except where they conflict with those set forth below.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on Exceptions

In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing Agreement and Order

Annexed hereto and made a part hereof are two documents, a Marketing Agreement regulating the handling of milk, and an Order amending the order regulating the handling of milk in the Indiana marketing area which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That this entire decision, except the attached marketing agreement, be published in the Federal Register. The regulatory provisions of the marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which is published with this decision.

Determination of Producer Approval and Representative Period

April 1979 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Indiana marketing area is approved or favored by producers, as defined under the terms of the order (as amended and as hereby proposed to be amended), who during such representative period were engaged in the production of milk for sale within the aforesaid marketing area.

(This decision constitutes the Department's Final Impact Analysis Statement for this proceeding.)

Signed at Washington, D.C., on: July 5, 1979.

P.R. "Bobby" Smith,

Assistant Secretary for Marketing and Transportation Services.

Order [1] Amending the Order, Regulating the Handling of Milk in the Indiana Marketing Area

Findings and Determinations

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings.* A public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Indiana marketing area.

The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.),* and the applicable rules of practice and procedure (7 CFR Part 900).

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Indiana marketing area shall be in conformity to and in compliance with the terms and conditions of the order, as amended, and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, Marketing Program Operations, on May 7, 1979, and published in the Federal Register on May 10, 1979 (44 FR 27426), shall be and are the terms and provisions of this order, amending the order, and are set forth in full herein.

1. In § 1049.50, paragraph (a) is revised to read as follows:

§ 1049.50 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.53.

* * * * *

2. In § 1049.52, the introductory text of paragraph (a) (immediately preceding subparagraph (1)) is revised to read as follows:

§ 1049.52 Plant location adjustments for handlers.

(a) For producer milk which is received at a pool plant located outside the area for which zero location adjustment is specified in paragraph (a)(1)(i) of this section, which milk is classified as Class I milk or assigned Class I location adjustment credit pursuant to paragraph (b) of this section, the price computed pursuant to § 1049.50(a) shall be reduced on the basis of the applicable amount or rate for the location of such plant pursuant to paragraph (a) (1) or (2) of this section, respectively, except that in no event shall the adjustment result in a price less than the Class III price for the month. For the purpose of this section and § 1049.75, the distances to be computed shall be on the basis of the shortest hard-surfaced highway distances as determined by the market administrator:

* * * * *

§ 1049.73 [Amended]

3. Section 1049.73(b) is amended by deleting the language, "which it caused to be delivered to such handler".

4. In § 1049.75, paragraph (a) is revised to read as follows:

§ 1049.75 Plant location adjustments for producers and on nonpool milk.

(a) The uniform price for producer milk received or which is deemed to have been received at a pool plant shall be reduced according to the location of the pool plant at the rates set forth in § 1049.52(a), except that the adjusted uniform price plus 5 cents, and, for the months of April through July plus an additional 20 cents, or for the months of September through December minus the amount computed pursuant to § 1049.61(i), shall not be less than the Class III price for the month.

* * * * *

[FR Doc. 79-21236 Filed 7-9-79; 8:45 am]

BILLING CODE 3410-02-M

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Rural Electrification Administration

[7 CFR Part 1701]

Advance Notice of Proposed Revision of REA Bulletin 185-1:465-1, and 181-3

AGENCY: Rural Electrification Administration, USDA.

ACTION: Advance Notice of Proposed Rulemaking.

SUMMARY: REA proposes to revise REA Bulletin 185-1:465-1, Audit of REA Borrowers' Accounting Records, and REA Bulletin 181-3, Accounting Interpretations for Rural Electric Borrowers, to provide specific accounting and disclosure requirements for the joint ownership and operation of electric utility plants. Public comments are invited.

DATE: Public comments must be received by REA no later than: August 9, 1979.

ADDRESS: Persons interested in the proposed revisions may submit written data, views, suggestions or comments to the Director, Accounting and Auditing Division, Rural Electrification Administration, Room 4307, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Mr. Sheldon Chazin, Director, Accounting and Auditing Division, U.S. Department of Agriculture, Washington, D.C., telephone number 202-447-7221.

SUPPLEMENTARY INFORMATION: Electric utility companies, including some that are financed by the Rural Electrification Administration, are entering into agreements for the joint ownership and operation of electric production and transmission plant. Each participating utility provides its own financing and owns an undivided interest in the utility plant. Each is responsible for its proportionate share of the costs of construction and operation and is entitled to its proportionate share of the electricity produced. No legal entity for

which financial statements would be presented, is created.

Neither REA Bulletin 181-1, Uniform System of Accounts Prescribed for Electric Borrowers of the Rural Electrification Administration, nor the Federal Energy Regulatory Commission (FERC) Uniform System of Accounts upon which it is based, provides specific accounting for such joint ownership. We were informed by the FERC staff that the proportionate shares of ownership and costs of operations should be recorded as if such plant were the entire plant and wholly owned, with the extent of ownership disclosed by notes to the financial statements. General Instruction 12, Records of Each Plant, of the uniform system of accounts provides, in part, that, ". . . separate records shall be maintained by electric plant accounts of the book cost of each plant owned and of the cost of operating and maintaining each plant owned or operated." General Instruction 14, Transactions with Associated Companies, states that, "Each utility shall keep its accounts and records so as to be able to furnish accurately and expeditiously statements of all transactions with associated companies." Thus, it appears that if General Instruction 14 were extended to include all transactions involving joint ownership or operation, information for full disclosure would be available.

REA has received audit reports in which jointly-owned plant and joint expenses were included in the financial statements without adequate representation. Therefore, if REA continues the present accounting, suggested by the FERC staff, it will probably adopt Topic 10, L, Miscellaneous Disclosure, Jointly-owned electric utility plants, of the Security and Exchange Commission's Staff Accounting Bulletin No. 28. This part of the bulletin, which was published in the Federal Register, 43 FR 58554, Friday, December 15, 1978, reads as follows:

Facts: Groups of electric utility companies have been building and operating utility plants under joint ownership agreements or arrangements which do not create legal entities for which separate financial statements are presented. Under these arrangements a participating utility has an undivided interest in a utility plant and is responsible for its proportionate share of the costs of construction and operation and is entitled to proportionate share of the energy produced.

During the construction period a participating utility finances its own share of a utility plant using its own financial resources and not the combined resources of the group. Allowance for funds used during construction is provided in the same manner and at the same rates as for plants constructed to be used entirely by the participant utility.

When a jointly-owned plant becomes operational, one of the participant utilities acts as operator and bills the other participant for their proportionate share of the direct expenses incurred. Each individual participant incurs other expenses related to transmission, distribution, supervision and control which cannot be related to the energy generated or received from any particular source. Many companies maintain depreciation records on a composite basis for each class of property so that neither the accumulated allowance for depreciation nor the periodic expense can be allocated to specific generating units whether jointly or wholly-owned.

Question: What disclosure should be made on the financial statements or in the notes concerning interests in jointly-owned utility plants?

Interpretive Response: A participating utility should include information concerning the extent of its interests in jointly-owned plants in a note to its financial statements. The note should include a table showing separately for each interest in a jointly-owned plant the amount of utility plant in service, the accumulated provision for depreciation (if available), the amount of plant under construction, and the proportionate share. The amounts presented for plant in service or plant under construction may be further subdivided to show amounts applicable to plant subcategories such as production, transmission, and distribution. The note should include statements that the dollar amounts represent the participating utility's share in each joint plant and that each participant must provide its own financing. Information concerning two or more generating plants on the same site may be combined if appropriate.

The note should state that the participating utility's share of direct expenses of the joint plants are included in the corresponding operating expenses on its income statement (e.g., fuel, maintenance of plant, other operating expense). If the share of direct expenses is charged to purchased power then the note should disclose the amount so charged and the proportionate amounts charged to specific operating expenses on the records maintained for the joint plants.

The staff accounting bulletin is quite clear regarding the disclosure of construction work in progress, utility plant in service, the reserve for depreciation, and direct expenses, included in the accounts of the participant but related to the jointly-owned projects. It does not, however, address the disclosure of the proportionate share of other assets and liabilities.

It is probable that for an operating plant the largest of the assets and liabilities, other than Electric Plant in Service and the related reserve, would be the 120, Nuclear Fuel, series of accounts or Account 151, Fuel Stock. But other liabilities related to the joint plant would also be incurred by the operating company and other assets would be generated and held for the participants. The question arises of whether the proportionate shares of these assets and liabilities should be recorded on the books of participants who exercise no control over the project. Should the ability to exercise significant influence on the project be a criterion for recording the prorata share in the same accounts of the participant?

Alternative accounting might be based on APB No. 18, The Equity Method of Accounting for Investments in Common Stock, as extended by Accounting Interpretation No. 2 (New York:AICPA, Nov. 1971).

Opinion No. 18 concludes that the equity method of accounting should be followed by an investor with the ability to exercise significant influence over operating and financial policies of an investee and that an investment of 20 percent or more should lead to a presumption that the investor has the ability to exercise significant influence over an investee and that, conversely, an investment of less that 20 percent should lead to a presumption that an investor does not have such ability.

APB No. 18 does not consider the significance of an investment to the investor's financial position and results of operations in determining whether the "equity method" of accounting should be used. It does, however, consider it in the extent of disclosure in the financial statements.

Using the equity method, an investment is recorded at cost and adjusted to recognize the investor's share of the earnings or losses after the date of acquisition. The investment is usually recorded as a single amount and, except for extraordinary items and prior-period adjustments, the company's share of earnings is recorded as a single amount.

Appropriately titled subaccounts of Account 123, Investment in Associated Companies and Account 557, Other Power Supply Expenses might be used. For example:

123.24, Other Investments in Associated Organizations—Jointly Owned, Common Costs
123.25, Other investments in Associated Organizations—Jointly Owned, Company Costs
557.24, Other Power Supply Expenses—Jointly Owned, Common Costs
557.25, Other Power Supply Expenses—Jointly Owned, Company Costs

The "Common Costs" accounts would serve as control accounts for the

substitution and prorata consolidation of the owned portion of the accounts as they appear on the books kept for the project. The "Company Costs" accounts might be spread, prorata, over the project accounts.

If the accounting is based on APB No. 18, should the "Cost Method" be used under any circumstances? That is, if the participant exercises no control or influence over the project, if the investment is less than 20 percent, or if the investment is not significant to the investor, should the "equity method" be used and, if so, should there be a prorata consolidation for statement purposes?

Another question; does the fact that the owned portion of the joint project should be included in the rate base dictate that it be recorded in plant or; conversely, preclude recording it as an investment?

Might the entire investment be recorded in an account such as Account 101.2, Electric Plant In Service—Jointly Owned?

Dated: July 2, 1979.

Robert W. Feragen,

Administrator.

[FR Doc. 79-21086 Filed 7-9-79; 8:45 am]

BILLING CODE 3510-15-M

[7 CFR Part 1701]

Telephone Carrier System Specifications; Revision of Existing Specification

AGENCY: Rural Electrification Administration.

ACTION: Proposed rule.

SUMMARY: REA proposes to revise REA Bulletin 345-66 to announce a general revision of REA Specification PE-64 for Subscriber Carrier Systems. The last revision of this specification was in October 1972. Since that date, significant changes have been made in the telephone industry in the design and application of subscriber carrier systems. The proposed revision of REA Specification PE-64 contains changes to identify certain industry criteria and to quantify performance characteristics of subscriber carrier systems. This action will make it possible for REA telephone borrowers to continue to provide their subscribers with the most modern and efficient telephone service. Concurrent with the revision of PE-64, the requirements of both PE-64 and REA Specification PE-62 for Station Carrier Equipment were combined into one specification. REA Specification PE-62 (REA Bulletin 345-56) is proposed to be deleted.

DATE: Public comments must be received by REA no later than September 10, 1979.

ADDRESS: Submit written data, views or comments to the Director, Telephone Operations and Standards Division, Rural Electrification Administration, Room 1355-S, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Mr. Claude F. Buster, Jr., Chief, Transmission Branch, Telephone Operations and Standards Division, telephone number 202-447-3917.

SUPPLEMENTARY INFORMATION: Pursuant to the Rural Electrification Act, as amended (7 USC 901 et seq.), REA proposes to issue a revision of REA Bulletin 345-66. Copies of the proposed revisions of REA Bulletin 345-66 and REA Specification PE-64 may be secured in person or by written request from the Director, Telephone Operations and Standards Division, at the address above.

All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director, Telephone Operations and Standards Division, during regular business hours, at the above address.

The proposed effective date of the proposed revision is February 1, 1980.

An impact analysis for this proposed action has been prepared and is available upon request.

On issuance of revised REA Bulletin 345-66, Appendix A to Part 1701 will be modified accordingly.

Dated: July 2, 1979.

John H. Amesen,

Acting Assistant Administrator—Telephone.

[FR Doc. 79-21033 Filed 7-9-79; 8:45 am]

BILLING CODE 3510-15-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[10 CFR Part 211]

[Docket No. RM78-18]

Recommendations to the Department of Energy Relating to Its Proposed Rule on Natural Gas Liquids

AGENCY: Federal Energy Regulatory Commission.

ACTION: Recommendations to Department of Energy Relating to its Proposed Rule on Natural Gas Liquids.

SUMMARY: The Federal Energy Regulatory Commission hereby publishes its recommendations to the Secretary of Energy with respect to a rule proposed by the Economic Regulatory Administration of the Department of Energy regarding natural gas liquids. The Commission took jurisdiction of the proposed rule pursuant to section 404 of the DOE Act. The recommendations contain modifications to the rule as proposed. The Commission concurs in the adoption of the proposed rule with the incorporation of these modifications.

FOR FURTHER INFORMATION CONTRACT: Nancy E. Williams, Office of the General Counsel, Room 8100F, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, (202) 275-0422.

Issued: July 3, 1979.

Recommendations to the Department of Energy relating to its proposed rule on natural gas liquids; Analysis and recommendations.

Procedural History

In 1976, pursuant to the provisions of the Emergency Petroleum Allocation Act (EPAA), the Federal Energy Administration (FEA) initiated a series of rulemakings changing its regulations regarding the allocation and pricing of petroleum products, and exempting certain petroleum products, not including motor gasoline, aviation fuel and natural gas liquids (NGL) from allocation regulations. Subsequently, FEA issued and implemented "Guidelines for the Allocation of Propane and Other NGLs for Gas Utility and Gas Transmission Company Use" (42 FR 38553, July 29, 1977) on an emergency basis.

Written comments were received and a hearing was held on the guidelines on September 6, 1977. the guidelines regarding NGLS developed from the Special Rules (1 and 2) to 10 CFR. Subpart D and were implemented in January 1977, as emergency measures so that gas utilities would have adequate supplies to deal with the harsh winter of 1976-77 (42 FR 4422, January 25, 1977; and 42 FR 5033, January 27, 1977).

A revision of the permanent regulations regarding NGLs was proposed on August 12, 1977. Written comments were received by FEA, and a public hearing occurred on September 12, 1977. Pursuant to section 404 of the Department of Energy Organization Act (DOE Act) a copy of the proposed rule was received by the Federal Energy Regulatory Commission (Commission) on January 5, 1978. On August 9, 1978, the Commission, in the exercise of its discretion under section 404 of the DOE

Act determined that the proposed rule may significantly affect a commission function enumerated in section 402 of the DOE Act.

On August 10, 1978, the Commission issued a Notice of Hearing and Opportunity for Comment. A public hearing was held on September 22, 1978, wherein testimony was received from officials of gas utilities, gas distribution companies and others.

Summary of Comments

In the Notice of Hearing and Opportunity for Comment, the Commission allowed time for interested parties to submit comments on the ERA draft. The Commission also requested that the commenting parties address certain other related questions stated in the notice. The comments as they relate to the Commission's inquiries are discussed below.

(a) *Whether the proposal would be consistent with a proposed regulation which the Commission intends to issue shortly relating to emergency natural gas purchases, as to ERA's proposed:*

(1) *Definition of "process use", and*

(2) *Method of agency purchase.*[1]

Virtually all parties who addressed the "process use" issue agreed that ERA's definition of "process use" is consistent with the Commission's policies regarding process use. Some parties suggested that economic criteria should be included in the definition.

Comments which addressed ERA's proposed method of agency purchase were divided on the issue of whether or not the proposal conflicts with the Commission's policy. Most of the parties who argued that ERA's proposal conflicts with Commission policy based their arguments on the fact that ERA's provisions are not identical to the Commission's provisions. Utilities noted that some priority classifications did not receive equal treatment by ERA and the Commission. One noted that under ERA's proposal the agent was not allowed to assume the same role as that suggested by the Commission in RM78-7; *i.e.*, to act as agent for the purchaser of the supplies and arrange for transportation based on a contract between the distributor and the producer. Also, some distributor/utilities commented that they would rather have the additional flexibility of delivering supplies to their customer rather than being obligated to transport such supplies under agency purchase schemes.

(b) *Whether ERA's proposed final rule should provide a revised base period.*

A majority of the parties, including utilities, believe that the proposal represents an improvement over the existing rule.

As the regulatory scheme currently exists the utilities are on notice of the amount of propane they can obtain in advance.

Opposition to ERA's proposal was voiced by petrochemical companies and certain gas processors. Petrochemical companies were concerned that ERA's proposed rule would allow utilities to purchase additional volumes of NGLs without consideration of the utility's actual or historical need of the supply. In essence, the companies are concerned that utilities will be allocated too much NGL supply. The petrochemical companies feel that the regulations should set up criteria for justifying new or increased process fuel use of propane by the utilities. The point of such criteria would be to limit the growth of utility use of NGLs.

On the other hand, utilities commented that the base period provision singles out gas utilities as the only group which must seek DOE permission before purchasing surplus NGL supplies. The utilities feel the base period scheme conflicts with the Commission's policies of protecting the utilities' ability to respond to gas supply shortages.

Several gas processors requested a rolling base period. ERA believes the 1972-3 base period is the most equitable one at present. ERA indicates this does not mean that there may not be some future time when ERA would look back and find an historical period which would be better than the present one.

(c) *Whether if the natural gas liquids market is expected to be in a surplus condition, allocation and pricing regulations should be maintained on other than a standby basis.*

The comments indicate that there exists a worldwide surplus of natural gas liquids and, with some exceptions, the comments support decontrol or suspension of the regulations. Research by the Commission's staff supports the conclusion that available supplies almost always exceed demand on a nationwide basis, but distribution problems have caused regional shortages in the past, *e.g.*, the winter of 1976-77. However, since that time many of the distribution problems have been alleviated.

ERA indicated that consideration of the feasibility of propane decontrol is under active consideration[2], and efforts are being made to focus on the relevant analytical issues. ERA states that substantial analysis is necessary to assure that decontrol would be consistent with the objectives of EPAA. In addition to the substantive questions to be addressed, there are procedural requirements which must be met such as Commission consideration of a decontrol proposal. Therefore, ERA believes it would be some time before decontrol would occur.

Many of the gas processors, suppliers and resellers support the continuation of allocation restrictions on new large uses of propane. Without such restrictions, these parties feel the market supplies could be overwhelmed and residential, agricultural and other historical users would lose their supplies. Gas utilities are perceived as the greatest potential new consumer of increased volumes of NGLs. According to the gas processors, the propane market is small enough that demand for propane by natural gas distribution companies for peak shaving could by itself overwhelm market supplies. Therefore, most of the commentors who do not support decontrol suggested that allocations to gas utilities should continue to be regulated in order to avoid unexpected diversion of supplies from historical customers.

The majority of gas utilities support decontrol. Since both the Commission and ERA acknowledge the existence of surpluses, the utilities feel it is illogical to continue restricting the sale of NGLs. In addition, it is argued that regulations drive small propane dealers out of the business and, therefore, inhibit competition. Such inhibitions, they believe, do not protect the public health, safety and welfare as required by EPAA. In support of decontrol one comment stated that the price of liquid propane will not be greatly affected by decontrol. Current propane prices are approximately equal to the price of other fuels at the bulk wholesale level. The availability of alternative fuels at approximately the same price will restrain any price increases of liquid propane.

(d) *Whether there is a valid distinction that should be made in pricing policies regarding Canadian and non-Canadian imports and assuming such a distinction, whether the incremental pricing rule would affect distribution companies' ability to serve their customers and affect a state*

[1] The Commission's proposed rule referred to in the question was issued under Docket No. RM78-7 (43 FR 36471, August 17, 1978). An interim rule was finally issued under Docket No. RM79-3 (43 FR 16448, December 1, 1978). The interim rule is a separate docket, and does not evolve from Docket No. RM78-7. Docket No. RM78-7 will be terminated.

[2] On January 30, 1979, ERA issued a Notice of Inquiry requesting comments on whether propane should be decontrolled.

commission's ability to regulate such service.

Although a limited number of commentors support the importation pricing distinction, most parties who commented (especially distributor/utilities) oppose such a distinction. Virtually all comments oppose the incremental pricing rule. However, the National L-P Gas Association supports both provisions because they prevent the imposition of additional financial burdens on the residential and agricultural users which would result if higher cost non-Canadian NGLs were to be rolled in. Gas utilities claim the proposal continues to discriminate unfairly against them and demand equal access to propane supplies, especially for new (post-base period) facilities. The utilities claim the proposal conflicts with the policies embodied in the EPAA.

ERA believed there was a valid distinction between Canadian and non-Canadian imports based on the historical reliance on these imports by certain NGL users and their price relative to domestic NGLs. As a result of staff consultations between ERA and the Commission, ERA has modified this view. This modification is discussed below. ERA does not believe that incremental pricing of imported NGL's would make a significant difference to utilities' ability to serve customers. Similarly, they do not believe that the proposed pricing policy will significantly affect state commissions' ability to regulate utilities.

(e) *Whether the draft final rule, creates a system that is clear, responsive to the comments submitted to FEA, and workable under present and forseeable conditions.*

While the comments conveyed the general impression that ERA's proposal represents an improvement over the old program very few commentors failed to discuss additional changes they would prefer. Issues were raised relating to ethane propane mix, under lifting, inventory accumulation, the five-year waiver limit, SNG enrichment, downward allocation adjustments, allocation fractions, and other issues.

(f) *Whether implications are of the draft final rule regarding the Commission's exercise of its responsibility to set oil pipeline rates under the DOE Act.*

An oil company and ERA submitted the most extensive comments on this question. Citing the Conference Report of the DOE Act, the oil company argued that section 404 was strictly intended to accommodate any overlap in jurisdiction which might arise out of DOE rulemakings, that the Commission's procedures did not focus on areas of jurisdictional overlap but served as a forum for general reconsideration of ERA's proposed rules. The company believes the proposal does not have a substantial impact on the exercise of the Commission functions regarding the establishment of oil pipeline rates.

ERA supported the policies embodied by the proposal at the public hearing but does not believe the proposal will have a significant effect on the Commission's exercise of rate-setting authority under the DOE Act. In support of this proposal, ERA stated that one of the conditions considered by FEA, and later by ERA, in drafting the rule is the capacity limitation imposed by the existing NGL distribution system. The transportation and storage of liquefied gases is more expensive than other liquid fuels and feedstocks because these products must be held under pressure or at low temperatures in order to preserve a liquid state. ERA stated that pipeline capacity limitations were the major factor in regional shortages of propane during the winter of 1976–77, and that the threat of future problems of this type, possibly aggrevated by large new demands to compensate for unfulfilled natural gas demands, was one factor which influenced ERA considerations in developing this draft rule.

Analysis

The Commission has analyzed the comments and information submitted for the record and has found that ERA's proposed regulations deal with gas utilities and distribution companies in a discriminatory fashion. Gas utility and distribution companies are treated differently because ERA contends that their ability to make large purchases of NGLs could possibly cause market disruptions. Currently, ERA limits the allocation and use of NGLs by this market sector to base period amounts. Any increase or adjustments to these amounts can only be obtained through waivers. The Commission's analysis of the NGL market, as well as numerous comments received, suggests that a worldwide surplus of NGLs exists and that some domestic NGLs are also currently available.

Gas utility and distribution companies serve high-priority customers, and it is the concern of the Commission that these customers be afforded the most reliable gas service practicable. Many gas utilities use NGLs for peak shaving to serve high-priority customers during extreme cold weather periods. Therefore, measures taken to increase the reliability of service to these customers are in the public interest. The Commission believes that a less restrictive access to surplus and imported NGLs is desirable and consistent with aforementioned goals. In light of surpluses in the NGL market, the Commission does not view the regulations as consistent with the intent of the Emergency Petroleum Allocation Act (EPAA).

The Commission realizes that the NGL market is small, and that a sharp increase in demand by utility users could disrupt it. A major disruption in the NGL market (*i.e.*, by gas utilities purchasing much larger supplies than they have purchased historically), must be avoided. Accordingly, the Commission has attempted to balance the need of gas utilities to acquire NGLs with the need to avoid a major disruption in the NGL market.

As required by the DOE Act, Commission staff and staff of the Department of Energy have consulted informally. The result of this consultation process are proposed modifications to the current noticed proposal.[3] This modified proposal will operate generally in the following manner: during a time of surplus, any desired amount of NGLs can be purchased by utilities from the surplus market; during the periods of supply shortages, gas utilities will have limited access to the domestic market, but will be able to purchase imported NGLs without regard to the country or origin from which they were imported. In addition, these rules have been modified to apply equally to *all* large volume end-users. The Commission believes that this result is a satisfactory balance of the various considerations we have mentioned. As a result, we concur in the adoption of the proposed rule as modified.

By direction of the Commission.

Lois D. Cashell,

Acting Secretary.

Draft—Exhibit A

Department of Energy,
Washington, D.C. 20461

May 22, 1979.

Mr. Kenneth F. Plumb
Secretary, Federal Energy Regulatory Commission, 825 N. Capitol Street, N.E., Washington, D.C. 20426.

Ref: Docket No. RM78–18.

Dear Mr. Plumb: This is in regard to the draft final regulations on natural gas liquids allocation which the Economic Regulatory

[3] By a letter dated May 22, 1979, ERA and the Office of the General Counsel of DOE have proposed certain modifications to the proposed rule. The letter and the modifications are attached as an appendix.

Administration (ERA) has had under review by the Commission since late 1977.

As a result of a number of changed circumstances since these regulations were first drafted and consistent with staff-level discussions between the Commission staff and ERA and other Department of Energy staff, we would like to suggest the following changes to the draft for the Commission's consideration:

(1) In order to be able to respond in a timely and efficient manner to changing supply conditions affecting both oil and gas, the beginning of proposed Section 211.87 would be amended to give the Administrator of ERA discretion to waive all or any part of the use limitations specified in this section upon a finding of adequate supplies of the products affected and consistency with the objectives of Section 4(b)(1) of the Emergency Petroleum Allocation Act of 1973, as amended, on which these regulations are based. Such a waiver will be included in this rulemaking.

(2) The limitations of proposed Section 211.87 would apply only to natural gas liquid products produced in the United States.

(3) The limitations of proposed Section 211.87 affecting large industrial users and gas utilities and SNG plants would be revised to assure parallel treatment of all these large-volume users of natural gas liquids under various supply conditions.

(4) The proposed distinction between Canadian imports and non-Canadian imports in Section 211.88 would be removed, reflecting the increased availability of natural gas liquids from Canada and the expansion of pipeline capacity for transporting these liquids to the United States. Large-volume users of gas liquids (industrial users and gas industry users) would be free to import these liquids from any source, under incremental pricing provisions.

(5) The Guidelines for allocation of propane to gas industry users would not be republished at this time.

We believe these suggested changes are responsive to Commission staff concerns that the gas utility industry, as well as other large-volume users of propane, have less restrictive access to available supplies. We also believe they are consistent with ERA's continuing responsibility to allocate natural gas liquids equitably to all users. Specific suggested language to implement those changes is enclosed.

If you have any questions, my staff will be available for further consultation.

Sincerely,

David J. Bardin,

Administrator, Economic Regulatory Administration.

Proposed Changes To Draft Final Rule on Allocation of Propane and Other NGLs

1. The first paragraph of proposed § 211.87(a) would be revised to read:

§ 211.87 Special limitations.

(a) Unless otherwise authorized by the ERA upon application pursuant to subpart G of part 205 of this chapter or waived upon its own motion, the following limitations shall apply to the acquisition and use of allocated natural gas liquid products produced in the United States (other than the propane content of those ethane-propane mixtures separately allocated under § 211.81(b)(2)) during each 12-month period commencing October 1 and ending September 30 of the following year.

2. Subparagraph 211.87(a)(3)(ii) would be deleted (and the designation "(i)" on the preceding subparagraph as well).

3. Proposed paragraph 211.87(b) related to synthetic natural gas use would be redesignated subparagraph 211.87(a)(4) and revised to read:

(b) *Synthetic natural gas use.* For synthetic natural gas feedstock use or synthetic natural gas enrichment use, no supplier shall supply and no end-user or wholesale pruchaser-consumer shall accept or use quantities of allocated natural gas liquid products (including the propane and butane content of refinery gas) or unfractionated natural gas liquid mixtures in excess of one hundred (100) percent of sum of the base period use for the four base period quarters, except for the purpose of increasing inventories for such uses to the levels allowed under § 211.86(e).

4. A new paragraph 211.87(b) would be added, to read:

(b) Pursuant to paragraph (a) of this section, the ERA Administrator waivers the limitations contained in subparagraphs (1) through (4) of paragraph (a) until such time as the Administrator terminates such waiver by notice published in the Federal Register.

5. The first paragraph of proposed § 211.88 would be revised to read:

§ 211.88 Importers of allocated natural gas liquid products

(a) *General.* This section shall apply to all imports of allocated natural gas liquid products by end-users, wholesale purchaser-consumers, or by suppliers of such products. For purposes of this section, "incrementally priced uses" means industrial use (including petrochemical feedstock and refinery fuel), gas utility use, gas transmission company use or synthetic natural gas feedstock or enrichment use in excess of the intended user's allocation level, and pursuant to subparagraph (c)(2)(ii) of this section, those other specified uses for which separate inventory records are required.

6. Paragraphs 211.88(b)(1) and (2)(i) would be combined to read:

(b) *End-user and wholesale purchaser-consumer importers of allocated natural gas liquid products.* (1) *Applicability.* Except as specified in subparagraphs (2) and (3) of this paragraph (b), the provisions of § 211.12(g) shall be applicable to all end-users and wholesale purchaser-consumers of imported allocated natural gas liquid products. Such users shall be subject to the provisions of paragraph (c) of this section in acquiring imports of such products from domestic suppliers.

7. Subparagraph 211.88(b)(2)(ii) would be redesignated 211.88(b)(2) and revised to read:

(2) Acquisition of imports of allocated natural gas liquid products will not affect a firm's allocation entitlements unless DOE determines that such imports are inconsistent with the objectives of the Emergency Petroleum Allocation Act of 1973 and pursuant to § 211.12(g)(1) orders a firm's supplier to limit or terminate the firm's allocation entitlement.

8. Paragraph 211.88(b)(3) would be deleted and paragraph 211.88(b)(4) would be redesignated 211.88(b)(3).

9. Paragraph 211.88(c)(2) would be revised to read:

(2) *Suppliers with allocation fractions less than 1.0.* (i) Any supplier of allocated natural gas liquid products which has an allocation fraction less than one (1.0) for a calendar quarter corresponding to a base period may import (or acquire from suppliers which have so imported) such products for the purpose of achieving an allocation fraction of 1.0 during the calendar quarter. Imports used to achieve an allocation fraction of 1.0 shall be allocated in accordance with the provisions of § 211.10.

(ii) ERA may be order require separate inventory records to be maintained and separate cost calculations for imports sold for industrial use (including petrochemical feedstock use and refinery fuel use) and for gas utility, gas transmission company or synthetic natural gas feedstock or enrichment use to new wholesale purchaser-consumers which establish a base period use or to existing wholesale purchaser-consumers with respect to upward adjustments to their base period use received after the effective date of this rule.

10. All references to "non-Canadian" would be deleted from paragraphs 211.88(c)(3) and 211.88(d).

11. The last sentence of subparagraph 211.88(c)(3)(ii)(B) would be deleted.

12. The appendix containing guidelines for allocation for gas utility and gas transmission company use would be deleted.

13. A new allocation level would be added for "gas transmission company use" and set at 100 percent of base period use under proposed § 211.83(c)(2).

14. Proposed § 211.86(e) (2) and (3) would be revised to conform inventory limitations to the revised provisions of § 211.87.

[FR Doc. 79-21151 Filed 7-9-79; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

[10 CFR Part 212]

[ERA-R-79-33]

Propane Increased Non-Product Costs

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Proposed Rulemaking and Public Hearing.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives notice of a proposed rulemaking and public hearing for the purpose of amending the Mandatory Petroleum Price Regulations regarding the wholesale and the retail selling price of propane. First, DOE proposes increasing the cents-per-gallon passthrough of increased non-product

costs permitted small resellers and retailers of propane. Second, DOE proposes to increase the categories of increased non-product costs which may be passed through by large resellers and retailers of propane. Third, DOE proposes to modify the refiner price rules to remove provisions applicable to refiners which allegedly restrict their prices below those of their competitors and thereby cause hardships for independent marketers. Fourth, DOE proposes an alternative to the present propane pricing system, by which propane resellers and retailers would pass through either a fixed percentage margin or a fixed cents-per-gallon allowance over product acquisition costs.

DATES: Comments by Sept. 7, 1979, 4:30 p.m. Requests to Speak by July 23, 1979, 4:30 p.m. Public Hearing Aug. 8, 1979, 9:30 a.m., to be continued Aug. 9 & 10 if necessary.

ADDRESS: Comments, including copies of oral statements and Requests to Speak to Department of Energy, Docket No. ERA-R-79-33. Room 2313, 2000 M Street, N.W, Washington, D.C. 20461. Public Hearing: Room 2105, 2000 M Street, N.W., Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

Robert C. Gillette (Hearing Procedures), Department of Energy, 2000 M Street, N.W., Room 2214, Washington, D.C. 20461 (202) 254-5201.
William L. Webb, Department of Energy, 2000 M Street, N.W., Room B110, Washington, D.C. 20461 (202) 634-2170.
Roger Miller (Office of Regulations and Emergency Planning), Department of Energy, 2000 M Street, N.W., Room 8125D, Washington, D.C. 20461 (202) 632-4967.
Kristina Clark (Office of General counsel), Department of Energy, 1000 Independence Avenue, S.W., Room 6A127, Washington, D.C. 20585 (202) 252-6744.

SUPPLEMENTARY INFORMATION:

I. Background
II. Proposed Amendments
A. Increased Non-Product Cost Allowance Permitted Small Resellers and Retailers
B. Non-Product Cost Categories
C. Alternative Price Rule for Recovery of Increased Non-product Costs
D. Refiners and Gas Processors
E. Equal Application Rule
III. Comment Procedures

I. Background

Under the current Mandatory Petroleum Price Regulations resellers and retailers which have sales of propane, butane, and natural gasoline in excess of five million gallons per year must compute non-product cost increases for propane based upon the actual costs incurred under specific cost categories which include labor; utilities; interest; federal state and local taxes; maintenance; depreciation; and overhead.

Resellers and retailers which have sales of propane, butane and natural gasoline of less than five million gallons per year may compute increased non-product costs for propane by adding up to one-half cent per gallon for wholesale sales or up to three cents per gallon for all retail sales of propane. An exception is made for retail sales to the petrochemical industry, public utilities and synthetic natural gas plants, where the non-product cost passthrough is limited to one cent per gallon. In lieu of using these standardized non-product cost increases, small propane resellers and retailers may compute non-product cost increases based upon actual costs incurred in the specific cost categories specified for larger firms.

Refiners and gas processors engaged in the wholesale and retail marketing of propane are permitted justifiable price increases for non-product costs under cost categories similar to those permitted resellers and retailers with sales in excess of five million gallons per year (212.83(c) and 212.166(b)).

II. Proposed Amendments

A. Increased Non-Product Cost Allowance Permitted Small Resellers and Retailers

On the basis of data received on retail operating costs, including data and member surveys submitted by the National LP Gas Association, we are considering increasing the allowable cents-per-gallon amounts of increased non-product costs which may be passed through by propane resellers and retailers with sales of less than five million gallons of propane, butane, and natural gasoline per year.

We have been contacted by many small resellers and retailers of propane which have terminated or are about to terminate their operations because they cannot recover all of their increased operating costs under the current cents-per-gallon non-product cost passthrough regulations. We do not know and we are not proposing at this time the precise amount by which the allowable cost passthrough should be increased to allow these firms to recover their increased non-product costs. We do intend to increase the cents-per-gallon non-product cost passthrough in the final rule by a specific increment based on the data received in this rulemaking.

Therefore DOE solicits written comments, particularly financial and economic data, which would support a final determination as to whether the cents-per-gallon increments presently allowed to be added to wholesale and retail prices of propane by small firms to reflect non-product cost increases are sufficient to allow such firms to recover the actual increased non-product costs incurred. In addition, DOE requests information regarding the appropriate cents-per-gallon increment necessary to permit small resellers and retailers to recoup increased non-product costs. Comments should specify the distribution level to which they are addressed.

B. Non-Product Cost Categories

We have received data indicating that the current list of non-product cost categories enumerated under 10 CFR 212.93(b)(4) does not permit resellers and retailers who sell more than five million gallons per year of propane, butane and natural gasoline as well as selected small resellers and retailers who choose to compute prices under this section to achieve a reasonable rate of return on invested capital.

We are considering expanding the increased non-product cost categories contained in current regulations to permit increased recovery of non-product costs. Specifically we propose to expand the overhead cost increase category at 10 CFR 212.93(b)(4)(iii)(B)(VII) to include rent of personal property, bad debts, travel and meetings, dues and publications, and commission agents fees. We propose to add a new category at (10 CFR 212.93(b)(4)(iii)(B)(VIII) which will permit the passthrough of increased salaries to equity owners.

DOE invites comments, including financial and economic data regarding whether these additional increased non-product cost categories should be permitted, or whether other additional categories of increased non-product costs should be permitted to be passed through.

C. Alternative Price Rule for Recovery of Increased Non-Product Costs

We are also considering permitting propane resellers and retailers an alternative to the cents-per-gallon allowance for recovery of non-product costs. Under this alternative, a retailer or reseller would be permitted either a certain percentage allowance, or a certain absolute cents-per-gallon allowance over and above his cost of acquiring product, to cover non-product costs incurred. Comments are requested on the merits of this concept and the appropriate level of such a percentage allowance or fixed cents-per-gallon increment to permit the recovery of

increased non-product costs. We are particularly interested in data on the average per-gallon amounts of increased non-product costs currently incurred by resellers and retailers of propane, including both large and small resellers and retailers. We also request views on how this price system would work in conjunction with the equal application rule at 10 CFR 212.83(h)(2)(ii) and if any conflicts or inconsistencies would be anticipated between this approach and the provisions of the equal application rule.

D. Refiners and Gas Processors

Since the non-product and marketing increased cost provisions for refiners (10 CFR 212.83(c)(2)(II–X)) and gas processors (10 CFR 212.165(b)(ii) and 10 CFR 212.166(b)(2)(i)) are closely related to the increased non-product cost provisions of Subpart F (resellers and retailers) we invite comments as to what amendments, if any, are appropriate to Subparts E and K of Part 212 to reflect the proposed changes discussed in Parts A, B, and C of this Notice. Specifically, we are proposing at this time to amend 10 CFR 212.83, the refiner price rule, to increase the amount of propane marketing cost increases permitted to be passed through by refiners. We also propose to amend 10 CFR Part 212, Subpart K, to permit the passthrough of equity owner salary cost increases in calculating increased processing and increased marketing costs.

E. Equal Application Rule

We have been advised by independent LP gas retailers and by certain major refiners that under certain circumstances the equal application rule as applied to propane (10 CFR 212.83(h)(2)(ii)) and Subsection VI of the "F_i" factor (10 CFR 212.83) result in competitive hardship for independent resellers and retailers.

Subsection VI of the "F_i" factor generally limits refiners' passthrough of marketing costs to one-half cent per gallon at the wholesale level and three cents per gallon at the retail level. Refiners also are subject to the requirements of the equal cost application rule, which governs the calculation of increased costs that may be added to the May 15, 1973 selling prices to determine maximum allowable selling prices for products in subsequent months. Under the rule, a firm must calculate its revenues as if the largest amount of increased costs passed through in the selling price of a particular product to any particular class of purchaser had been included in the selling price of that product to all classes of purchaser. This effectively means that if a firm passes through a greater amount of increased costs in the price charged to one class of purchaser than it passes through in the price charged to another class of purchaser, the firm will be presumed, nonetheless, to have passed through a like amount of increased costs to both classess of purchaser. To the extent that a firm favors one class of purchaser over another by passing through as lesser increment of increased costs in the selling price charged to that class, the firm will lose the privilege of banking the difference and will not be permitted to pass it through at a later time.

The equal application rule contains two exceptions with respect to propane. 10 CFR 212.83(h)(2)(ii). First, the highest amount of increased costs applied to the weighted average May 15, 1973, selling price to any class of purchaser shall not exceed by more than 100 percent the amount of increased costs applied to the weighted average May 15, 1973, selling price to any other class of purchaser. Second, no greater amount of increased costs shall be applied to the weighted average May 15, 1973, selling price of propane in sales to any class of purchaser that includes either an independent marketer, or a purchaser that uses the product for residential use, than is applied to the weighted average May 15, 1973, selling price of propane in sales to any other class of purchaser. Some major refiners have informed ERA that the provisions in § 212.83(h)(2)(ii) have the effect of limiting their passthrough of increased costs at the retail level. They contend that although the provisions of the F_i^t factor would permit the passthrough of greater marketing cost increases in prices charged to retail customers as opposed to wholesale customers, the equal application rule, as applied to propane sales, prohibits the passthrough of greater amounts of increased marketing costs retail sales than in sales to other classes of purchaser (such as wholesale purchasers). Therefore, it is contended, refiners are unable to recover all of the increased marketing costs which are attributable to sales of propane.

Independent marketers generally purchase propane from refiners. They contend that because refiners do not pass through all their increased marketing costs, the retail prices charged by refiners are artifically low. Accordingly, many independent retail propane dealers have complained that they cannot price competitively with the major refiners when the refiners comply with § 212.83(h)(2)(ii).

DOE seeks further information as to whether these two regulatory provisions are creating problems and distortions in the propane market and if so, how this is occurring. While we are not persuaded at this time that any corrective action need be taken, DOE is proposing two amendments to the refiner price rules to encourage informed comment. First, DOE proposes to permit refiners to pass through a larger cents-per-gallon of marketing costs at the wholesale and retail marketing level for propane. Second, DOE proposes modifying the equal application rule at 10 CFR § 212.83(h)(2)(ii) to permit a disproportionate application of marketing costs to be passed through to classes of purchaser at each appropriate level of distribution.

DOE invites comments, particularly from consumers, as to whether these proposed modifications would result in discriminatory pricing practices against any particular customer or class of purchaser or favor one class of purchaser over another. We invite comments as to whether these actions will remove any competitive hardships for independent retailers that may currently exist. In addition, comments are requested on the workability of the proposed amendments, the need for further regulatory changes to improve competition, the advantages and disadvantages of each proposed amendment, and whether new problems would be created by implementing either proposed amendment. We are especially interested in receiving data as to the net overall retail price changes that could result from either of these regulatory revisions.

III. Comment Procedures

A. Written Comments

You are invited to participate in this proceeding by submitting data, views or arguments with respect to the issues set forth in this notice of proposed rulemaking. All comments should be submitted by 4:30 p.m., e.d.t., Sept. 7, 1979 to the appropriate address indicated in the "Addresses" section of this preamble and should be identified on the outside envelope and on documents submitted with the designation "Propane Price Rules", Docket No. ERA–R–79–33. Ten copies should be submitted. All comments received by the ERA will be available for public inspection in the DOE Freedom of Information Office, Room GA–152, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., and in the ERA Office of Public Information, Room B–110, 2000

M Street, N.W., Washington, D.C. between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday.

You should identify any information or data considered by you to be confidential and submit it in writing, one copy only. We reserve the right to determine the confidential status of the information or data and to treat it according to our determination.

B. Public Hearing

1. *Procedure for Request to Make Oral Presentation.*

The time and place for the hearing are indicated in the "Dates" and "Addresses" sections of this preamble. If necessary to present all testimony, the hearing will resume at 9:30 a.m. on the next business day following the first day of the hearing.

You may make a written request for an opportunity to make an oral presentation. If so, you should describe the interest concerned; if appropriate, state why you are a proper representative of a group or class of persons that has such an interest; and provide a concise summary of the proposed oral presentation and a phone number where you may be contacted through the day before the hearing. If you are selected to be heard at the hearing, we will notify you before 4:30 p.m., July 25, 1979. You will be required to bring 100 copies of your statement to Room 2313, 2000 M Street, N.W., Washington, D.C. 20461 by 4:30 p.m. on Aug. 7, 1979.

2. *Conduct of the Hearing.* We reserve the right to select the persons to be heard at the hearing (in the event there are more requests to be heard than time allows), to schedule their respective presentations, and to establish the procedures governing the conduct of the hearing. The length of each presentation may be limited, based upon the numbers of persons requesting to be heard.

An ERA 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. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if he or she so desires, 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.

You may also submit questions to be asked of any person making a statement at the hearing to the address indicated above for requests to speak before July 23, 1979. If you wish to ask a question at the hearing, you may submit the question, in writing, to the presiding officer. The ERA or, if the question is submitted at the hearing, the presiding officer will determine whether the question is relevant, and whether time limitations permit it to be presented for answer.

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. The entire record of the hearing, including the transcript, will be retained by the ERA and made available for inspection in the DOE Freedom of Information Office, Room GA-152, Forrestal building, 1000 Independence Avenue, S.W., Washington, D.C., and in the ERA Office of Public Information, Room B-110, 2000 M Street, N.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. You may purchase a copy of the transcript from the reporter.

IV. Regulatory Analysis

In accordance with Order No. 12044, on Improving Government Regulations (43 FR 12661, March 24, 1978) and the DOE Order 2030.1, Procedures for the Development and Analysis of Regulations, Standards, and Guidelines (44 FR 1032, January 3, 1979), we have prepared a draft regulatory analysis which examines the potential economic impact of these proposed regulations. Copies of the draft regulatory analysis may be obtained from ERA's Office of Public Information, Room B-210, 2000 M Street, N.W., Washington, D.C.

The draft regulatory analysis makes the following conclusions with respect to the economic impact associated with these proposed amendments to Subparts E, K and F of the Mandatory Petroleum Pricing regulations:

Subpart E (Refiners)

We estimate that approximately 20% by volume of retail propane sold by refiners does not include the permissible three cent marketing cost passthrough in the final selling price due to the interpretation placed by certain refiners on the equal application rule. If 10 CFR 212.83(h)(2)(ii) is amended with the result that these refiners pass through the maximum allowable marketing cost at the retail level the expected economic impact would be in the range of $6 million to $8 million per annum.

We estimate that an additional two cents per gallon would possibly be added to the current three cent per gallon standard markup by refiners for recovery of marketing costs. We estimate that the addition of two cents per gallon to the total volumes of propane sold by refiners at retail, would result in a dollar impact of between $20 million and $27 million per annum.

Subpart K (Natural Gas Processing Facilities)

If increased equity owner salaries were permitted to be passed through in product prices, it is estimated that 20% of total U.S. propane production might be subject to this additional cost, with a maximum per gallon impact of 1.8 cents. We estimate that the total economic impact of this proposal would be between $21 million and $27 million per annum, assuming an average 41.3% salary increase over May 15, 1973 salaries for equity owners.

Subpart F (Resellers/Retailers)

Forty percent of all propane sales are by firms with less than $2 million in annual sales. We estimate that approximately 35% of the small independent propane reseller-retailers will use the cost justified pricing approach rather than the cents-per-gallon markup which is permitted to firms with sales of less than five million gallons annually. For those resellers or retailers using the standard retail markup for propane non-product cost, we estimate that the total economic impact of this proposal would range between $30 million and $40 million per annum. For those resellers or retailers using cost-justified pricing, we estimate that expanding the permissible cost categories would add approximately 1.841 cents per gallon to propane prices. Of this amount 1.8 cents would be attributable to the passthrough of owner equity salary increases. The total impact would range between $78 million and $104 million per annum.

In conclusion, the total economic impact of these amendments is estimated as follows:

Applicable pricing section	Economic impact (millions)	
	High	Low
Subpart E	35.	26.
Subpart F	144.	108.
Subpart K	27.	21.
Total	206.	155.

When the range of the economic impact of this proposal is divided by the total of 18 million consumers of propane, the net impact per household would range between a maximum of $11.40 to a minimum of $8.60 per year.

You are invited to provide comments on the preliminary regulatory analysis at the same time you submit comments on the proposed rule. Such comments will be taken into account before the

preparation of a final regulatory analysis on any final rule that may be adopted.

V. Other Matters

As required by Section 7(a) of the Federal Energy Administration Act of 1974, Pub. L. 93-275, a copy of this notice has been submitted to the Administrator of the Environmental Protection Agency for his comments concerning the impact of this proposal on the quality of the environment. The Administrator has informed us that he has considered the proposed rule and has no comments at this time.

Pursuant to the requirements of Section 404(a) of the Department of Energy Organization Act (Pub. L. 95-91), we have referred this proposed rule, concurrently with the issuance hereof, to the Federal Energy Regulatory Commission for a determination whether the proposed rule would significantly affect any matter within the Commission's jurisdiction. The Commission will have until Sept. 7, 1979 to make the determination.

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

In consideration of the foregoing, Part 212 of Chapter II, Title 10 of the Code of Federal Regulations, is proposed to be amended as set forth below.

Issued in Washington, D.C., June 29, 1979.

David J. Bardin,

Administrator, Economic Regulatory Administration.

1. In § 212.83, paragraph (c)(2)(iii)(E) is amended by revising paragraph (VI) under the definition of "F_i^t" and paragraph (h)(2)(ii) is revised to read as set forth below.

§ 212.83 Price rule.

* * * * *

(c) Allocation of increased costs.

* * * * *

(2) Formulae.

* * * * *

(iii) Definitions.

* * * * *

(E) The "N" factor.

* * * * *

F_i^t= * * *

(VI) Allow an increase in the price of propane, in sales after ——— above the prices otherwise permitted to be charged for propane pursuant to the provisions of this part by an amount not in excess of ——— cents per gallon with respect to all retail sales except those to the petrochemicals industry, to public utilities and to synthetic natural gas plants; ——— cents per gallon with respect to retail sales to the petrochemical industry, to public utilities, and to natural gas plants and ——— cents per gallon with respect to all other sales; and

* * * * *

(h) *Equal application among classes of purchaser.* (1) general rule.

(2) *Special rules.* (i) Gasoline. * * *

(ii) *Propane.* Notwithstanding the provisions of paragraph (h) (1) of this section a refiner may apply unequal amounts of increased costs to the weighted average May 15, 1973, selling price of propane to classes of purchaser of propane provided that the highest amount of increased cost (other than increased marketing cost) applied to the weighted average May 15, 1973, selling price to any class of purcahser shall not exceed by more than 100 percent the amount of increased costs (other than increased marketing costs) applied to the weighted average May 15, 1973, selling price of propane in sales to any class of purchaser that includes either an idependent marketer, as defined in § 211.51 of this Chapter, or a purchaser that uses the product for residential use, as defined in § 211.51 of this Chapter, than is applied to the weighted average May 15, 1973, selling price of propane in sales to any other class of purchaser. Provided further, and notwithstanding other provisions in this section, a refiner may apply increased marketing costs to the weighted average May 15, 1973, selling price of propane to classes of purchaser to the extent permitted by the provisions of paragraph (VI) of the F_i^t term of the N_i^t formula of § 212.83(c)(2)(iii)(E), which specifies the maximum limitation on propane marketing costs that may be charged to various purchasers.

* * * * *

2. In § 212.93, paragraph (b) (4) (iii) (A) and (B) are revised; (b)(4)(iii)(B)(VII) is revised; and (b)(4)(iii)(B)(VIII) is added to read as follows:

§ 212.93 Price rule.

* * * * *

(b) * * *

(4) * * *

(iii) Maximum allowable amounts of increased non-product cost. * * *

(A)——cents per gallon with respect to all retail sales of propane except those to the petrochemicals industry, to public utilities and to synthetic natural gas plants;——cents per gallon with respect to retail sales of propane to the petrochemicals industry, to public utilities and to synthetic natural gas plants; and——cents per gallon with respect to all other sales of propane, or

(B) The amount of increased non-product cost incurred by the firm since May 1973, which is computed pursuant to the factor "E^t" as follows:

E^t=the total increased non-product costs attributable to sales of propane, butane, and natural gasoline provided that such costs are included only to the extent that such costs are attributable to propane, butane, and natural gasoline sales operations under the customary accounting procedures generally accepted and historically and consistently applied by the firm concerned, and are not included in computing May 15, 1973 prices or in computing increased product costs. The costs treated as paid or incurred during a firm's fiscal year by inclusion in "E^t" shall not exceed the amounts of such costs actually paid or incurred during that fiscal year. "E^t" shall be computed by adding the amounts calculated by applying the following formula, "E_n^t," separately to § 212.93(b)(4)(iii)(B), paragraphs (I) through (VIII).

$$E_n^t = V^t \left(\frac{C_n^z}{V^z} - \frac{C_n^x}{V^x} \right)$$

E_n^t is the total increased non-product costs of the type "n"; provided that such costs are included only to the extent that they are attributable to propane, butane, and natural gasoline sales operations under generally accepted accounting practices historically and consistently applied by the firm concerned and are not included in computing May 15, 1973 prices or in computing increased product costs.

Where:

"n" references a category of non-product cost attributable to propane, butane, and natural gasoline sales operations as defined in paragraphs (I) through (VIII) and is respectively labor, utility, interest, tax, maintenance, depreciation, overhead cost increases and owner salaries.

"V^t"=the total volume of propane, butane, and natural gasoline sold by the firm in the period "t."

"V^z"=the total volume of propane, butane, and natural gasoline sold by the firm in the period "z."

"V^x"=the total volume of propane, butane, and natural gasoline sold by the firm in the period "x."

"C_n^z"=the total dollar amount of the particular non-product cost of the type "n" incurred in the period "z."

"C_n^x" = the total dollar amount of the particular non-product cost of the type "n" incurred in the period "x."
"t" = the month of measurement (the month of measurement is the month immediately preceding the current month).
"x" = the nine month period beginning January 1, 1973 and ending September 30, 1973 plus the result of adding the three month period beginning October 1, 1972 and ending December 31, 1972 and the three month period beginning October 1, 1973 and ending December 31, 1973 and dividing that sum by two.
"z" = the twelve month period ending on the last day of the month of measurement, "t."

* * * * *

(VII) *Overhead cost increase.* Overhead cost increase is computed by applying the formula for "E_n^t" above. For purposes of this computation "C" is the dollar amount of costs of rent of real property, postage, office supplies, normal gas losses, insurance, employees' uniforms, outside legal and accounting fees, rent of personal property, bad debts, travel and meetings, dues and publications, commission agent fees (based on volumetric bases) and transportation costs directly attributable to propane, butane, and natural gasoline sales operations and not included in the calculation of increased product cost, provided that such costs are computed according to generally accepted accounting practices and historically and consistently applied.

(VIII) *Equity—Owner Salaries Cost Increase.* Cost increases relating to the equity—owner salaries are computed by applying the formula for E_n^t above. For purposes of this computation, "C" refers to the costs attributable to those salaries which are paid to personnel who own all, or any portion of, or receive profits from, the firm involved, who participate directly in the management or sales operations of the firm. Owner salary cost increases are limited to the weighted average percentage increase in salaries granted to all employees of the firm since May 15, 1973. Such salary increases are prohibited as an allowable cost for any owner who did not draw a salary during May 1973, or the initial quarter of operations of the firm.

* * * * *

3. In § 212.165, paragraph (b)(2)(ii) and (v) are revised to read as follows:

§ 212.165 Increased processing costs.

* * * * *

(b) *Calculation of increased processing costs.* * * *

(2) Allowable costs * * *

(ii) *Labor cost.* Labor cost is the total amount of direct and indirect remuneration or inducement for personal services which are reasonably subject to valuation for those personnel employed at a gas plant or directly involved in gas plant operations, including that portion of the costs of any contract with an unrelated entity attributable to personnel other than employees that perform such services. Costs in this category may include salaries paid to personnel who own all or any portion of, or receive profits from, the firm involved, for personal services that are wholly and specifically attributable to gas plant operations. Owner salary cost increases are limited to the weighted average percentage increase in salaries granted to all employees of the firm since May 15, 1973. Such salaries will not be permitted as an allowable cost for any owner who did not draw a salary during May 1973 or the initial quarter of gas plant operations. For purposes of this paragraph (b)(2)(ii), and "unrelated entity" is an entity which is not part of the firm and which has no equity interest in any gas plant or plants (or in the natural gas liquids or natural gas liquid products produced therefrom) in which the firm has such an interest.

* * * * *

(v) *General and administrative costs.* General and administrative costs are the ordinary and necessary expenses of management and administration (including overhead) attributable to gas plant operations under generally accepted accounting principles historically and consistently applied by the firm. *Provided*, that any such costs which are attributable to, or incurred by, a corporate or other organizational administrative unit not directly and exclusively involved with gas plant operations shall not be an allowable cost. Costs in this category include legal and accounting fees, intergas plant transportation cost, and salaries paid to personnel who own all or any portion of, or receive profits from, the firm involved, for personal services that are wholly and specifically attributable to gas plant operations. Owner salary cost increases are limited to the weighted average percentage increase in salaries granted to all employees of the firm since May 15, 1973. Owner salaries will not be permitted as an allowable cost for any owner who did not draw a salary during May 1973 or the initial quarter of gas plant operations.

* * * * *

4. In § 212.166 paragraph (b)(2)(i) is revised to read as follows:

§ 212.166 Increased marketing costs.

* * * * *

(b) *Calculation of increased marketing costs.* * * *

(2) Allowable costs. * * *

(i) *Labor cost.* Labor cost is the total dollar amount of direct and indirect remuneration or inducement for personal services, which are reasonably subject to valuation, for those personnel employed by the firm and directly involved in the sales operations of natural gas liquids and natural gas liquid products. This category includes salaries which are paid to personnel who own all, or any portion of, or receive profits from, the firm involved, for personal services that are wholly and specifically attributable to the firm involved. Owner salary cost increases are limited to the weighted average percentage increase in salaries granted to all employees of the firm since May 15, 1973. Such salaries will not be permitted as an allowable cost for any owner who did not draw a salary during May 1973 or the initial quarter of the firm's operations.

* * * * *

[FR Doc. 79-20797 Filed 7-9-79; 8:45 am]
BILLING CODE 6450-01-M

Economic Regulatory Administration

[10 CFR Part 212]

[Docket No. ERA-R-79-32]

Retailer Price Rule for Motor Gasoline

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Change of Comment Period.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) is terminating the public comment period on July 12, 1979 rather than on July 26, 1979 with respect to its notice of proposed rulemaking and public hearing regarding the retailer price rules for motor gasoline. In view of the immediate need to enhance enforcement of its retailer price rules and the economic hardships being suffered by retail dealers of motor gasoline, this action is taken to permit ERA to adopt quickly a final rule in this matter.

DATES: Comments by July 12, 1979, 4:30 p.m.

ADDRESSES: All comments to Public Hearing Management, Docket No. ERA-R-79-32, Economic Regulatory Administration, Room 2312, 2000 M Street, NW., Washington, DC. 20461.

FOR FURTHER INFORMATION CONTACT:

Robert Gillette (Comment Procedures), Economic Regulatory Administration, Room 2214-B, 2000 M Street, NW., Washington, DC. 20461, (202) 254-5201.
William Webb (Office of Public Information), Economic Regulatory Administration, Room B-110, 2000 M Street, NW., Washington, DC. 20461, (202) 634-2170.
Ed Mampe (Office of Regulations and Emergency Planning), Economic Regulatory Administration, Room 2314, 2000 M Street, NW., Washington, DC. 20461, (202) 254-7200.
William Mayo Lee (Office of General Counsel) Department of Energy, Room 6A-127, 1000 Independence Avenue, SW., Washington, DC. 20585, (202) 254-6754.

SUPPLEMENTARY INFORMATION: On June 22, 1979 (44 FR 37316, June 26, 1979) ERA issued a notice of proposed rulemaking and public hearing which proposed certain major revisions to the retailer price rules for motor gasoline. Hearings are scheduled to be held on the proposed amendments in San Francisco, California on July 10, 1979 and in Washington, DC. on July 12, 1979. Written comments are scheduled to be received until July 26, 1979.

ERA believes that because of the current emergency situation with respect to enforcement of its rules and the economic viability of many retail dealers, it may be necessary to issue a final rule before July 26, 1979, the expiration date of the comment period. Accordingly, ERA is shortening the comment period and all comments are due by Thursday, July 12, 1979, 4:30 p.m.

The sixty-day advance public comment period required for proposed rulemakings pursuant to Executive Order 12044, entitled "Improving Government Relations" (43 FR 120661, March 23, 1978) and DOE's implementing procedures, DOE Order 2030 (44 FR 1032, January 3, 1979) have been waived by the Deputy Secretary of Energy as they relate to the proposed rules which are the subject of this rulemaking and for any final rules which may be adopted pursuant to this proceeding.

Issued in Washington, DC, on July 3, 1979.

David J. Bardin,

Administor, Economic Regulatory Administration.

[FR Doc. 79-21374 Filed 7-9-79; 8:45 am]

BILLING CODE 6450-01-M

[10 CFR Part 212]

[Docket No. ERA-R-79-32]

Retailer Price Rule for Motor Gasoline

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Change of Hearing Location.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of (DOE) hereby gives notice that the public hearing scheduled on July 12-13, 1979, regarding the retailer price rule for motor gasoline (Docket No. ERA-R-79-32) (44 FR 37316, June 26, 1979) will be held in Room 3000 A, 12th and Pennsylvania Avenue, Washington, D.C., and not in Room GE-086, Forrestal Building as previously announced. The public hearing will begin at 9:30 a.m.

FOR FURTHER INFORMATION CONTACT:

Robert Gillette (Hearing Procedures), Economic Regulatory Administration, Room 2214B, 2000 M Street, N.W., Washington, D.C. 20461, (202) 254-5201.
William Webb (Office of Public Information), Economic Regulatory Administration, Room B 110, 2000 M Street, N.W., Washington, D.C. 20461, (202) 634-2170.
Ed Mampe (Office of Regulations and Emergency Planning), Economic Regulatory Administration, Room 2314, 2000 M Street, N.W., Washington, D.C. 20461, (202) 254-7200).
William Mayo Lee (Office of General Counsel), Department of Energy, Room 6A-127, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252-6754.

Issued in Washington, D.C., July 5, 1979.

Douglas G. Robinson,

Acting Deputy Adminstrator, Economic Regulatory Administration.

[FR Doc. 79-21375 Filed 7-9-79; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[10 CFR Parts 580 and 585]

[Docket No. RM79-57]

Opportunity For Public Comment

Issued: July 3, 1979.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of Opportunity for Public Comment.

SUMMARY: On June 15, 1979, the Federal Energy Regulatory Commission (Commission), in the exercise of its discretion under section 404 of the Department of Energy Organization Act (DOE Act), determined that the proposed rule of the Economic Regulatory Administration (ERA), Department of Energy (DOE), regarding administrative procedures for adjustments of the natural gas curtailment priority regulations, if adopted as a final rule, might significantly affect the Commission's functions under section 402(a)(1)(E) of the DOE Act. Section 402(a)(1)(E) relates to the establishment, review, and enforcement of curtailments of natural gas under the Natural Gas Act. The Commission therefore has requested the Secretary of Energy (Secretary) to refer the proposed rule to it and hereby gives notice that it will receive written comments on the ERA proposal.

DATE: Written comments by August 10, 1979.

ADDRESS: Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 (Reference Docket No. RM79-57).

FOR FURTHER INFORMATION CONTACT: Barbara K. Christin, Office of General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Room 8113, Washington, D.C. 20426, (202) 275-0426.

SUPPLEMENTARY INFORMATION: Section 403(a) of the Natural Gas Policy Act of 1978 (NGPA) (Pub. L. No. 95-621) directs the Secretary to promulgate rules to implement sections 401 and 402 of the NGPA. These sections deal with natural gas curtailment policies for essential agricultural, industrial and feedstock uses. The ERA within DOE has the responsibility for carrying out the Secretary's section 403(a) responsibilities.

Section 403(b) of the NGPA requires the Commission to implement the curtailment priority regulations issued by the Secretary, pursuant to its authority under the DOE Act to establish, review, and enforce curtailments under the Natural Gas Act.

On May 7, 1979, the ERA issued a proposed rule (44 CFR 27676, May 11, 1979) in Docket No. ERA-R-79-24 which would establish administrative procedures for the granting of adjustments to its natural gas curtailment priority regulations. The proposed rule was forwarded to the Commission on May 7, 1979, for its consideration under section 404 of the DOE Act.

The ERA proposal would establish procedures for making certain adjustments to the curtailment priority regulations (10 CFR Part 580), as required by section 502 of the NGPA. The procedures would apply to any person seeking an interpretation, modification, or rescission of the curtailment priority regulations. The proposal recognized that procedures with regard to exceptions to or exemptions from the regulations are within the jurisdiction of the Commission, since the Commission is responsible for implementation of the regulations.

It is possible that a conflict could result if an interpretation issued by the

ERA were inconsistent with the Commission's implementation of the regulations through individual curtailment plans. For example, ERA might issue an interpretation to an individual that would conflict directly with his present status in a pipeline's curtailment plan. The orderly administration of allocations of natural gas by interstate pipelines could be seriously disrupted by such a situation. Therefore, the Commission has determined that the proposed rule, if adopted as a final rule, would significantly affect the Commission's curtailment functions, and has requested the Secretary to refer the proposal to the Commission for consideration.

The Commission, as required by the DOE Act, requests public comments on the ERA proposal in order to assist in its consideration. All written comments and statements provided to ERA during its proceedings on this matter have been forwarded to the Commission and will be part of the record of this proceeding.

In accordance with section 404(b) of the DOE Act, following the public comment period and after consultation with the Secretary, the Commission will either (1) concur in the adoption of the rule as proposed, (2) concur in the adoption of the rule only with changes the Commission recommends, or (3) recommend that the rule not be adopted. The Commission's actions will be published in the Federal Register along with an explanation of the reasons for its action. Subsequent to the publication of the Commission's recommendations and pursuant to section 404(c) of the DOE Act, the Secretary shall then have the option of (1) issuing the rule (if the Commission has concurred), (2) issuing the rule with any changes recommended by the Commission, or (3) ordering that the rule not be issued.

Public Comment Procedures

Interested persons may participate in this proceeding by submitting written data, views and arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before August 10, 1979. Each person submitting a comment should include his or her name and address, identify the notice (Docket No. RM79-57), and give the reasons for any recommendations. An original and 14 conformed copies should be filed with the Secretary of the Commission.

Comments should indicate the name, title, mailing address, and telephone number of one person to whom communications concerning the comments may be addressed. Written comments will be placed in the Commission's public files and will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426, during regular business hours.

ERA's Proposed Rule

Following is the ERA proposed rule which has been referred to the Commission by the Secretary and on which comments are hereby requested. The provisions describing the ERA's procedures for public comments and hearings have been deleted from the text of the proposal.

By direction of the Commission.

Lois D. Cashell,

Acting Secretary.

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[10 CFR Part 585]

[Docket No. ERA-R-24]

Proposed Rulemaking Regarding Administrative Procedures for Adjustments of Natural Gas Curtailment Priority Regulations

Agency: Department of Energy (Economic Regulatory Administration).

Action: Notice of Proposed Rulemaking.

Summary: The Economic Regulatory Administration of the Department of Energy is publishing for public comment a proposed rule providing administrative procedures for the making of certain adjustments to its natural gas curtailment priority regulations in Subchapter G of Chapter II of Title 10, Code of Federal Regulations. In particular, these procedures are applicable to the curtailment priority regulations established for essential agricultural uses in 10 CFR Part 580. The proposed rule establishes procedures as required by section 502 of the Natural Gas Policy Act of 1978, including an opportunity for the oral presentation of data, views, and arguments, which would be used in conjunction with requests for interpretations, modifications, or rescissions necessary to prevent special hardship, inequity, or an unfair distribution of burdens.

Dates: Written comments are due by June 8, 1979. Requests to speak are due by May 16, 1979. Hearing to be held on May 30, 1979 at 9:30 a.m.

Addresses: All written comments and requests to speak at the public hearing should be sent to the Office of Public Hearings Management, Economic Regulatory Administration, Room 2313, Docket No. ERA-R-79-24, 2000 M Street N. W., Washington, D.C. 20461.

Hearing Location: Room 2105, 2000 M Street, Washington, D.C.

For Further Information Contact:

Robert C. Gillette (Office of Public Hearing Management), Economic Regulatory Administration, 2000 M Street, N.W., Washington, D.C. 20461, (202) 254-5201.

William L. Webb (Office of Public Information), Economic Regulatory Administration, 2000 M Street, N.W., Room B110, Washington, D.C. 20461, (202) 634-2170.

Paula Daigneault (Division of Natural Gas Regulations), Economic Regulatory Administration, 2000 M Street, N.W., Room 3308, (202) 632-4721.

Michael T. Skinker (Office of General Counsel), Department of Energy, 12th & Pennsylvania Ave., N.W., Room 7148, Washington, D.C. 20461, (202) 633-8814.

Supplemental Information:

I. Background
II. Description of Proposal
III. Public Comment and Hearing Procedures
IV. Environmental and Regulatory Analyses
V. Referral to FERC

I. Background

Section 502 of the Natural Gas Policy Act of 1978 (NGPA) (Pub. L. 95-621, 92 Stat. 3350) requires the Secretary of Energy to prescribe a rule which provides for the making of "adjustments" for rules issued by the Secretary of Energy under the NGPA, as may be necessary to prevent special hardship, inequity, or unfair distribution of burdens.

Under sections 401-403 of the NGPA, the Secretary has the responsibility to issue certain rules establishing curtailment priorities for essential agricultural and industrial process and feedstock uses of natural gas. The Secretary of Energy's curtailment responsibilities have been delegated, in the Department of Energy (DOE) Delegation Order No. 0204-4 (42 FR 60726, Nov. 29, 1977), to the Administrator, Economic Regulatory Administration (ERA). ERA issued a final rule establishing curtailment priorities for essential agricultural uses in 10 CFR Part 580 on March 9, 1979 (44 FR 15642, March 15, 1979). We intend also to issue a rule in regard to the curtailment priorities of industrial process and feedstock uses of natural gas required by section 402 of the NGPA, at a later time.

II. Description of Proposal

Section 502 of the NGPA requires that administrative procedures be established which are available to any person for the purpose of seeking an interpretation, modification, or rescission of, exception to, or exemption from rules issued under the NGPA. This proposed rule provides procedures for seeking interpretations, modifications, or rescissions of ERA's curtailment priority regulations for essential agricultural uses in 10 CFR Part 580 and any subsequent rules that may be issued to implement ERA's authority regarding curtailment priorities in section 402 of the Natural Gas Policy Act (relating to priorities for essential industrial process or feedstock uses) or section 402(a)(1)(E) of the Department of Energy Organization Act, Pub. L. 95-91 (DOE Act).

The proposed rule does not provide procedures for acting on requests for exceptions to or exemptions from ERA's curtailment priority regulations, but instead states that those adjustments are within the jurisdiction of the Federal Energy Regulatory Commission (FERC). The FERC has the authority, pursuant to section 403(b) of the NGPA and section 402(a)(l)(E) of the DOE Act, to implement ERA regulations on curtailment priorities. This implementation authority will likely involve a case-by-case treatment of issues that arise in situations peculiar to individual pipelines. Because exceptions to and exemptions from regulations are inextricably tied to individual implementation decisions, such adjustments to ERA's regulations on curtailment priorities fall within the jurisdiction of the FERC, and all such requests should be filed with the FERC in accordance with its applicable administrative procedures. Similarly, requests for review of a denial of an exception or exemption should be filed with the FERC.

Section 502 of the NGPA requires ERA to provide an opportunity for oral presentation of views, when considering requests for adjustments. Section 585.02 reflects that statutory mandate by granting an opportunity for oral presentation of data, views, and arguments in support of any person's request for an interpretation, modification, or rescission, if the request for an oral presentation is made in writing and submitted with the request for adjustment.

Section 585.03 proposes that requests for interpretations, including requests for reconsideration of an interpretation, are to be filed with the DOE's office of the General Counsel. Before issuing any interpretation, it would be the practice of DOE to consult with the General Counsel of the FERC. The proposed rule also provides that a request for an interpretation that includes, or could be construed to include, a request for an exception or exemption may be treated solely as a request for an interpretation or solely as a request for an exception or exemption. In the latter instance it would be referred to the FERC.

Section 585.04 proposes that a request for modification or rescission be treated as a petition for a rulemaking in accordance with the procedures of Subpart L of 10 CFR Part 205 and filed with the Assistant Administrator for Regulations and Emergency Planning of the ERA. The Administrator or his delegate may respond to a petition for modification or rescission by either: (1) Instituting a rulemaking as proposed or as modified, in his discretion; (2) notifying the petitiner in writing that he does not intend to institute a rulemaking as proposed or as modified and stating the reasons; or (3) notifying the petitioner in writing that the matter is under continuing consideration and that no decision can be made at that time because of the inadequacy of available information, changing circumstances or other stated reasons.

In order to provide for finality of administrative action in an expeditious manner, the proposed rule provides procedures by which a request for adjustment will be considered denied. Section 585.03(c) states that an interpretation will be considered denied if: (1) The General Counsel notifies the person making the request in writing that an interpretation will not be issued; or (2) the General Counsel does not respond within 60 days to a request for an interpretation by either issuing an interpretation or by giving notice when an interpretation will be issued. Section 585.04(b) proposes that a request for a modification or rescission will be considered denied if: (1) the Administrator or his delegate notifies the petitioner in writing that he does not intend to institute a rulemaking as proposed or as modified and states the reasons therefor; or (2) the Administrator or his delegate does not respond to the request within 60 days of the date of its receipt.

Proposed section 585.05 provides procedures for the review of a denial of an interpretation, modification, or rescission and requires that a request for review be filed within 30 days of the date of the denial.

IV. Environmental and Regulatory Analyses

After reviewing this proposed regulation pursuant to DOE's responsibilities under the National Environmental Policy Act of 1969, Pub. L. 91-190, 83 Stat. 852 (42 U.S.C. 4321), ERA has determined the proposed action does not constitute a major Federal action significantly affecting the quality of the human environment. Therefore, ERA has determined no environmental impact statement is required for the proposed regulation.

ERA has also determined this proposed regulation is not significant within the meaning of DOE's procedures to implement Executive Order 12044 on "Improving Government Regulations" (DOE Order No. 2030.1 (44 FR 1032, January 3, 1979)). This is a procedural rule and is not expected to affect important national energy policy concerns, have adverse effects with respect to employment, economic growth, the ability of consumers to have adequate energy supplies at reasonable prices, or have more than a minimal effect on State and local governments. Hence, the preparation of a regulatory analysis is not required.

V. Referral to FERC

Pursuant to section 404 of the DOE Act a copy of this proposed rule will be referred to FERC for a determination as to whether this proposed rule may significantly affect any function within the jurisdiction of FERC pursuant to section 402(a)(1), (b), and (c)(1) of the DOE Act. FERC will have until June 8, 1979, the date the public comment period closes, to make this determination.

Natural Gas Policy Act of 1978, Pub. L. 95-621, 92 Stat. 3350; Department of Energy Organization Act, Pub. L. 95-91, 91 Stat. 565 (42 U.S.C. 7101); Administrative Procedures Act, as amended by Pub. L. 89-554, 80 Stat. 383 (5 U.S.C. 553); E.O. 12009, 42 FR 46267.

In consideration of the foregoing, it is proposed to amend Subchapter G of Chapter II of Title 10, Code of Federal Regulations, as set forth below.

Issued in Washington, D.C. May 7, 1979.

David J. Bardin,

Administrator, Economic Regulatory Administration.

1. Part 580 of Chapter II of Title 10, Code of Federal Regulations, is amended by making the necessary changes to the heading and authorities of Part 580, to read as follows:

SUBCHAPTER G—NATURAL GAS (ECONOMIC REGULATORY ADMINISTRATION)

PART 580—CURTAILMENT PRIORITIES FOR ESSENTIAL AGRICULTURAL USES

Sec.

580.01 Purpose.
580.02 Definitions.
580.03 Curtailment Priorities.

Authority: Sections 401, 403, Pub. L. 95-621, 92 Stat. 3394-3395, 3396; §§ 301(b), 402(a), Pub. L. 95-91, Stat. 578, 594 (42 U.S.C. 7151(b), 7172(a)); E.O. 12009, 42 FR 46267.

* * * * *

2. Chapter II of Title 10, Code of Federal Regulations is amended by adding a Part 585, to read as follows:

PART 585—ADMINISTRATIVE PROCEDURES

Sec.

585.01 Purpose and Scope.
585.02 Oral Presentation.
585.03 Interpretation.
585.04 Modification or Rescission.
585.05 Review of Denials.
585.06 Judicial Review.

Authority: Sections 502, 506, Pub. L. 95-621, 92 Stat. 3397, 3405; § 644, Pub. L. 95-91, 91 Stat. 599 (42 U.S.C. 7254); Pub. L. 89-554, 80 Stat. 383 (5 U.S.C. 553).

§ 585.01 *Purpose and Scope.* The purpose of this Part 585 is to provide procedures for the making of certain adjustments to the Economic Regulatory Administration's curtailment priority regulations in accordance with section 502(c) of the Natural Gas Policy Act of 1978, in order to prevent special hardship, inequity, or an unfair distribution of burdens. The procedures in this Part 585 apply to any person seeking an interpretation, modification, or rescission of the curtailment priority regulations in this Subchapter G. This Part 585 does not include procedures for exceptions or exemptions because those adjustments are within the jurisdiction of the Federal Energy Regulatory Commission.

§ 585.02 *Oral Presentation.* Any person seeking any adjustment under this Part 585 shall be given an opportunity to make an oral presentation of data, views, and arguments in support of the request for an adjustment, provided that a request to make an oral presentation is submitted in writing with the request for the adjustment.

§ 585.03 *Interpretation.* (a) *Request for an Interpretation.* Any person seeking an interpretation of the curtailment priority regulations in this Subchapter G shall file a formal written request with the General Counsel (or his delegate), Department of Energy, in accordance with the procedures, as applicable, in Subpart F of 10 CFR Part 205.

A request for an interpretation that includes, or could be construed to include, a request for an exception to or exemption from the curtailment priority regulations in this Subchapter G may be treated solely as a request for an interpretation and processed as such, or may be treated solely as a request for an exception or exemption and referred to the Federal Energy Regulatory Commission for action.

(b) *Reconsideration of an Interpretation.* Any person aggrieved or adversely affected by the issuance of an interpretation may request reconsideration of that interpretation by the General Counsel, in accordance with 10 CFR 205.85(f).

(c) *Denial of an Interpretation.* An interpretation shall be considered denied for purpose of review of such denial under section 585.05 only if:

(1) The General Counsel (or his delegate) notifies the person making the request in writing that the request is denied and an interpretation will not be issued; or

(2) The General Counsel (or his delegate) does not respond to a request for an interpretation by issuing an interpretation or by giving notice of when an interpretation will be issued, within 60 days of the date of the receipt thereof, or within such extended time as the General Counsel (or his delegate) may prescribe by written notice within that 60-day period.

§ 858.04 *Modification or Rescission.* (a) *Request for a Modification or Rescission.* Any person seeking a modification or rescission of the curtailment priority regulations in this Subchapter G shall file a formal written request with the Assistant Administrator for Regulations and Emergency Planning, Economic Regulatory Administration, Department of Energy, at Room 8202, 2000 M Street, Washington, D.C. 20461. The request shall be filed as a petition for rulemaking and treated in accordance with the procedures, as applicable, of Subpart L of 10 CFR Part 205, the Department of Energy Organization Act and the Natural Gas Policy Act of 1978. The request should state the special hardship, inequity, or unfair distribution of burdens that will be prevented by making the adjustment.

(b) *Denial of a Modification or Rescission.* If the Administrator (or his delegate) denies the request in writing in accordance with 10 CFR 205.161(b)(2)(ii) or does not respond to a request for a modification or rescission in accordance with 10 CFR 205.161(b)(2) within 60 days of the date of the receipt thereof, or within such extended time as the Administrator (or his delegate) may prescribe by written notice within that 60-day period, the request shall be considered denied for the purpose of review of such denial under § 585.05.

§ 585.05 *Review of Denials.* (a) *Request for Review.* (1) Any person aggrieved or adversely affected by a denial of a request for an interpretation under section 585.03 may request a review of the denial by the General Counsel, Department of Energy, within 30 days from the date of the denial. If no request has been filed by that time, the denial shall then constitute final agency action for the purpose of judicial review under § 585.06.

(2) Any person aggrieved or adversely affected by a denial of a request for a modification or rescission under § 585.04 of this Part 585 may request a review of the denial by the Administrator, Economic Regulatory Administration, Department of Energy, within 30 days from the date of the denial. If no request has been filed by that time, the denial shall then constitute final agency action for the purpose of judicial review under § 585.06.

(b) *Procedures.* Any request for review under § 585.05(a) shall be in writing and shall set forth the specific ground upon which the request is based. If a request for review has been timely filed then there is no final agency action for purpose of judicial review under § 585.06 until that request has been acted upon. If the request for review is not acted upon within 30 days after it is received, the request shall be deemed to have been denied. That denial shall then constitute final agency action for the purpose of judicial review under § 585.06.

§ 585.06 *Judicial Review.* Any person aggrieved or adversely affected by any final agency action taken on a request for adjustment under this section may obtain judicial review in accordance with section 506 of the Natural Gas Policy Act of 1978.

[FR Doc. 79-21150 Filed 7-9-79; 8:45 am]

BILLING CODE 6450-01-M

CIVIL AERONAUTICS BOARD

[14 CFR Ch. II]

[EDR-283B, Docket 27591, Dated July 3, 1979]

Liquidated Damages for Lost, Damaged, or Delayed Baggage

AGENCY: Civil Aeronautics Board.

ACTION: Termination of rulemaking.

SUMMARY: The CAB terminates a rulemaking proceeding about setting liquidated damages for lost, damaged, or delayed baggage. The advance notice of proposed rulemaking was part of a three-part plan to improve baggage service, and in adopting the other two parts this Docket was inadvertently left open.

FOR FURTHER INFORMATION CONTACT: Mark S. Kahan, Office of General Counsel, Civil Aeronautics Board, 1825 Connecticut Ave. N.W., Washington, D.C. 20428, (202) 673-5205.

SUPPLEMENTAL INFORMATION: In March of 1975 the Board adopted a three-part proposal to provide incentives for improved baggage service.[1] Those proposals included raising the minimum liability for lost, damaged or delayed baggage and disapproving various disclaimers for fragile items and for consequential damages. Eventually, the proposals in Dockets 27589 and 27590 were consolidated and adopted.[2] The third part, an advance notice of proposed rulemaking on liquidated damages for lost, damaged, or delayed baggage (EDR-283, March 6, 1975, Docket 27591) was abandoned, but the docket was inadvertently left open.

Accordingly, the Board terminates the rulemaking proceeding in Docket 27591.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 79-21274 Filed 7-9-79; 8:45 am]

BILLING CODE 6320-01-M

[1] Docket 27589, 27590, and 27591; Order 75-3-18, EDR-282, 40 FR 11602, EDR-283, 40 FR 11601, March 12, 1975

[2] See, e.g., Orders 77-5-132; 77-5-80.

FEDERAL TRADE COMMISSION

[16 CFR Part 13]

[File No. 782 3025]

AMF, Inc.; 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 agreement, accepted subject to final Commission approval, among other things, would require a White Plains, N.Y. manufacturer and seller of bicycles, tricyles and other two or three-wheeled non-motorized vehicles, to cease, in connection with the advertising and sale of its products, from representing young children or others riding or operating such vehicles is an improper, unsafe or unlawful manner. The firm would also be prohibited from representing any person riding a mini-bike in traffic unless such operation is permitted by applicable traffic laws and regulations. The order would further require the firm to timely produce two or more versions of a bicycle safety message with the advice, assistance and approval of three independent individuals experienced or knowledgeable in bicycle safety, children's television programming and children's advertising; provide a film of such message to specified television broadcasting stations throughout the country; and monitor the message for four months to ensure that it reaches a designated number of children. Should the message fail to reach the specified audience level, the firm would be required to distribute the film for airing by a second group of T.V. stations.

DATE: Comments must be received on or before September 7, 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 § 2.34 of the Commission's Rules of Practice (16 CFR 2.34), 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 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)).

In the matter of AMF Incorporated, a corporation; File No. 782 3025, Agreement containing consent order to cease and desist.

The Federal Trade Commission having initiated an investigation of certain acts and practices of AMF Incorporated, a corporation, hereinafter referred to as proposed respondent, and it now appearing that AMF Incorporated, a corporation, is willing to enter into an agreement containing an order to cease and desist from the use of the acts and practices being investigated:

It is hereby agreed By and between AMF Incorporated, by its duly authorized officer and its attorney, and counsel for the Federal Trade Commission, that:

1. Proposed respondent AMF Incorporated is a corporation organized, existing and doing business under and by virtue of the laws of the State of New Jersey with an office and principal place of business located at 777 Westchester Avenue, White Plains, New York. Proposed respondent's Wheel Goods Division is principally reponsible for the manufacture and sale of respondent's bicycles, tricycles and other wheeled toys.

2. Proposed respondent admits all the jurisdictional facts set forth in the proposed complaint here attached.

3. Proposed respondent waives:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

4. This agreement shall not become 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 the proposed complaint contemplated thereby and related material pursuant to Rule 2.34, 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 propose respondent, in which event it will take action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding.

5. This agreement is for settlement purposes only and does not constitute an admission by proposed respondent that the law has been violated as alleged in the draft of complaint attached hereto.

6. 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 § 2.34 of the Commission's Rules, the Commission may, without further notice to proposed respondents, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and 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 complaint and decision containing the agreed-to order to proposed respondent's address as stated in this agreement shall constitute service. Proposed respondent waives any right it may 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 the agreement may be used to vary or contradict the terms of the order.

7. Proposed respondent has read the proposed complaint and order contemplated hereby, and it understands that once the order has been issued, it will be required to file one or more compliance reports showing that it has fully complied with the order, and that it may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

Order

For the purpose of this Order, the term "non-motorized two or three wheeled vehicle" shall include bicycles, tricycles, and other similar non-motorized two or three wheeled vehicles. The term "minibike" shall refer to motorized two-wheeled vehicles without gears and shall not include mopeds.

I. *It is ordered* That respondent AMF Incorporated, a corporation, hereinafter referred to as respondent, its successors and assigns, and their officers, agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale or distribution in or affecting commerce of any non-motorized two or three wheeled vehicle or minibike, cease and desist from, directly or by implication:

A. Representing, in any manner, any child who appears to be or is in fact eight years old or younger operating any non-motorized two or three wheeled vehicle in any public street, road, alley or other traffic thoroughfare.

B. Representing, in any manner, any persons performing stunts, jumps, wheelies, or any other similar act while operating a non-motorized two or three wheeled vehicle when such act(s) create(s) an unreasonable risk of harm to person or property; provided, however, that this provision shall not apply to the depiction of persons using motocross bikes in an adult-supervised off-the-road setting and in which the participants are shown wearing helmets and where arms, legs, and feet are suitably covered.

C. Representing, in any manner, any person operating or riding a non-motorized two or three wheeled vehicle in any public street, road, alley or other traffic thoroughfare:

1. Without obeying all applicable traffic instructions, signs or signals;

2. Other than upon or astride a regular seat attached thereto;

3. With more persons on it, at any one time, than the vehicle is designed or safely equipped to carry, except that an adult rider may carry a child securely attached to its person in a back pack or sling;

4. While carrying any package, bundle, or article which obstructs vision

or interferes with the proper control of the vehicle;

5. When such person attaches himself/herself or the vehicle to any other vehicle;

6. Unless such vehicle has proper lights, reflectors, and a sounding device;

7. While wearing loose clothing or long coats that can catch in pedals, chains or wheels;

8. Against the flow of traffic;

9. When such person fails to exercise proper caution, such as by riding at a reasonable speed and at a reasonable distance from parked cars and the edge of the road, with respect to:

a. Car doors opening and cars pulling out into traffic; and

b. Drain grates, soft shoulders and other road surface hazards;

10. In other than single file when travelling with other such vehicles;

11. When such person fails to exercise proper caution at all intersections by slowing down and looking right and left before travelling through the intersection.

D. Representing, in any manner, any person operating a minibike in any public street, road, alley or other traffic thoroughfare, unless such operation is lawful under applicable traffic laws, rules and regulations.

II. *It is further ordered* That respondent shall produce two or more versions of bicycle safety messages of from one/half to five minutes duration. In the development and production of the safety message(s), respondent agrees to secure the advice, assistance, and approval of each of three independent individuals who will provide experience or knowledge in the areas of (1) bicycle safety, (2) children's television programming, and (3) children's advertising. The conclusion reached by these individuals concerning the appropriateness of the safety messages shall be reported to the Federal Trade Commission.

It is further ordered That, on or before September 1, 1979, respondent shall provide a film of either bicycle safety message to each television broadcasting station listed in Appendix A. Respondent shall monitor the dissemination of the safety message(s) and shall provide to the Commission a report on the gross impressions achieved by the dissemination of the safety message(s) between September 1, 1979 and December 31, 1979. This report shall be submitted on or before January 31, 1980.

It is further ordered That, in the event the total gross impressions for the safety message(s) does not equal or exceed ten percent of the gross impressions achieved by the "Avenger" and "Can't Wait" television advertisements (as reported in Appendix B) respondent shall provide a film of the safety message(s) to each television broadcasting station listed on Appendix C on or before March 1, 1980, and shall continue to monitor the dissemination of the safety message(s) and provide to the Commission on or before July 31, 1980, a second report on the gross impressions achieved by the dissemination of the safety message(s) between March 1, 1980 and June 30, 1980.

It is further ordered That, in the event that service of this Order upon respondent occurs after June 15, 1979, the dates set forth in Section II shall be adjusted so that a period of seventy-five (75) days lapses between the date of service of this Order upon respondent and the date by which respondent is required to provide a film of the bicycle safety message(s) to the stations named in Appendix A. All of the dates following this initial date shall also be adjusted to retain and allow for the same periods of time for performance of obligations outlined in this section.

For the purposes of this section, the measurement of gross impressions shall include only the 6–11 year old component of the viewing audience. Gross impressions shall be measured by counting each probable exposure of a 6–11 year old child to the safety message(s), with duplication allowed.

III. *It is further ordered* That respondent shall forthwith distribute a copy of this Order to each of its operating divisions which engage or shall engage in the preparation or dissemination of adverstising.

It is further ordered That respondent notify the Commission at least thirty (30) days prior to any proposed change 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 effect compliance obligations arising out of the Order.

It is further ordered That the respondent herein shall, within sixty (60) days after service upon it of this Order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this Order.

AMF, Inc.

File No. 782–3025

Analysis of Proposed Order To Aid Public Comment

The Federal Trade Commission has accepted an "Agreement to a proposed consent order from AMF, Incorporated," under Section 5 of the FTC Act.

The proposed consent agreement has been placed on the public record for a period of sixty (60) days for reception of comments by interested parties and the public. 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.

I. Introduction

This matter concerns two television advertisements broadcast by AMF, Incorporated. The first advertisement "Can't Wait," features the "Evil Kneivel Hot Seat" and the "Evil Kneivel MX." It shows two young boys riding their respective vehicles, a bicycle and a tricycle, at a fast speed down their respective driveways and into the adjoining street without slowing down or looking for cars or other possible dangers to themselves or others. The second advertisement, "Avenger," features a dirt-styled bicycle. It shows one young boy riding the bicycle on a one-way street, then turning onto a sidewalk and into a dirt lot without slowing down or looking right or left, riding at a fast speed over rough and uneven ground in the dirt lot and then turning into an alley without slowing down or looking right or left.

II. The Proposed Complaint

The proposed Section 5 complaint contains three charges of deceptive acts or practices. Paragraph Seven of the complaint alleges that: A) The challenged advertisements have the tendency or capacity to influence young children to ride a bicycle or tricycle in a street, road, alley or other traffic thoroughfare; and, B) The challenged advertisements have the tendency or capacity to influence children to ride a bicycle or tricycle across rough and uneven ground in an insafe manner and to ride or operate a bicycle or tricycle in a manner contrary to generally recognized standards of safety. Paragraph 7 further alleges that such

behavior involves an unreasonable risk of harm and, therefore, the advertisements are unfair or deceptive.

III. The Proposed Consent Order

The proposed consent order contains the following paragraphs which prohibit AMF, Incorporated, from depicting certain types of behavior in its advertisements:

Section I.—Paragraph I(A)

Paragraph I(A) prohibits representing, in any manner, a child who appears to be or is eight years old or younger riding or operating any non-motorized two or three-wheeled vehicle in any public street, road, alley or other traffic thoroughfare.

Paragraph I(B)

Paragraph I(B) prohibits representing, in any manner, any persons performing stunts, jumps, wheelies, or any similar act while riding or operating a non-motorized two or three-wheeled vehicle when such act(s) create(s) an unreasonable risk of harm. The provision does not apply to the depiction of persons using motocross bikes in an adult-supervised off-the-road setting and in which the participants are shown wearing helmets and where arms, legs, and feet are suitably covered.

Paragraph I(C)

Paragraph I(C) prohibits representing, in any manner, any person riding or operating a non-motorized two or three-wheeled vehicle in any public street, road, alley or other thoroughfare:

1. Without obeying all applicable traffic instructions, signs or signals;
2. Other than upon or astride a regular seat attached thereto;
3. With more persons on it, at any one time, than the vehicle is designed or safely equipped to carry, except that an adult rider may carry a child securely attached to its person in a back pack or sling;
4. While carrying any package, bundle, or article which obstructs vision or interferes with the proper control of the vehicle;
5. When such person attaches himself/herself or the vehicle to any other vehicle;
6. Unless such vehicle has proper lights, reflectors, and a sounding device;
7. While wearing loose clothing or long coats that can catch in pedals, chains or wheels;
8. Against the flow of traffic;
9. When such person fails to exercise proper caution, such as by riding at a reasonable speed and at a reasonable distance from parked cars and the edge of the road, with respect to:

a. Car doors opening and cars pulling out into traffic; and,

b. Drain grates, soft shoulders and other road surface hazards;

10. In other than single file when travelling with other such vehicles;
11. When such person fails to exercise proper caution at all intersections by slowing down and looking right and left before travelling through the intersection.

Section II

Section II of the proposed order requires AMF, Incorporated, to produce two or more versions of a bicycle safety message of from one-half to five minutes duration. In the development and production of the safety message, AMF, Incorporated, agrees to secure the advice, assistance and approval of each of three independent individuals who will provide experience or knowledge in the areas of (1) bicycle safety, (2) children's television programming, and (3) children's advertising. The conclusion reached by these individuals concerning the appropriateness of the safety message shall be reported to the Federal Trade Commission. The proposed respondent shall provide a film of this bicycle safety message to over two hundred (200) television broadcasting stations throughout the country. For a period of four (4) months, the proposed respondent shall monitor the broadcast of the safety message. Pursuant to the order, the message must reach a designated number of children. In the event that it does not reach the specified audience level, the proposed respondent shall distribute the film to a second group of stations which will have the opportunity to air the message.

Section III

The remaining paragraphs of the proposed order contain fairly standard language required in all Commission orders. These provisions enable the Commission to determine whether the order is being complied with.

IV. Conclusion

The purpose of this analysis is to facilitate public comment on the proposed order and is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

Carol M. Thomas,

Secretary.

[FR Doc. 79-21283 Filed 7-9-79; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 145]

[Docket No. 76P-0026]

Canned Pineapple; Proposed Standard of Quality

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend the standard of quality for canned pineapple in consideration of the quality features of the "Recommended International Standard for Canned Pineapple" developed by the Codex Alimentarius Commission. This action is for the purpose of promoting honesty and fair dealing in the interest of consumers and facilitating international trade.

DATES: Comments by September 10, 1979. The Commissioner of Food and Drugs proposes compliance for products initially introduced into interstate commerce on or after July 1, 1981.

ADDRESS: Written comments, data, or information to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: F. Leo Kauffman, Bureau of Foods (HFF-414), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, DC 20204, 202-245-1164.

SUPPLEMENTARY INFORMATION: The Food and Agriculture Organization/World Health Organization (FAO/WHO) Codex Alimentarius Commission has submitted a "Recommended International Standard for Canned Pineapple" (CAC/RS 42-1970, First Revision (1975), hereinafter referred to as the Codex standard) to the United States for consideration for acceptance. The United States, as a member of the FAO of the United Nations and of the WHO, is under treaty obligation to consider all Codex standards. The rules of procedure of the Codex Alimentarius Commission state that a Codex standard may be accepted by a participating country in one of three ways: full acceptance, target acceptance, or acceptance with specified deviations. A country's acceptance of a Codex standard signifies that, except as provided for by specified deviations, a product that complies with the Codex standard may be distributed freely within the accepting country; insofar as features dealt with by the Codex

standard are concerned, products that do not comply, whether domestic or imported, will not be permitted to be distributed without restrictions under the name and description laid down in the standard.

The restrictions that may be imposed are not incorporated in the Codex standard, but are left to the legislation and regulations of the individual countries. A participating country which concludes that it cannot accept the Codex standard in any of the three ways is requested to indicate, with the reasons therefor, the manner in which its requirements differ from the Codex standard, and whether products complying with the Codex standard will be permitted to move freely in the commerce of that country. Members of the Commission are requested to notify the Secretariat of the Codex Alimentarius Commission, Joint FAO/WHO Food Standards Programme, FAO, Rome, Italy, of their decision.

On the basis of a petition submitted by the California Canners and Growers, 3100 Ferry Bldg., San Francisco, CA 94106, a cooperative organization of canneries and fruit and vegetable growers, the Commissioner proposed in the Federal Register of January 21, 1974 (39 FR 2368) to amend the current U.S. standard of identity for canned pineapple (§ 145.180(a) (21 CFR 145.180(a))) and nine other standards for canned fruits to conform to the pattern of the canned plums standard as adopted by Codex Alimentarius Commission. The Pineapple Growers Association of Hawaii (PGAH), 1902 Financial Plaza of the Pacific, Honolulu, HI 96813, supported by the members of Congress from Hawaii, opposed the proposed amendment of the standard of identity on the ground that it was proposed without recourse to the views and expert knowledge of the United States pineapple industry. The PGAH simultaneously filed a petition dated April 1, 1974, to amend the U.S. standards of identity (§ 145.180(a)), quality (§ 145.180(b)) and fill of container (§ 145.180(c)) in consideration of the Codex standard. The PGAH subsequently submitted a new petition dated January 16, 1976, which it amended on November 7, 1977. The Commissioner is considering those parts of the PGAH petitions that seek to amend the U.S. standard of identity as comments on the January 21, 1974 proposal. The final regulation ruling on that proposal appears elsewhere in this issue of the Federal Register.

The Taiwan Canners Association (TCA) submitted a petition to amend the standard of identity, but the petition was rejected for failure to comply with FDA procedural requirements in 21 CFR 10.30. However, the petition is discussed in this proposal and in the final regulation amending the standard of identity appearing in this issue of the Federal Register.

In the Federal Register of December 9, 1977 (42 FR 62282), the Commissioner proposed to amend numerous standards of fill of container to establish minimum average drained weights for certain canned foods, including canned pineapple. However, although the agency is now publishing the entire Codex standard, the Commissioner is proposing no additional amendments to the standards of identity or fill of container in this document.

The final regulation amending the standard of identity for canned pineapple provides for the additional optional styles "quarter slices" and "pieces or irregular pieces." Therefore, factors of quality for these additional styles are proposed below.

The U.S. standard of quality for canned pineapple, § 145.180(b), was established under section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341), and the United States Department of Agriculture (USDA) also has voluntary grade standards for marketing canned pineapple. The Commissioner concludes that proposing to amend the standard of quality will promote honesty and fair dealing, will be in the interest of consumers, and will facilitate international trade. The Commissioner therefore proposes to adopt, as far as is practicable, the Codex standard.

Some differences in composition and format exist between the Codex standard and the U.S. standard. For example, the units of measurements in the U.S. standard are sometimes stated in units of the U.S. customary system (pounds, inches), sometimes in units of the international (metric) system, or sometimes in both, whereas the Codex standard uses only the metric system. The Commissioner recognizes that the metric system is used generally throughout the world, and in the United States for technical purposes, and that it may eventually be adopted by this country for common usage. The Commissioner therefore proposes that the international metric system be used in the U.S. standard of quality for canned pineapple with the equivalent units of the U.S. customary system shown parenthetically. In addition, the Codex standard occasionally uses subjective terms when it states requirements. In the Commissioner's opinion, these requirements cannot be expressed in terms precise enough to be legally enforceable, and the terms have been omitted from the proposal.

The final order amending the U.S. standard of quality for canned pineapple will be based upon consideration of the quality aspects of the PGAH petitions, the TCA petition, the following Codex standard, comments and supporting data received in response to this proposal, and other available information:

Recommended International Standard for Canned Pineapple

1. *Description*

1.1 *Product Definition*

Canned Pineapple is the product (a) prepared from fresh, frozen, or previously canned, mature pineapple, conforming to the characteristics of *Ananas comosus* (L) Merr. (*Ananas sativus* (L) Lindl.) and from which peel and core have been removed, (b) packed with water or other suitable liquid medium; it may be packed with nutritive sweeteners, as specified in sub-section 2.1.1.1.3, seasonings, or other ingredients appropriate to the product; and (c) processed by heat in an appropriate manner before or after being sealed in a container, so as to prevent spoilage.

1.2 *Varietal Type*

Any commercially cultivated variety suitable for canning may be used.

1.3 *Styles*

Canned pineapple may be packed in the following styles:

1.3.1 Whole: cylindrical whole unit with the core removed.

1.3.2 Slices or Spiral Slices or Whole Slic or Rings: uniformly cut circular slices or ring cut across the axis of the peeled, cored pineapple cylinders.

1.3.3 Half Slices: uniformly cut, approximately semicircular halves of slices.

1.3.4 Quarter Slices: unformly cut, one-fourth portions of slices.

1.3.5 Broken Slices: arc-shaped portions which may not be uniform in size and/or shape.

1.3.6 Spears or Fingers: long, slender pieces cut radially and lengthwise of the cored pineapple cylinder, predominantly 65 mm or longer.

1.3.7 Tidbits: reasonably uniform, wedge shaped sectors cut from slices or portions thereof, predominantly from 8 mm to 13 mm thick.

1.3.8 Chunks: short, thick pieces cut from thick slices and/or from peeled cored pineapple and predominantly more than 12 mm in both thickness and width, and less than 38 mm in length.

1.3.9 Diced or Cubes: reasonably uniform cubeshaped pieces, predominantly 14 mm or less in the longest edge dimensions.

1.3.10 Pieces: irregular shapes and sizes not identifiable as a specific style and does not include "chunks" or "chips" style.

1.3.11 Chips: small, irregular shapes and sizes of pineapple pieces similar to that left over after dicing of pineapple and which may be included in crushed style.

1.3.12 Crushed or Crisp Cut: finely cut or shredded or grated or diced pieces of pineapple and which may include chips in the crushed mass.

1.4 *Types of Pack*

Canned pineapple may be packed in the following types of pack:

1.4.1 Regular Pack: with a liquid packing medium.

1.4.2 Heavy Pack: "Chips" or "Crushed" styles with or without sweetening ingredients and containing at least 73% drained fruit weight.

1.4.3 Solid Pack: "Chips" or "Crushed" styles with or without sweetening ingredients and containing at least 78% drained fruit weight.

2. *Essential Composition and Quality Factors*

2.1 *Basic Ingredients*

Pineapple with or without liquid packing media or with dry nutritive sweeteners appropriate to the product and other optional ingredients as follows:

2.1.1 Packing Media

2.1.1.1 Where a packing medium is used, it may consist of:

2.1.1.1.1 Water: in which water, or any mixture of water and pineapple juice, is the sole liquid packing medium;

2.1.1.1.2 Juice: in which natural pineapple juice, or clarified pineapple juice, is the sole liquid packing medium;

2.1.1.1.3 Dry nutritive sweetener: with one or more of the following nutritive sweeteners—sucrose, invert sugar, dextrose, drued glucose syrup—and without added liquid except such slight amounts of steam, water, or natural juice as occur in the normal canning of the product;

2.1.1.1.4 Syrup: in which water or juice is combined with one or more of the following nutritive sweeteners—sucrose, invert sugar, dextrose, dried glucose syrup, glucose syrup—and classified on the basis of cut-out strength as:

Extra Light Syrup—not less than 10° Brix
Light Syrup—not less than 14° Brix
Heavy Syrup—not less than 18° Brix
Extra Heavy Syrup—not less than 22° Brix

2.1.1.2 The cut-out strength of syrup shall be determined on sample average, but no container may have a Brix value lower than that of the minimum of the next category below.

2.1.2 Other permitted ingredients

Spices, spice oils, mint, vinegar.

2.2 *Quality Criteria*

2.2.1 Definition of Defects

2.2.1.1 Blemish—surface areas and spots which contrast strongly in colour or texture with the normal pineapple tissue or which may penetrate into the flesh. Such blemishes are normally removed in preparation of pineapple for culinary use and include deep fruit eyes, pieces of shell, brown spots, bruised portions and other abnormalities.

2.2.1.2 Broken—(considered a defect only in Sliced and Spear styles). A unit severed into definite parts; all of such portions that equal the size of a full-size unit are considered one defect in applying the allowances herein.

2.2.1.3 Excessive Trim—(considered a defect only in the styles of Whole, Slices including Spiral Slices, Half Slices, Quarter Slices and Spears). A unit trimmed to the extent that its normal shape and conformation is destroyed and detracts from the appearance of such unit. Trim will be considered "excessive" if the portion trimmed away exceeds five percent of the apparent physical bulk of the perfectly formed unit and if such trimming destroys the normal circular shape of the outer or inner edge of the unit.

2.2.2 Flavour

Canned pineapple shall have a normal flavour and odour free from flavours or odours foreign to the product, and canned pineapple with special ingredients shall have a flavour characteristic of that imparted by the pineapple and the other substances used.

2.2.3 Colour

The colour of the product shall be normal for the varietal type. White radiating streaks may be present. Canned pineapple containing special ingredients shall be considered to be of characteristic colour when there is no abnormal discolouration for the respective ingredient used.

2.2.4 Texture

The canned pineapple shall have a reasonably good texture, the fruitlets shall be reasonably compact in structure, and the product shall be fairly free from porosity. The drained pineapple—of all styles—may contain no more than 7% by weight of "core material". In determining the percentage of core material, the areas which consist of core material are trimmed from the pineapple unit and weighed against the drained fruit ingredient in the container.

2.2.5 Uniformity of Size and Shape

These requirements do not apply to canned pineapple in the styles of: Whole, Broken Slices, Pieces, Chips or Crushed.

2.2.5.1 Slices or Spiral Slices or Whole Slices or Rings—the weight of the largest slice in a container shall be not more than 1.4 times the weight of the smallest.

2.2.5.2 Half slices or quarter slices—the weight of the largest unit in a container shall be not more than 1.75 times the weight of the smallest, except for an occasional broken piece due to splitting or an occasional whole slice not completely cut through.

2.2.5.3 Spears or fingers—the weight of the largest unbroken unit in a container shall be not more than 1.4 times the weight of the smallest unbroken unit.

2.2.5.4 Tidbits—not more than 15% of the drained weight of pineapple in the container may consist of tidbits, each of which shall weigh less than three-fourths of the average weight of the untrimmed tidbits.

2.2.5.5 Chunks—not more than 15% of the drained weight of pineapple in the container may consist of pieces which weigh less than 5 grammes each.

2.2.5.6 Cubes or Diced

(a) not more than 10% of the drained weight of pineapple in the container may consist of units of such size that they will pass through a screen that has square openings of 8 mm;

(b) not more than 15% of the drained weight of pineapple in the container may consist of pieces which weigh more than 3 grammes each.

2.2.6 Allowance for Defects

Canned pineapple shall not contain excessive defects (whether or not specifically defined or as allowed in this standard). Certain common defects shall not be present in amounts greater than the following limitations:

Styles	Units with excessive trim	Blemishes or blemished units
Whole	10% by count of fruit units (cylinders) [1]	3 blemishes per fruit unit (cylinder).
Slices or spiral slices or whole slices	1 unit if 10 or less per can	1 unit if 5 or less per can.
Half slices, quarter slices	2 units if over 10 but not over 27 per can	2 units if over 5 but not over 10 per can; 4 units if over 10 but not over 32 per can; or
	or 7.5% by count if over 27 per can	12.5% by count if over 32 per can.
Spears	15% by count of all units	Same as for slices and half slices.
Broken slices; tidbits; chunks; cubes; pieces	Not applicable	12.5% by count of all units.
Chips; crushed	Not applicable	Not more than 1.5% by weight of the drained fruit.

[1] Based on the average from all containers in the sample.

2.2.7 Classification of "Defectives"

A container that fails to meet one or more of the applicable quality requirements as set out in subsections 2.2.2 through 2.2.6 (except units with excessive trim in "Whole" style which are based on sample average), shall be considered a "defective".

2.2.8 Acceptance

A lot will be considered as meeting the applicable quality requirements referred to in sub-section 2.2.7 when:

(a) for those requirements which are not based on averages—the number of "defectives", as defined in sub-section 2.2.7, does not exceed the acceptance number (c) of the appropriate sampling plan in the FAO/WHO Codex Alimentarious Sampling Plans for Prepackaged Foods (1969) (AQL-6.5) (Ref. CAC/RM 42-1969).

(b) the requirement which is based on sample average is complied with.

3. *Food Additives*

3.1 *Flavours and Maximum level*

3.1.1 Natural fruit essences not limited

3.1.2 Mint flavour (mint oil) not limited

3.2 *Acidifying Agent* Citric acid not limited

3.3 *Anti-foaming Agent*
Demethylpolysiloxane [1] 10 mg/kg

4. *CONTAMINANTS* Tin *Maximum level* 250 mg/kg [2], calculated as Sn

5. *Hygiene*

5.1 It is recommended that the product covered by the provisions of this standard be prepared in accordance with the International Code of Hygienic Practice for Canned Fruit and Vegetable Products (Ref. CAC/RCP 2-1969).

5.2 To the extent possible in good manufacturing practice the product shall be free from objectionable matter.

5.3 When tested by appropriate methods of sampling and examination, the product:

(a) shall be free from microorganisms capable of development under normal conditions of storage; and

(b) shall not contain any substances originating from microorganisms in amounts which may represent a hazard to health.

6. *Weights and Measures*

6.1 *Fill of Container*

6.1.1 Minimum Fill

The container shall be well filled with fruit and the product (including packing medium) shall occupy not less than 90% of the water capacity of the container. The water capacity of the container is the volume of distilled water at 20°C which the sealed container will hold when completely filled.

6.1.2 Classification of "Defectives"

A container that fails to meet the requirement for minimum fill (90% container capacity) of sub-section 6.1.1 shall be considered a "defective".

6.1.3 Acceptance

A lot will be considered as meeting the requirement of sub-section 6.1.1 when the number of "defectives", as defined in sub-section 6.1.2, does not exceed the acceptance number (c) of the appropriate sampling plan in the FAO/WHO Codex Alimentarius Sampling Plans for Prepackaged Foods (1969) (AQL-6.5) (Ref. CAC/RM 42-1969).

6.1.4 Minimum Drained Weight

6.1.4.1 The drained weight of the product shall be not less than the following percentages, calculated on the basis of the weight of distilled water at 20°C which the sealed container will hold when completely filled:

(a) All styles other than Whole or Crushed or Chips styles—58%.

(b) Regular packs: Crushed or Chips styles—63%.

(c) Heavy pack: Crushed or Chips styles when designated as "Heavy Pack"—73%.

(d) Solid Pack: Crushed or Chips styles when designated as "Solid Pack"—78%.

6.1.4.2 The requirements for minimum drained weight shall be deemed to be complied with when the average drained weight of all containers examined is not less than the minimum required, provided that there is no unreasonable shortage in individual containers.

7. *Labeling*

In addition to Sections 1, 2, 4 and 6 of the General Standard for the Labelling of Prepackaged Foods (Ref. CAC/RS 1-1969) the following specific provisions apply:

7.1 *The Name of the Food*

7.1.1 The name of the product shall be "pineapple".

7.1.2 The style, as appropriate, shall be declared:

"Whole"
"Slices" or "Spiral Slices" or "Whole Slices" or "Rings"
"Half Slices"
"Quarter Slices"
"Broken Slices"
"Spears" or "Fingers"
"Tidbits"
"Chunks"
"Diced" or "Cubes"
"Pieces"
"Chips"
"Crushed" or "Crisp Cut".

7.1.3 The packing medium shall be declared as part of the name or in close proximity to the name: "Water", "Juice", the name of the dry sweetener, "Extra Light Syrup", "Light Syrup", "Heavy Syrup", or "Extra Heavy Syrup", as appropriate.

7.1.4 As part of the name or in close proximity to the name, any seasoning which characterizes the product shall be declared, e.g. "With X", when appropriate.

7.1.5 When "Crushed" or "Crisp Cut" style is packed in natural pineapple juice (whether clarified or not), the following may be stated on the label in addition to the declaration of packing medium:

"Unsweetened" or "No sugar added"

7.1.6 When "Crushed" or "Crisp Cut" style is packed in pineapple juice and sugar, the packing medium may be declared as:

"Lightly Sweetened" in lieu of "Light Syrup"
"Heavily Sweetened" in lieu of "Heavy Syrup"
"Extra Heavily Sweetened" in lieu of "Extra Heavy Syrup".

7.1.7 The type of "Heavy Pack" or "Solid Pack" for "Crushed" or "Crisp Cut" or "Chips" styles may be stated on the label, if the pack complies with the appropriate requirements of sub-section 6.1.4.1.

7.1.8 The varietal type may be declared.

7.2 *List of Ingredients*

A complete list of ingredients shall be declared on the label in descending order of proportion in accordance with sub-sections 3.2(b) and (c) of the General Standard for the Labelling of Prepackaged Foods, except that dimethylpolysiloxane and water need not be declared.

7.3 *Net Contents*

The net contents shall be declared by weight in either the metric ("Système International" units) or avoirdupois, or both systems of measurement, as required by the country in which the product is sold.

7.4 *Name and Address*

The name and address of the manufacturer, packer, distributor, importer, exporter or vendor of the food shall be declared.

7.5 *Country of Origin*

7.5.1 The country of origin of the product shall be declared if its omission would mislead or deceive the consumer.

7.5.2 When the product undergoes processing in a second country which changes its nature, the country in which the processing is performed shall be considered to be the country of origin for the purposes of labelling.

8. *Methods of Analysis and Sampling*

The methods of analysis and sampling referred to hereunder are international referee methods.

8.1 *Method of Sampling*

Sampling shall be in accordance with the FAO/WHO Codex Alimentarius Sampling Plans for Prepackaged Foods (1969) (AQL-6.5) (Ref. CAC/RM 42-1969).

8.1.1 Size of Sample Unit

8.1.1.1 In ascertaining the quality requirements for all styles other than Tidbits, Cubes, Crushed or Chips styles, the entire container shall be the sample unit.

8.1.1.2 In ascertaining the quality requirements for Tidbits, Cubes, Crushed or Chips styles, the sample unit shall be:

(a) the entire container when it holds 1.0 litre or less; or

(b) 600 grammes of drained fruit (of a representative mixture) when the container holds more than 1.0 litre.

8.2 *Determination of Drained Weight*

According to the FAO/WHO Codex Alimentarius method (FAO/WHO Codex Alimentarius Methods of Analysis for Processed Fruits and Vegetables, CAC/RM 36-1970, *Determination of Drained Weight*—Method I).

Results are expressed as % m/m calculated on the basis of the mass of distilled water at 20° C which the sealed container will hold when completely filled.

8.3 *Syrup Measurements (Refractometric Method)*

Accordingly to the A.O.A.C. (1965) method (Official Methods of Analysis of the A.O.A.C., 1965, *29.011:* (Solids) by Means of Refractometer (4). Official, Final action (and 43.009 and 43.008)).

Results are expressed as % m/m sucrose ("degrees Brix"), with correction for temperature to the equivalent at 20° C.

In many respects the provisions of the current U.S. standard of quality and the Codex standard are identical. Furthermore, the USDA standards for grade C canned pineapple correspond to the U.S. standard of quality.

The following is a discussion of what are, in the Commissioner's opinion, the principal differences between the current U.S. standard, the Codex standard, the PGAH petitions, and the TCA petition. The Commissioner particularly requests comments and supporting data regarding these points of comparison and also regarding the agency action proposed in each instance.

Flavor and Odor

The Codex standard, 2.2.2, states that canned pineapple shall have a normal flavor and odor and be free of flavors or odors foreign to the product. Codex does not provide a means, other than subjective examination, for determining

[1] Temporarily endorsed.

[2] This is a provisional limit which has been temporarily endorsed and is subject to review.

compliance with this requirement, and the U.S. standard and the PGAH petitions have no provision related to flavor or odor.

The Commissioner agrees that the flavor and odor of canned pineapple should be normal. However, in the absence of an objective method for enforcement, this proposal does not provide for flavor and odor requirments. The Commissioner notes, however, that if the food is abnormal in flavor or odor, it may be found in violation of section 402 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 342).

Color

The Codex standard, 2.2.3, states that the color of the product shall be normal for the varietal type. White radiating streaks may be present, and canned pineapple containing special ingredients shall be considered to be of characteristic color when there is no abnormal discoloration for the respective ingredient used. Codex does not provide an objective means for evaluating color.

The U.S. standard and the PGAH petitions make no reference to color.

The Commissioner agrees that the color of canned pineapple should be normal. However, in the absence of an objective method for enforcement, this proposal does not provide for color requirements. The Commissioner notes, however, that if the food is abnormal in color, it may be found in violation of section 402 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 342).

Texture and Core Material

The Codex standard, 2.2.4, states that canned pineapple shall have a reasonally good texture, the fruitlets shall be reasonably compact in structure, and the product shall be fairly free of porosity. Codex and the PGAH petitions state that the drained pineapple—of all styles—may contain no more than 7 percent by weight of "core material." Codex does not provide a means for evaluating texture except for core material.

The current U.S. standard, § 145.180(b)(1)(xii), states that, in the case of all forms of canned pineapple, not more than 1.1 ounces of core is contained in 1 pound of drained fruit. This corresponds to not more than 6.9 percent by weight of core material. The U.S. standard, the PGAH petitions, and the Codex standard contain comparable methods for determining the presence of core material.

The Commissioner notes that there is no substantive difference between the requirements of the U.S. standard, the PGAH petitions, and the Codex standard regarding texture. The Commissioner therefore proposes in § 145.180(b)(1)(i) to adopt the Codex requirements.

Uniformity of Weight and Shape

1. *Half slices and quarter slices.* The Codex standard, 2.2.5.2, the U.S. standard, § 145.180(b)(1)((iv)(*b*), and the PGAH petitions state that for half slices, the weight of the largest unit in the container shall be not more than 1.75 times the weight of the smallest, except for an occassional broken piece due to splitting or an occasional whole slice not completely cut through. The Codex standard, 2.2.5.2, and the PGAH petitions have the same provisions for quarter slices.

The Commissioner believes that the requirement in the U.S. standard is reasonable and applicable as well as to quarter slices and, therefore, has so provided in the proposal as set forth below in § 145.180(b)(1)(ii)(*b*).

2. *Broken slices.* The Codex standard does not contain uniformity of weight and uniformity of shape requirements for broken slices.

The current U.S. standard, § 145.180(b)(1)(i), and the PGAH petitions provide that, for broken slices, not more than 10 percent of the drained weight may consist of pieces having an arc of less than 90°. They also provide that not more than 5 percent of the drained weight of the contents of the container consist of pieces that measure (a) less than 5/16 inch (8 millimeters (mm)) or more than 1 inch (25 mm) in thickness, or (b) less than 3/4 inch (19 mm) in width as measured from the outer edge to the inner edge. Further, § 145.180(b)(1)(*v*) and the PGAH petitions provide that, for broken slices, not more than 5 percent of the drained weight consist of broken slices having an outside diameter differing by as much as 3/8 inch (9.5 mm) from that of those present in greatest proportion by weight.

The Commissioner believes that the requirements for uniformity of weight and shape in the U.S. standard are reasonable and will ensure a high quality product, thereby promoting honesty and fair dealing in the interest of consumers. The Commissioner therefore has retained those requirements in the proposal as set forth below in § 145.180(b)(1)(ii)(*c*).

3. *Cubes.* For the style "cubes", the Codex standard, 2.2.5.6(b), and the PGAH petitions require that not more than 15 percent of the drained weight may consist of pieces that weigh more than 3 grams (g) (0.11 ounce (oz)) each.

The current U.S. standard, § 145.180(b)(1)(ii)(*b*), states that not more than 15 percent of the drained weight shall consist of pieces weighing more than 3/32 oz (2.7 g) each.

The Commissioner notes that there is no substantive difference between the requirement of the U.S. standard, PGAH petitions, and the Codex standard. The Commissioner therefore proposes in § 145.180(b)(1)(ii)(*g*) to adopt the Codex requirement.

4. *Pieces.* Neither the Codex standard nor the PGAH petitions have uniformity of weight or shape provisions for pieces. The Codex standard, 1.3.10, defines pieces as "irregular shapes and sizes of pineapple not identifiable as a specific style" and states that "chunks" or "chips" styles are not included. The TCA petition defines pieces as consisting of large and small pieces. It states, further, that large pieces are not more than 38 mm (1.5 inches) in length and the weight of the contents of the container.

The agency does not believe that a maximum size limitation in the standard of quality is necessary for the style "pieces or irregular pieces" because the definition of this style excludes "chunks" and thereby units larger than 38 mm (0.31 inch) in the largest dimension. On the other hand, the agency is of the opinion that the number of excessively small units that may be included in the style "pieces or irregular pieces" should be limited. Based on the TCA petition, the Commissioner proposes in § 145.180(b)(1)(ii)(*h*) that not more than 20 percent of the drained weight of the contents of the container consist of units that will pass through a screen with square openings of 8 mm (0.31 inch).

Blemishes

1. *Definition.* The Codex standard, 2.2.1.1, and the PGAH petitions define blemishes as surface areas and spots which contrast strongly in color or texture with the normal pineapple tissue or which may penetrate into the flesh. Both state, further, that such blemishes are normally removed in preparation of pineapple for culinary use and include deep fruit eyes, pieces of shell, brown spots, bruised portions, and other abnormalities. However, the PGAH petitions would limit this provision to blemishes in excess of 1.6 mm (0.06 inch) in the longest dimension on the exposed surface of the unit.

The current U.S. standard, § 145.180(b)(1)(ix), defines blemishes to include (a) eyes, pieces of shell, and brown spots if in excess 1/16 inch (1.6 mm) in the longest dimension on the

exposed surface of the unit, and (b) deep fruit eyes, brusied portions, and other abnormalities that are detectable in good commercial practice before sealing the container.

The Commissioner considers the definition of blemishes in the PGAH petitions more complete than the definition in the U.S. or the Codex standards. The Commissioner therefore proposes in § 145.180(b)(1)(iii) to adopt the PGAH defintion.

2. *Slices, half slices, quarter slices, broken slices, spears, chunks, cubes, tidbits, and pieces.* The Codex standard, 2.2.6, the U.S. standard, § 145.180(b)(1)(ix), and the PGAH petitions state that for slices, half slices, and spears, not more than 12.5 percent by count of the units may be blemished in containers having more than 32 units. Each further provides that in containers having not more than 5 units, only 1 unit may be blemished; in containers having more than 5 units but not more than 10 units, 2 units may be blemished; and in containers having more than 10 units but not more than 32 units, 4 units may be blemished. The U.S. standard and the PGAH petitions have these same requirements for broken slices, tidbits, chunks, and cubes. The Codex standard and the PGAH petitions have these same requirements for quarter slices. The Codex standard has a single limitation for blemishes of 12.5 percent by count for all units for the styles broken slices, tidbits, chunks, cubes, and pieces.

The Commissioner believes that the requirements in the U.S. standard are reasonable and applicable as well as to quarter slices and pieces and, therefore, has so provided in the proposal as set forth below in § 145.180(b)(1)(iii)(*a*).

3. *Crushed style.* The Codex standard, 2.2.6, and the PGAH petitions state that, for crushed style, not more than 1.5 percent by weight of the drained fruit may be blemished.

The current U.S. standard, § 145.180(b)(1)(x), states that, for this style, not more than 1.25 percent of the drained weight of the contents of the can consists of fragments bearing blemishes.

The Commissioner believes that the Codex standard is reasonable, and, therefore, proposes to adopt it as set forth below in § 145.180(b)(1)(iii)(*b*).

Excessively Trimmed

1. *Slices, half slices, and quarter slices.* The Codex standard, 2.2.6, the U.S. standard, § 145.180(b)(1)(vii), and the PGAH petitions state that for slices and half slices, not more than 7.5 percent by count of the units may be excessively trimmed in containers having more than 27 units. Each further states that in containers having not more than 10 units, 1 unit may be excessively trimmed; and in containers having more than 10 units but not more than 27 units, 2 units may be excessively trimmed. The Codex standard, 2.2.6, and the PGAH petitions have these same provisons for quarter slices.

The Commissioner believes that the requirements in the U.S. standard are reasonable and applicable as well as to quarter slices and, therefore, has so provided in the proposal as set forth below in § 145.180(b)(1)(iv)(*a*).

2. *Broken slices and tidbits.* The Codex standard does not consider excessively trimmed units a defect for the styles "broken slices" and "tidbits."

The current U.S. standard, § 145.180(b)(1)(viii), and the PGAH petitions have such a provision for those and the other styles. For broken slices, not more than 15 percent by count of the total units in the container may consist of excessively trimmed units. For tidbits, not more than 15 percent of the drained weight may consist of excesssively trimmed units.

In the Commissioner's opinion, the U.S. requirements are reasonable and will ensure a high quality product, thereby promoting honesty and fair dealing in the interest of consumers. The Commissioner therefore has retained those requirements in the proposal as set forth below in § 145.180(b)(1)(iv) (*b*) and (*c*).

Mashed Units

The Codex standard does not consider mashed units as a defect.

Both the U.S. standard, § 145.180(b)(1)(xi), and the PGAH petitions state that a unit that has lost its normal shape because of ripeness and that bears no mark of mechanical injury shall not be considered as mashed. Both also contain the following provisions for the various styles:

1. *Slices and half slices.* Not more than one unit in containers of 25 units or less and not more than three units in containers of more than 25 units are mashed.

2. *Broken slices.* Not more than 5 percent by count of the units in a container are mashed.

3. *Spears.* Not more than 1 unit per container is mashed.

4. *Tidbits.* Not more than 3 units in containers of less than 150 units, or 2 percent of the units in containers of 150 units or more are mashed.

5. *Chunks.* Not more than 3 units in containers of less than 70 units, or 5 percent of the units in containers of 70 units or more are mashed.

The PGAH petitions have the same provisions for quarter slices as the U.S. standard has for slices and half slices.

The Commissioner believes that the U.S. requirements are reasonable and, therefore, has retained them in the proposal as set forth below in § 145.180(b)(1)(v). Further, he believes that the requirements for slices and half slices are applicable to quarter slices as proposed by PGAH and he has so provided in § 145.180(b)(1)(v)(*a*).

Acidity

The Codex standard does not have an acidity requirement.

The current U.S. standard, § 145.180(b)(1)(xiii), and the PGAH petitions state that, for all forms of canned pineapple, not more than 1.35 g of acid, determined by the method prescribed in § 145.180(b)(2)(ix) and calculated as anhydrous citric acid, is contained in 100 milliliters (mL) of the liquid drained from the product 15 days or more after the pineapple is canned.

The Commissioner believes that the U.S. requirement is reasonable and, therefore, has retained it in the proposal as set forth below in § 145.180(b)(1)(vi).

Sampling and Acceptance

The Codex standard, 8.1.1, states that the entire container shall be the sample unit, except that for tidbits, cubes, and crushed styles, the sample unit shall be either (a) the entire container when it holds 1.0 liter (L) or less, or (b) 600 g of drained fruit (of a representative mixture) when the container holds more than 1.0 L.

The Codex standard, 2.2.8, provides for acceptance of lots when the number of "defectives," as defined in subsection 2.2.7, does not exceed the acceptance number (c) of the appropriate sampling plans in the "Sampling Plans for Prepackaged Foods (1969) (AQL-6.5)."

The current U.S. standard, which does not contain any statistical sampling plans, is based on the premise that each container either does or does not meet the requirements of the standard, and acceptance or rejection of a lot is left to administrative judgment and discretion. The PGAH petitions provide for the determination of quality based on the sampling and acceptance procedure established in § 145.3 (21 CFR 145.3) for canned fruits.

The Commissioner believes that statistical sampling plans will provide the consumer and manufacturer with a more informative criterion of the requirements that products must meet. The Commissioner, therefore, proposes

in § 145.180(b)(2) to adopt the statistical sampling plans based on Codex and established in § 145.3, for determining compliance with provisions of the quality standard.

Substandard Labeling

The Codex standard contains no provision for substandard labeling.

The current U.S. standard, § 145.180(b)(3), and the PGAH petitions provide for the labeling of products that are not in compliance with the standard of quality.

The Commissioner proposes to retain the provision in the U.S. standard as set forth below in § 145.180(b)(4).

The Commissioner proposes that all products initially introduced into interstate commerce on or after July 1, 1981, shall comply with the regulation, except as to any provisions that may be stayed by the filing of proper objections.

The Commissioner has considered the environmental effects of the issuance or amendment of food standards and has concluded in § 25.1(d)(4) (21 CFR 25.1 (d)(4)) that food standards are not major agency actions significantly affecting the quality of the human environment. Therefore, an environmental impact statement is not required for this proposal.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 401, 701(e), 52 Stat. 1046 as amended, 70 Stat. 919 as amended (21 U.S.C. 341, 371(e))) and under authority delegated to the Commissioner (21 CFR 5.1), it is proposed that Part 145 be amended in § 145.180 by revising paragraph (b) to read as follows:

§ 145.180 Canned pineapple.

* * * * *

(b) *Quality.* (1) The standard of quality for canned pineapple is as follows:

(i) *Core material.* In the case of all styles, not more than 7 percent of the drained weight of the contents of the container consists of core material as determined by the method prescribed in paragraph (b)(3)(ii) of this section.

(ii) *Uniformity of weight and shape*—(*a*) *Slices.* The drained weight of the largest unit in the container is not more than 1.4 times the weight of the smallest unit.

(*b*) *Half slices, quarter slices.* The drained weight of the largest unit in a container is not more than 1.75 times the weight of the smallest unit, except for an occasional broken piece due to splitting or an occasional whole slice not completely cut through.

(*c*) *Broken slices.* (*1*) Not more than 10 percent of the drained weight of the contents of the containers consists of pieces having an arc of less than 90°.

(*2*) Not more than 5 percent of the drained weight of the contents of the container—

(*i*) Consists of pieces that measure in thickness less than 8 millimeters (0.31 inch) or more than 25 millimeters (1 inch); or

(*ii*) Consists of pieces that measure less than 19 millimeters (0.75 inch) in width as measured from the outer edge to the inner edge.

(*3*) Not more than 5 percent of the drained weight of the contents of the container consists of broken slices having an outside diameter differing by as much as 9.5 millimeters (0.37 inch) from that of those present in greatest proportion by weight.

(*d*) *Spears.* The drained weight of the largest unit in the container is not more than 1.4 times the weight of the smallest unit.

(e) Tidbits. Not more than 15 percent of the drained weight of the contents of the container consists of units each of which weighs less than three-fourths as much as the average weight of all the untrimmed units in the container.

(f) Chunks. Not more than 15 percent of the drained weight of the contents of the container consists of pieces weighing less than 5 grams (0.18 ounce) each.

(g) Cubes. Not more than 10 percent of the drained weight of the contents of the container consists of units that will pass through a screen with square openings of 8 millimeters (0.31 inch), and such that not more than 15 percent of the drained weight consists of units weighing more than 3 grams (0.11 ounce) each.

(h) Pieces. Not more than 20 percent of the drained weight of the contents of the container consists of units that will pass through a screen with square openings of 8 millimeters (0.31 inch).

(iii) *Blemishes.* Blemishes consist of surface areas and spots that contrast strongly in color or texture with the normal pineapple tissue or that may penetrate the flesh. Blemishes are normally removed in preparation of pineapple for culinary use and include any of the following, if in excess of 1.6 millimeters (0.06 inch) in the longest dimension on the exposed surface of the unit: deep fruit eyes, pieces of shell, brown spots, bruised portions, and other abnormalities.

(a) Slices, half slices, quarter slices, broken slices, spears, tidbits, chunks, cubes, and pieces. Not more than 12.5 percent by count of the units in the container may be blemished; but in containers having not more than 5 units, 1 unit may be blemished; in containers having more than 5 units, but not more than 10 units, 2 units may be blemished; and in containers having more than 10 units, but not more than 32 units, 4 units may be blemished.

(b) Crushed. Not more than 1.5 percent of the drained weight of the contents of the container consists of fragments bearing blemishes.

(iv) *Excessively trimmed.* Slices and half slices are considered excessively trimmed if the portion trimmed away exceeds 5 percent of the apparent physical bulk of the perfectly formed unit and if the trimming destroys the normal circular shape of the outer or inner edge of the unit. Broken slices, spears, and tidbits are excessively trimmed if the trimming destroys the normal shape of the unit.

(a) Slices, half slices, and quarter slices. Not more than 7.5 percent by count of the units in the container may be excessively trimmed, but in containers having not more than 10 Units, 1 unit may be excessively trimmed; and in containers having more than 10 units, but not more than 27 units, 2 units may be excessively trimmed.

(b) Broken slices and spears. Not more than 15 percent by count of the total units in the container may be excessively trimmed.

(c) Tidbits. not more than 15 percent of the drained weight of the contents of the container consists of excessively trimmed units.

(v) *Mashed.* A unit that has lost its normal shape because of ripeness and that bears no mark of mechanical injury in not to be considered as mashed.

(a) Slices, half slices, and quarter slices. Not more than 1 unit in containers of 25 units or less, and not more than 3 units in containers of more than 25 units, are mashed.

(b) Broken slices. Not more than 5 percent by count of the units in the container are mashed.

(c) Spears. Not more than 1 unit in the container is mashed.

(d) Tidbits. Not more than 3 units in containers of less than 150 units, and not more than 2 percent of the units in containers of 150 units or more, are mashed.

(e) Chunks. Not more than 3 units in containers of less than 70 units, and not more than 5 percent of the units in containers of 70 units or more, are mashed.

(vi) *Acidity.* In the case of all styles, not more than 1.35 grams of acid, calculated as anhydrous citric acid, is contained in 100 milliliters of the liquid drained from the product 15 days or more after the pineapple is canned.

(vii) *Excessive liquid.* The drained weight of crushed pineapple is not less than 63 percent of the net weight of the contents of the container.

(2) *Sampling and acceptance.* Determine compliance as specified in § 145.3(o).

(3) *Methodology.* The methods to be employed to determine whether canned pineapple meets the requirements of paragraph (b)(1)(i) through (vi) of this section are as follows:

(i) Determine the drained weight of the canned pineapple by the procedure prescribed in § 145.3(n).

(ii) Identify and separate any core material cleanly from each of the units in the container, and weigh the aggregate of the core material. Calculate the percent core material to determine compliance with paragraph (b)(1)(i) of this section.

(iii) In the case of slices, half slices, quarter slices, spears, tidbits, chunks, and pieces, check the weight of the units against the requirements of paragraph (b)(1)(ii)(*a*), (*b*), (*d*), (*e*), (*f*), and (*h*) of this section.

(iv) In the case of broken slices, check the dimensions of each unit against the requirements of paragraph (b)(1)(ii)(*c*) of this section.

(v) In the case of cubes, and pieces, determine compliance with paragraph (b)(1)(ii)(*g*) and (*h*) of this section by placing the units, a few at a time, on the meshes of a sieve that complies with the specifications for the 8-millimeter (0.31 inch) sieve set forth in the "Definitions of Terms and Explanatory Notes," p. xvi, of the Official Methods of Analysis of the Association of Official Analytical Chemists, 12th Ed., 1975,[1] which is incorporated by reference. After shaking gently, remove those units that remain on the sieve before testing the next portion. Continue portion-wise until all units are tested, then determine the aggregate weight of those units that have passed through the sieve.

(vi) Except in the case of crushed pineapple, segregate and count each unit that is blemished as defined in paragraph (b)(1)(iii) of this section. In the case of crushed pineapple, segregate each fragment of crushed pineapple bearing a blemish and determine the aggregate weight of such fragments to determine compliance with paragraph (b)(1)(iii)(*b*) of this section.

(vii) Except in the case of chunks, cubes, pieces, and crushed pineapple, inspect all the units in the container to determine those that have been excessively trimmed, as defined in paragraph (b)(1)(iv) of this section.

(viii) Except in the case of cubes, pieces, and crushed pineapple, count the total units in the container and the number of mashed units to determine compliance with paragraph (b)(1)(v) of this section.

(ix) Determine the total acidity of the drained liquid by titration, using the following method: Measure with a pipette 10 milliliters of the unfiltered drained liquid into a 250-milliliter Erlenmeyer flask. Add 25 milliliters of distilled or deionized water and 0.3 milliliter of 1-percent phenolphthalein solution. Titrate with one-tenth normal sodium hydroxide solution to a faint, permanently pink coloration. Multiply the number of milliliters of one-tenth normal sodium hydroxide required by 0.064 to calculate the number of grams of anhydrous citric acid per 100 milliliters of drained liquid to determine compliance with paragraph (b)(3)(vi) of this section.

(4) If the quality of canned pineapple falls below the standard prescribed in paragraph (b)(1) of this section, the label shall bear the general statement of substandard quality specified in § 130.14(a) of this chapter, in the manner and form specified in that section; however, if the quality of the canned pineapple falls below standard with respect to only one of the factors of quality specified in paragraph (b)(1)(i) through (vii) of this section, there may be substituted for the second line of the general statement of substandard quality ("Good Food—Not High Grade") one of the following new lines, placed after the corresponding designation of paragraph (b)(1) of this section that the canned pineapple fails to meet:

(i) "Poorly cored" or "Excessive core".

(ii) "Mixed sizes" or "Irregular small pieces", as appropriate.

(iii) "Blemished" or "Contains blemished pieces".

(iv) "Excessively trimmed".

(v) "Mashed units" or "Contains mashed units".

(vi) "Excessively tart".

(vii) "Contains excess liquid".

* * * * *

Interested persons may, on or before September 10, 1979, submit to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Executive Order 12044 does not apply to regulations issued in accordance with the formal rulemaking provisions of the Administrative Procedure Act (5 U.S.C. 556, 557). Food standards promulgated under 21 U.S.C. 341 and 371(e) fall under this exemption.

Dated: June 28, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-20663 Filed 7-6-79; 8:45 am]

BILLING CODE 4110-03-M

[1] Copies may be obtained from the Association of Official Analytical Chemists, P.O. Box 540, Benjamin Franklin Station, Washington, DC 20044.

[21 CFR Parts 172 and 182]

[Docket No. 78N-0218]

Carrageenan, Salts of Carrageenan, and Chondrus Extract (Carrageenin); Withdrawal of Proposal and Termination of Rulemaking Proceeding

AGENCY: Food and Drug Administration.

ACTION: Withdrawal of proposal.

SUMMARY: The Food and Drug Administration (FDA) is withdrawing the proposal that would both delete Chondrus extract from the list of substances that are generally recognized as safe and also add a new minimum viscosity requirement to the specifications for food-grade carrageenans. The proposal is being withdrawn because of the lapse of time since its publication and because a new rulemaking proceeding will be initiated soon. The new rulemaking proceeding is the result of a nearly completed general safety evaluation of carrageenan and its salts.

EFFECTIVE DATE: July 10, 1979.

FOR FURTHER INFORMATION CONTRACT: Corbin I. Miles, Bureau of Foods (HFF-335), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St SW., Washington, DC 20204, 202-472-4750.

SUPPLEMENTARY INFORMATION: In the Federal Register of August 2, 1972 (37 FR 15434), the Commissioner of Food and Drugs proposed to delete Chondrus extract (carrageenin) from the list of generally recognized as safe (GRAS) ingradients in § 182.7255 *Chondrus extract* (21 CFR 182.7255) and proposed to amend § 172.620 *Carrageenan* (21 CFR 172.620) by adding a minimum viscosity requirement for food-grade carrageenans. Deletion of Chondrus

extract from the GRAS list was proposed because the subsequent food additive regulation (21 CFR 172.620) recognized a wider variety of botanical sources and a broader range of food uses for carrageenan, thereby making the GRAS list entry redundant. The minimum viscosity requirement was proposed to ensure that only carragenans with average molecular weights greater than 100,000 would be used in food. The proposal also contained a description of studies in which experimental animals fed a very low (10,000) molecular weight carrageenan exhibited adverse effects in the intestinal tract; these experiments also indicated a potential fetotoxic effect when food-grade carrageenans were used.

The concern expressed about the potential fetotoxic effects of carrageenan was based upon teratological experiments contracted by FDA in which carrageenan suspended in corn oil had been forcibly administered to pregnant animals by oral intubation. A subsequent teratology study in which carrageenan was administered in the diet did not confirm either the fetotoxic effect or the possible teratogenic effects of carrageenan. Review of these studies by FDA scientists led to the conclusion that oral intragastric intubation in corn oil presented the carrageenan as an insoluble mass to the digestive system and produced a physiological stress that was not imposed when the animals were allowed to consume carrageenan mixed in the diet. Published results of a recent FDA teratology study (Ref. 2.) confirm this irregularity, which is attributable to the corn oil vehicle and the route of administration.

The agency received one comment in response to the Commissioner's proposal. The comment supported the requirement that foot-grade carrageenan have a minimum average molecular weight, but also stated that the proposal was long overdue and incomplete. Four specific issues were raised by the comment.

The respondent referred to a study (Ref. 3) in which native carrageenan has caused ulceration in guinea pigs.

This reference, which is an abstract, is based on an experiment in which the native carrageenan fed to the guinea pigs was a product of unspecified molecular weight from *Eucheuma spinosum*, and the vehicle of administration was drinking water. The Select Committee on GRAS Substances (Ref. 10) has pointed out that the guinea pig is unusually susceptible to intestinal ulceration and that *E. spinosum* usually yields carrageenan having a molecular weight of 10,000 or less. Subsequent studies have shown that low molecular weight carrageenans that caused cecal ulceration in guinea pigs when administered in drinking water produced no inflammatory response, erosion, or ulceration of the cecum when given in the diet (Ref. 4) or in milk (Refs. 5, and 6). The Commissioner therefore concludes that Ref. 3, cited by the respondent, used a combination of susceptible species (guinea pig), low molecular weight carrageenan (exclusively from *E. spinosum*), and route of administration (drinking water) that is not representative of the conditions under which carrageenan is consumed in human food.

2. The respondent called attention to a study in which carrageenan was observed to inhibit the digestion of protein by rats (Ref. 7).

The Commissioner has reviewed this reference and acknowledges that, under certain conditions, carrageenan can be a competitive inhibitor of pepsin activity. However, the conclusion of the authors was that "the carrageenin in food products should not interfere with normal peptic digestion of protein, since the concentration of protein is higher and the concentration of carrageenin is much lower in such products than in the experimental mixtures where inhibition was demonstrated." These authors did not report any effects of carrageenan on digestive enzymes other than pepsin. The Commissioner therefore concludes that the ratio of protein concentration to carrageenan concentration in high protein foods is sufficient to minimize the competitive inhibition of pepsin activity.

3. The respondent asked why 100,000 was chosen as a minimum molecular weight for food-grade carrageenan.

The original selection of 100,000 as a lower limit for the average molecular weight of food-grade carrageenan was made primarily on the basis of then current manufacturing practice. This figure is supported, however, by subsequent data relating the molecular weight of carrageenan ingested to the relative amounts of carrageenan absorbed or excreted in the mammalian digestive system. A study shows that, in general, the higher the molecular weight the less carrageenan is absorbed and the more it is excreted (Ref. 8). Also, this study reports evidence that there is an upper limit of the size of carrageenan molecules absorbed from the mammalian intestinal tract; estimates of the upper limit of this molecular weight range from 10,000 to 85,000 depending on the analytical approach used. The Commissioner therefore concludes that these experiments, with samples of carrageenan fractionated on the basis of molecular weight, provide a rational basis for the selection of 100,000 as an average molecular weight minimum to assure relatively low absorption of food-grade carrageenans.

4. The respondent asked why the traditional 100-fold safety factor was not applied to use levels of carrageenan in infant formulas.

The Commissioner acknowledges that § 170.22 *Safety factors to be considered* (21 CFR 170.22) provides that ordinarily a 100-fold safety factor is used in determining whether a food ingredient is safe; that is, the amount of food ingredient permitted will ordinarily not exceed 1/100th of the maximum amount demonstrated to be without harm to experimental animals. Section 170.22 explicitly provides for the use of a different safety factor when justified by available evidence. The evidence justifying a safety factor other than 1/100 for carrageenan is described below.

Animal experiments that mimic the conditions under which the anticipated human exposure occurs are used to determine the highest level of a substance that does not cause harm in animals. In the case of infant formula, the most appropriate experimental model is a mixture of milk and carrageenan.

Feeding studies of carrageenan in milk have been conducted in rats (Ref. 5) and infant baboons (Ref. 9). The rat study was performed at a carrageenan level about 16 times greater than the maximum carrageenan level in commercial infant formula (0.03 percent), and the baboon study was performed at a level 5 times greater. Neither study reported adverse effects that were attributed to carrageenan. At the carrageenan level used in the rat study, the mixture of milk and carrageenan gradually forms a semisolid mass that is not suitable for administration to infants. This illustrates a general problem encountered in the toxicological study of gums and bulking agents such as carrageenan: It is often physically impossible to formulate an experimental animal feed with a concentration of the test compound that is 100 times greater than the anticipated human exposure. This physical property of gums and bulking agents effectively precludes the application of a 100-fold safety factor to carrageenan in infant formulas.

A number of other food substances have properties or consumption patterns that render the 100-fold safety factor inapplicable. For example, natural nutrients such as vitamin A, vitamin D,

and iron can become toxic at levels well below 100 times the level recommended for good nutrition. The 100-fold safety factor also cannot be applied to substances that serve as significant energy sources in the diet. These substances usually constitute a sizable portion of the diet, and anything that accounts for more than 1 percent of the diet obviously cannot have a 100-fold safety factor. Although carrageenan in infant formula is neither an essential nutrient nor an energy source, its high molecular weight, low absorption, and binding with milk protein result in low bioavailability and little expectation of a toxic systemic response. The Commissioner concludes that these factors justify use of a safety factor other than 1/100.

In 1973, the Federation of American Societies for Experimental Biology (FASEB) Select Committee on GRAS substances issued an advisory opinion on carrageenan. The Select Committee recommended that additional studies be conducted to resolve uncertainties about the safety of carrageenan. Since that time a number of toxicological studies of carrageenan have been conducted, although in some cases detailed analyses of the results are not yet available. One such incomplete study is a multigeneration and chronic feeding study of rats conducted by the Bureau of Foods of FDA. Reproductive and teratologic portions of this FDA study have been published (Refs. 1 and 2) indicating a tentative no-observed-effect level of 0.5 percent carrageenan in the diet. However, analysis and interpretation of the pathology results of the FDA chronic study and remaining portions of the multigeneration feeding study are still in progress. It is therefore not possible to complete the current safety evaluation of carrageenan at this time.

It is anticipated that a new rulemaking proposal on carrageenan will be published in the Federal Register in approximately 1 year. The new proposal will comprehensively address all food safety aspects of carrageenan and its salts. In the interim, all food grade carrageenans must meet the specifications of the Food Chemicals Codex, 2d Ed. (1972), as amended by the second supplement (1975).[1]

The Commissioner has considered all information available to him on the safety of carrageenan including FDA chronic and multigeneration feeding studies nearing completion. The Commissioner concludes that no appreciable risk to the public health will occur with continued use of carrageenan in accordance with existing regulations during the time required to complete the analysis and evaluation of available and anticipated scientific data.

References

1. Collins, T. F. X., T. N. Black, J. H. Prew, "Long-term Effects of Calcium Carrageenan in Rats. I. Effects on Reproduction," *Food and Cosmetics Toxicology*, 15:533–538, 1977.

2. Collins, T. F. X., T. N. Black, J. H. Prew, "Long-term Effects of Calcium Carrageenan in Rats. II. Effects on Fetal Development," *Food and Cosmetics Toxicology*, 15:539–545, 1977.

3. Watt, J. and R. Marcus, "Ulceration of the Colon in Guinea-pigs Fed Carrageenin," *Proceedings of the Nutritional Society*, 29:4A, 1970.

4. Engster, M. and R. Abraham, "Cecal Response to Different Molecular Weights and Types of Carrageenan in the Guinea Pig," *Toxicology and Applied Pharmacology*, 38:265–282, 1976.

5. Tomarelli, R. M., W. D. Tucker, L. M. Bauman, S. Savini, J. R. Weaber, "Nutritional Quality of Processed Milk Containing Carrageenan," *Journal of Agricultural and Food Chemistry*, 22:819–824, 1974.

6. Abraham, R., R. J. Fabian, L. Goldberg, F. Coulston, "Role of Lysosomes in Carrageenan-induced Cecal Ulceration," *Gastroenterology*, 67:1169–1181, 1974.

7. Vaughn, O. W., L. J. Filer, and H. Churella, "The Effect of Carrageenan on the Peptic Hydrolysis of Proteins," *Agricultural and Food Chemistry*, 10:517–519, 1962.

8. Pittman, K. S., L. Goldberg, F. Coulston, "Carrageenan: The Effect of Molecular Weight and Polymer Type on Its Uptake, Excretion and Degradation in Animals," *Food and Cosmetics Toxicology*, 14:85–93, 1976.

9. McGill, H. C., C. A. McMahan, H. S. Wigodsky, and H. Sprinz, "Carrageenan in Formula and Infant Baboon Development," *Gastroenterology*, 73:512–517, 1977.

10. "Evaluation of the Health Aspects of Carrageenan as a Food Ingredient," SCOGS–6, National Technical Information Service, Springfield, Virginia, Ordering NO. PB–266–877/AS.

Therefore, under the Federal Food, Drug, and Cosmetic Act (Secs. 201(s), 409, 701(a), 72 Stat. 1784–1788, 52 Stat. 1055 (21 U.S.C. 348, 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), the proposal published in the Federal Register of August 2, 1972 to delete Chondrus extract from the GRAS list and to amend the food additive regulations covering the food additive uses of carrageenan and salts of carrageenan is hereby withdrawn, and the rulemaking proceedings begun by that proposal are terminated.

Dated: June 28, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-20964 Filed 7-9-79; 8:45 am]

BILLING CODE 4110-03-M

[1] Copies may be obtained from: National Academy of Sciences, 2101 Constitution Ave. NW., Washington, DC 20037.

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 52]

Tribes Organized Under Section 16 of the Indian Reorganization Act

June 21, 1979.

AGENCY: Bureau of Indian Affairs.

ACTION: Proposed revision of existing rule.

SUMMARY: The Bureau proposes to revise Part 52 to Subchapter G, Chapter 1 of Title 25 of the Code of Federal Regulations. The purpose of the revision is to establish regulations to: (a) extend to tribes in Oklahoma and to Alaska Native entities published procedures for reorganizing under Federal Statute previously available only to reservation based tribes under the Indian Reorganization Act; (b) revoke a constitution adopted under Federal Statute; and (c) correct demonstrated weaknesses and clarify what has proven confusing language in existing regulations. A single set of regulations in this area will facilitate the conducting of Secretarial elections by Bureau employees who previously had to be familiar not only with the regulations in this part, but with differing, unpublished regulations that have governed Secretarial elections in Oklahoma and Alaska.

DATE: Comments must be received on or before August 10, 1979.

ADDRESSES: Written comments should be directed to: Director, Office of Indian Services, Bureau of Indian Affairs, 18th and C Streets, N.W., Washington, D.C. 20245.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Farring, Division of Tribal Government Services, Branch of Tribal Relations, telephone, (202) 343–2511.

SUPPLEMENTARY INFORMATION: The authority for the Assistant Secretary to issue these regulations is contained in 2 U.S.C. 473a, 476, 477 and 503, and 209 DM 8. The Department of the Interior has determined that this document is no a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14. In conjunction with this revision petitioning by tribal members is no

longer recognized as a way to effect reorganization. This has been done in deference to the policy of supporting existing tribal governments. Reorganization under a Federal Statute can now be initiated only by a valid request from a tribe's governing body or a representative committee. Tribal members are thus compelled to work through their government rather than around it. The petitioning process remains valid where tribal constitutions recognize it and where the Indian Reorganization Act provides for it as the means whereby the Secretary of the Interior may be requested to issue a charter of incorporation. The primary author of this document is Leslie N. Gay, Jr.

It is proposed to revise Part 52 to Subchapter G of Chapter 1 of Title 25 of the Code of Federal Regulations to read as follows:

PART 52—TRIBAL REORGANIZATION UNDER A FEDERAL STATUTE

Sec.

52.1 Definitions.
52.2 Purpose and scope.
52.3 Group eligibility.
52.4 Assistance from the Department of the Interior.
52.5 Request to call election.
52.6 Entitlement to vote.
52.7 Adoption, ratification or revocation by majority vote.
52.8 Election Board.
52.9 Voting districts.
52.10 District election boards.
52.11 Registration.
52.12 Voting List.
52.13 Eligibility Disputes.
52.14 Election Notices.
52.15 Opening and Closing of Polls.
52.16 Interpreters.
52.17 Electioneering.
52.18 Manner of voting in person.
52.19 Absentee voting.
52.20 Ballots.
52.21 Contesting of election results.
52.22 Posting and certifying election results.
52.23 Approval or disapproval action.

Authority: 25 U.S.C. 473a, 476, 477, 503 and 209 DM 8.

§ 52.1 Definitions.

As used in this Part 52:

(a) "Secretary" means the Secretary of the Interior or his/her authorized representative.

(b) "Secretarial election" means an election held within a tribe pursuant to regulations prescribed by the Secretary as authorized by Federal Statute. (This is to be distinguished from tribal elections which are conducted under tribal authority. See *Cheyenne River Sioux Tribe* v. *Andrus*, 566 F. 2d 1085 (8th Cir., 1977), *cert. denied* 99 S. Ct. 83 (1978)).

(c) "Officer in Charge" means the Superintendent, Administrative Officer, or other official of the local unit of the Bureau of Indian Affairs having administrative jurisdiction over a tribe or a Bureau employee that such person might designate.

(d) "Indian" means: (1) all persons who are members of those tribes listed or eligible to be listed in the Federal Register as recognized and receiving services from the Bureau of Indian Affairs; provided that the tribes have not voted to exclude themselves from the Act of June 18, 1934, 43 Stat. 984, as amended; and (2) any person not a member of the listed or eligible to be listed tribes who possesses at least one-half degree of Indian blood.

(e) "Member" means any Indian who is duly enrolled in a tribe, who meets a tribe's written criteria for membership or is recognized as belonging to a tribe.

(f) "Adult Indian" means any Indian as defined in (d) above who has attained the age of 18 years.

(g) "Tribe" means: (1) any Indian entity that has not voted to exclude itself from the Indian Reorganization Act and is included or is eligible to be included among those tribes, bands, pueblos, groups, communities or Alaska Native entities listed in the Federal Register as recognized and receiving services from the Bureau of Indian Affairs; and (2) any group of Indians whose members each have at least one-half degree of Indian blood for whom a reservation is established and who reside on that reservation. Such tribes may consist of any consolidation of one or more tribes or parts of tribes.

(h) "Reservation" means any area established by treaty, Congressional Act, Executive Order, or otherwise for the use or occupancy of Indians.

(i) "Federal Statute" means: (1) the Act of June 18, 1934, 48 Stat. 984, as amended. (Indian Reorganization Act); (2) the Act of June 26, 1936, 49 Stat. 1967 (Oklahoma Indian Welfare Act); (3) or the Act of May 1, 1936, 49 Stat. 1250 (Alaska Native Reorganization Act).

(j) "Constitution," and "Constitution and Bylaws" means the written organizational framework of any tribe reorganized pursuant to a Federal Statute for the exercise of governmental powers.

(k) "Reorganized tribe" means a tribe whose members have adopted a constitution pursuant to a Federal Statute.

(l) "Unorganized tribe" means a tribe which is entitled to reorganize pursuant to the provisions of a Federal Statute, but has not done so.

(m) "Charter" means the charter of incorporation the Secretary may issue to a reorganized tribe pursuant to Federal Statute.

(n) "Amendment" means any modification, change or total revision of a constitution or charter.

(o) "Revocation" means that act whereby the adult members of a tribe vote to abandon their constitutional form of government as opposed to their voting to amend or totally revise it.

(p) Voting district means a geographical area described to facilitate a tribal election process.

§ 52.2 Purpose and scope.

The purpose of this Part 52 is to provide uniformity and order in holding Secretarial elections to vote on constitutions and bylaws and constitutional amendments, charters and amendments, and the revocation of such constitutions and bylaws and to facilitate the calling of such elections by the Secretary under the provisions of a Federal Statute. It may also be used as guidelines by tribes wishing to hold constitutional elections that are not held pursuant to a Federal Statute.

§ 52.3 Group eligibility.

(a) No tribe which has voted to exclude itself from the provisions of the Indian Reorganization Act, or is otherwise precluded by law, may be reorganized under a Federal Statute. A tribe reorganized under a Federal Statute shall adopt amendments to its constitution and bylaws or shall vote to revoke such document under the regulations in this part.

(b) Charters issued a reorganized tribe shall be ratified or amended under the regulations in this part.

§ 52.4 Assistance from the Department of the Interior.

Representatives of the Department of the Interior will cooperate with and offer advice and assistance (including the proposing of amendments), to any tribe in drafting a constitution and bylaws, an amendment, a charter or charter amendment, or in revoking such documents. Any payments that might be necessary to non-Bureau staff assisting in the conduct of the election shall be made from tribal funds.

§ 52.5 Request to call election.

(a) The Secretary will authorize the calling of an election to adopt a constitution and bylaws or to revoke a constitution and bylaws upon a request from the tribal governing body or an authorized representative committee.

(b) The Secretary will authorize an election to ratify a charter at the time

the charter is issued, but that he/she may issue a charter to a reservation based tribe only upon petition by at least one-third of the adult members of the tribe.

(c) The Secretary will authorize an election on the adoption of amendments to a constitution and bylaws or a charter when this is requested as provided in the amendment article of those documents. The election shall be conducted as prescribed in this part unless the amendment article of the constitution and bylaws or the charter provides otherwise, in which case the provisions of those documents shall rule where applicable.

(d) The Secretary may authorize elections otherwise requested to consider amendments to a constitution or charter unless the amendment article of the document specifically precludes it.

(e) Any authorization not acted upon within 90 days from the date of issuance will be considered void. Notification of the election date as provided for in § 52.14 shall constitute the action envisioned in this section. Extension of an authorization may be granted upon a valid and reasonable request from the election board.

§ 52.6 Entitlement to vote.

(a) If the unorganized group is a tribe or tribes of a reservation and is acting to effect reorganization under a Federal Statute for the first time:

(1) Any duly registered adult member regardless of residence shall be entitled to vote on the adoption of a constitution and bylaws.

(2) Duly registered adult nonresidents and ill or physically disabled registered adult residents may vote by absentee ballot. See § 52.19.

(b) If the unorganized group is composed of the adult Indian residents of a reservation:

(1) Any adult duly registered member physically residing on the reservation shall be entitled to vote.

(2) Absentee voting shall be permitted only for duly registered residents temporarily absent from the reservation, ill or physically disabled.

(c) If the unorganized tribe is without a reservation as defined in this part, any duly registered member shall be entitled to vote on the adoption of a constitution and bylaws by either arriving at a polling place or by requesting, properly completing and timely casting an absentee ballot as determined by the election board pursuant to the relevant Federal Statute.

(d) For a reorganized tribe to amend its constitution and bylaws, only members who have duly registered shall be entitled to vote; provided that registration is open to the same class of voters that was entitled to vote in the Secretarial election that effected its reorganization, unless the amendment article of the current constitution provides otherwise.

(e) For a reorganized tribe voting to revoke its constitution and bylaws, only members who have duly registered shall be entitled to vote; provided that registration is open to the same class of voters as was entitled to vote in the Secretarial election that effected its reorganization.

(f) For a reorganized tribe to ratify a charter or to adopt a charter amendment, any adult member who has duly registered shall be entitled to vote, provided that if the tribe is of a reservation, only duly registered members physically residing on the reservation shall be entitled to vote.

§ 52.7 Adoption, ratification, or revocation by majority vote.

A constitution and bylaws, amendments thereto or charter and charter amendments shall be considered adopted, ratified or revoked if a majority of those actually voting votes in favor of adoption, ratification or revocation. The total vote cast, notwithstanding the validity of the individual ballots must be at least 30 percent of those entitled to vote, unless with regard to amendments, the constitution and bylaws provides otherwise. No action may become effective until it is approved by the Secretary.

§ 52.8 Election board.

(a) There shall be an election board consisting of the officer in charge acting as chairman and at least two representatives of the tribal governing body or an authorized representative committee. Where such persons may be unwilling to serve, the chairman shall select at least two adult members of the tribe to serve. In addition the officer in charge may appoint an interpreter and as many clerks and poll watchers as he/she deems necessary, but they shall not be members of the board.

(b) It shall be the duty of the board to conduct elections in compliance with the procedures described in this Part 52 and in particular: (1) to see that the name of each person offering to vote is on the official list of registered voters; (2) to keep the ballot boxes locked at all times except when ballots are being counted; (3) to see that the ballot is cast only by the voter and that the voting list is checked to indicate this; (4) to begin to count the regularly cast ballots immediately after the close of the polls, and then the absentee ballots; (5) to post and certify the election returns; (6) to return the following to the officer in charge: (i) the ballots (in marked and locked boxes); (ii) all unused ballots; and (iii) a copy of the election returns. The officer in charge shall retain the ballots and other material among official records for at least one year. At the end of one year, the officer in charge shall forward the contents of the boxes and other related material to the appropriate Federal Records Center.

§ 52.9 Voting districts.

If: (a) voting districts have not already been designated for tribal elections in the tribal constitution or by tribal election ordinance or resolution; and (b) in the election board's judgment voting districts are needed, the board shall establish them and designate a polling place for each district. Where a reservation exists no voting district may be established beyond its boundaries.

§ 52.10 District election boards.

Where voting districts have been established by the tribal constitution, ordinance, resolution or by the election board, the election board shall appoint district election boards for each district which shall have the duties prescribed above for the election board except that they should return: (a) the ballots in ballot boxes and (b) all unused ballots and their certifications, on certification forms prescribed by the election board of the district election results to the election board. The board will compile the election results for the entire reservation and transmit them together with the aforementioned ballots and ballot boxes to the officer in charge.

§ 52.11 Registration.

(a) Only registered voters will be entitled to vote, and all determinations of the sufficiency of the number of ballots cast will be based upon the number of registered voters. Where no current registration list exists, the election board upon receipt of authorization to conduct an election shall notify by regular mail all adult members of the tribe, who to its knowledge are eligible to vote pursuant to § 52.6, of the need to register if they intend to vote. Any tribal member who, to the election board's knowledge, will become 18 years of age within 150 days from the date of authorization and otherwise is eligible to vote shall also b notified and shall be eligible to register; provided that such a person shall not b entitled to vote if election day falls before the individual's 18th birthday.

This notice shall be sent to an individual's last known address as it appears on the records of the local unit of the Bureau of Indian Affairs having jurisdiction. Each notice addressed to a tribal member not residing on the reservation shall be accompanied by a preaddressed registration form which provides space for at least: (1) the name and address of the person desiring to register; and (2) a statement attesting that the individual is a tribal member and is 18 years of age or over, or will be within 150 days from the date of authorization. Nonresident members who wish to participate in the election must complete and return the registration form before or in conjunction with requesting an absentee ballot in sufficient time to permit compliance with § 52.12. The following records shall be kept for all notices: (i) names and addresses of persons to whom notices are mailed; (ii) date of mailing; and (iii) a copy of each returned registration request (including from whom received and date and time of receipt). Tribal members living on the reservation who desire to vote must register with the election board in the manner it determines in time to permit compliance with § 52.12. Registration procedures for such Indians shall be included in the notice of the need to register to resident members.

(b) Registration in accordance with paragraph (a) of this section shall be valid for a period of three years from the date of the election for which it was initially required. Such initial registration shall suffice for any subsequent election held pursuant to this part within that period. Between occasions of official registration, it shall be the responsibility of each person who becomes eligible to vote to notify the officer in charge of his/her desire to register. The officer shall provide this person with the necessary registration form. Upon return of the properly completed form, the officer in charge shall insure that the name of the registrant is placed on the list of registered voters. Registrants shall be responsible for notifying the officer in charge of any change affecting their status.

§ 52.12 Voting list.

The election board shall compile in alphabetical order an official list of registered voters arranged by voting districts, if any. This list shall designate where applicable those nonresident voters who have requested an absentee ballot and the members of the tribe who are or will have attained the age of 18 years within 150 days from the date an election is authorized and who have duly registered to vote. A copy of this list shall be supplied to any district election board and also posted at the headquarters of the local administrative unit of the Bureau of Indian Affairs, the tribal headquarters and at various other public places designated by the election board at least 20 days prior to the election.

§ 52.13 Eligibility disputes.

The election board shall determine the eligibility of any written claim to vote presented to it by one whose name does not appear on the official list of registered voters as well as any written challenge of the right to vote of anyone whose name is on the list. Its decision shall be final. It shall rule on all claims no later than ten days before the election. Any claim not presented at least ten days before the election shall be disallowed. Nonresident claimants successfully appealing omission from the list shall immediately be furnished an absentee ballot. Omission of names because of late filing to register following receipt of notification of the need to register shall not be considered grounds for challenge.

§ 52.14 Election notices.

Not less than 30 nor more than 60 days notice shall be given of the date of the election. Such notice shall include the location of where the results will be posted. Where there is a current registration list, the notice shall also advise that persons not registered must register if they intend to vote. The election board shall determine whether the notice will be given by television, radio, newspaper, poster, or mail, or by more than one of these methods, and whether in an Indian language in addition to English. A copy of any written election notice may be mailed to each registered voter and shall be posted at the local administrative unit of the Bureau of Indian Affairs and elsewhere as directed by the election board. At any time after receiving secretarial authorization to hold the election, the board shall make available to the adult members of the tribe the text of any amendment or proposed constitution and bylaws, amendment thereto, charter or charter amendment. The election board may determine the manner and timing of the distribution. However, the text shall be posted at least within the local administrative unit of the Bureau and the tribal headquarters within two days following the giving of notice of the election date.

§ 52.15 Opening and closing of polls.

When polling places are established, the polls shall remain open from 8 a.m. to 7 p.m., local time, unless different hours are set by the election board and the voters are informed of this in the election notice.

§ 52.16 Interpreters.

Interpreters, where needed, may be provided to explain the manner of voting to any voter who asks for instructions provided that all reasonable precautions are taken so that the interpreter does not influence the voter in casting the ballot. The interpreter shall not accompany the voter into the booth.

§ 52.17 Electioneering.

There shall be no electioneering during voting hours within 50 feet of any voting place. Sample ballots will be permitted in the voting booth.

§ 52.18 Manner of voting in person.

Registered voters may vote by arriving at the appropriate polling place within the prescribed voting period, telling officials their names and addresses and by marking and placing in the ballot box the ballots which will be handed to them. Voting shall be by secret ballot. Voting may be simultaneous regarding the adoption of a constitution and bylaws, ratification of a charter or the amendment of such documents, provided that entitlement to vote for the proposal is consistent with § 52.6 of this part and, provided further, that no charter shall be considered ratified if the proposed constitution is not adopted and approved.

§ 52.19 Absentee voting.

(a) Nonresident members who have registered may vote by absentee ballot except as prohibited by § 52.6. Also, whenever due to temporary absence from the reservation, illness, or physical disability, a registered and otherwise eligible voter is not able to vote at the polls and notifies the election board, the voter shall be entitled to vote by absentee ballot. When so requested, the election board shall give or mail absentee ballots to registered voters who may be entitled to receive them pursuant to § 52.6. Appropriate records shall be kept of those from whom requests are received and the date received. The election board shall allow an absentee voter no less than ten days from the mailing out of an absentee ballot to receive and return the ballot. This period shall not be afforded absentee voters desiring to exchange a mutilated or spoiled ballot less than ten

days before the election date. The election board shall furnish election officials the names of individuals who have been given or had mailed to them an absentee ballot. Together with the ballot there shall be an inner envelope bearing on the outside the words "Absentee Ballot," a preaddressed outer envelope, imprinted on the back with a certificate as follows:

I, (Name of Voter)————————, hereby certify that I am a qualified voter of the (Name)————Tribe of Indians; that I will be 18 years of age or over at the election date and am entitled to vote in the election to be held on (date of election); and that I cannot appear at the polling place on the reservation on the date of the election because (indicate one of the following reason): I am a non resident voter ☐; or I expect to be temporarily absent from the reservation ☐; or because of illness ☐; or physical disability ☐; or because no polling place has been established ☐. I further certify that I marked the enclosed ballot in secret. Signed: (Voter's Signature)————

(b) The absentee voter shall mark the ballot and the ballot shall then be folded so as to conceal the marking and be placed in the envelope marked "Absentee Ballot" and the envelope sealed. The voter shall then place the sealed envelope marked "Absentee Ballot" in the outer envelope, seal it and complete the certificate and mail it or have it delivered. The preaddressed outer envelope shall be directed to the election board at the reservation. Absentee ballots must be received by the election board not later than the close of the polls on election day or as otherwise directed by the election board.

(c) The election board shall make and keep a record of ballots mailed, to whom mailed, the date of mailing, the address on the envelope, the date of the return of the ballot, and from whom received. After duly recording the receipt date of absentee ballots received on time, representatives of the election board shall open the outer envelopes, secure them and place the unmarked inner envelopes containing the ballots in a ballot box reserved for that purpose. After all other ballots have been counted, the absentee ballots shall be counted immediately and included in the results of the election.

§ 52.20 Ballots.

(a) The election board will supply all ballots. Each ballot shall be stamped in red ink on its Face in the same place:

Offical Ballot

(Facsimile Signature) ————————

Chairman, Election Board

(b) Should any voter spoil or mutilate a ballot in the course of voting at a poll, the voter shall destroy it in the presence of the election officials and the election officals shall then make note of the destroyed ballot and furnish the voter with another ballot.

(c) Any spoiled or mutilated absentee ballot may be exchanged for a new one by returning it to the election board with a request for another. The board shall honor this request promptly and note the dates of related actions. No extension of time will be granted to validate exchanged ballots that might not be cast on time.

§ 52.21 Contesting of election results.

Any qualified voter, within three days following the posting of the results of an election, may challenge the election results by filing with the Secretary through the officer in charge the grounds for the challenge, together with substantiating evidence. If in the opinion of the Secretary, the objections are valid and warrant a recount or new election, the Secretary shall order a recount or a new election. The results of the recount shall be final.

§ 52.22 Posting and certifying election results.

(a) The results of the election shall be posted in the local Bureau Office, tribal headquarters and at other appropriate public places determined by the election board.

(b) The election board shall certify the results of the election on the following form and transmit them to the local unit of the Bureau of Indian Affairs:

Certificate of Results of Election

Pursuant to an election authorized by the Secretary of the Interior on (Date) ———, the attached Constitution and Bylaws (Amendment Charter or Charter Amendment) of the (Name of Tribe) ——— was submitted to the qualified voters of the tribe and was on (Date) ———, duly (adopted) (ratified) (rejected) or (revoked) by a vote of (Number) ——— for and (Number) ——— against and (Number) ——— invalid ballots in an election in which at least 30 percent (or such "percentages" as may be required to amend according to the constitution) of the (Number) ——— members entitled to vote cast their ballot in accordance with (appropriate Federal Statute) ———. Signed: (By the chairman of the election board and board members.)

§ 52.23 Approval or disapproval action.

(a) Action to approve or disapprove constitutional actions will be taken promptly following receipt by the authorizing officer of the original text of the material voted upon and the original of the Certificate of Results of Election.

(1) When required and granted the Secretary shall furnish a tribe with written approval of constitutional actions promptly following the expiration of the contest period, should none be filed. Copies of his/her written approval, the Certificate of Results of Election and the text of the material voted upon shall be transmitted to the Commissioner of Indian Affairs, 18th and C Streets, N.W., Washington, D.C. 20245.

(2) When a proposed constitution or charter action is rejected by the voters, the Secretary shall indicate in writing to the tribe his/her awareness of the election results and send to the Commissioner of Indian Affairs copies of the communication, the Certificate of Results of Election and the text of the material voted upon.

(3) When the Secretary disapproves a constitutional action, he/she shall in writing promptly notify the tribe of the determination and furnish the Commissioner of Indian Affairs a copy of the communication along with the Certificate of Results of Election and the text of the material voted upon.

(b) Where Secretarial approval of proposed constitutional and charger actions is required in conjunction with authorization of an election, copies of the formal approval shall immediately be furnished the Commissioner of Indian Affairs and be followed in accordance with paragraph (a)(1) of this section by copies of the Certificate of the Results of Election and the text of the material voted upon as soon as it is received by the secretary.

Rick Lavis,

Deputy Assistant Secretary—Indian Affairs.

[FR Doc. 79-21319 Filed 7-9-79; 8:45 am]

BILLING CODE 4310-02-M

[25 CFR Part 53]

Tribes Organized Under Section 16 of the Indian Reorganization Act and Other Organized Tribes

June 21, 1979.

AGENCY: Bureau of Indian Affairs.

ACTION: Proposed revision of existing rule.

SUMMARY: The Bureau proposes to amend Part 53 to Subchapter G, Chapter I of Title 25 of the Code of Federal

Regulations. The purpose of these amendments is: (a) to clarify what has proven confusing language in existing regulations as to who can sign petitions; and (b) to extend existing procedures, previously limited to requests for constitutional actions, to cover petitioning the Secretary to issue a charter to a reorganized tribe and any other action a tribal constitution or charter may authorize the Secretary to take upon receipt of a petition.

DATE: Comments must be received on or before August 10, 1979.

ADDRESSES: Written comments should be directed to: Director, Office of Indian Services, Bureau of Indian Affairs, 18th and C Streets, N.W., Washington, D.C. 20245.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Farring, Division of Tribal Government Services, Branch of Tribal Relations, telephone (202) 343-2511.

SUPPLEMENTARY INFORMATION: The authority for the Assistant Secretary to issue these regulations is contained in 5 U.S.C. 301, and 25 U.S.C. 2, 9, 473a, 476, 477, 503, and 209 DM 8. The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14. The primary author of this document is Leslie N. Gay, Jr.

It is proposed to revise Part 53 to Subchapter G of Chapter 1 of Title 25 of the Code of Federal Regulations to read as follows:

PART 53—PETITIONING PROCEDURES FOR TRIBES REORGANIZED UNDER FEDERAL STATUTE AND OTHER ORGANIZED TRIBES

Sec.

53.1 Definitions.
53.2 Purpose and scope.
53.3 Applicability to tribal groups.
53.4 Entitlement to petition.
53.5 Sufficiency of a petition.
53.6 Petition format.
53.7 Notarization of petition signatures.
53.8 Filing of petitions.
53.9 Challenges.
53.10 Action on the petition.

Authority: The Assistant Secretary for Indian Affairs' authority to propose these regulations is 5 U.S.C. 301, and 25 U.S.C. 2, 9, 473a, 476, 477, 503, and 209 DM 8.

§ 53.1 Definitions.

As used in this Part 53:

(a) "Secretary" means the Secretary of the Interior or his/her authorized representative.

(b) "Commissioner" means the Commissioner of Indian Affairs or his/her authorized representative.

(c) "Area Director" means the Director of the Bureau Area Office having administrative jurisdiction over the petitioners' tribe.

(d) "Local Bureau Official" means the Superintendent, Field Representative or other line officer of the Bureau of Indian Affairs who has local administrative jurisdiction over the tribe concerned.

(e) "Bureau" means the Bureau of Indian Affairs.

(f) "Tribe" means any Indian entity that is listed or is eligible to be listed in the Federal Register as recognized and receiving services from the Bureau that has adopted a constitution approved by the Secretary or the Commissioner.

(g) "Spokesman for the petitioner" means the authorized voter of a tribe initiating a petition or designated by the initiators of a petition to speak in their behalf.

(h) "Constitution" means the written organizational framework of any tribe for the exercise of governmental powers.

(i) "Secretarial election" means an election held within a tribe pursuant to regulations prescribed by the Secretary (as distinguished from tribal elections which are conducted under tribal authority, see *Cheyenne River Sioux Tribe* v. *Andrus*, 566 F.2d 1085 (8th Cir., 1977), *cert. denied* 99 S. Ct. 83 (1978)).

(j) "Charter" means a charter of incorporation the Secretary may issue to a tribe pursuant to a Federal Statute.

(k) "Federal Statute" means the Act of June 18, 1934, 48 Stat. 984, as amended (Indian Reorganization Act), the Act of June 26, 1936, 49 Stat. 1967 (Oklahoma Indian Welfare Act), or the Act of May 1, 1936, 49 Stat. 1250 (Alaska Native Reorganization Act).

(l) "Member" means any person who is duly enrolled in a tribe, who meets a tribe's written criteria for membership or is recognized as belonging to the tribe.

(m) "Eligible, entitled or qualified voter" means the status achieved by a tribal member who meets the requirement of a tribal constitution or election ordinance to vote in a tribal election, provided that where a tribe has reorganized pursuant to a Federal Statute to be an entitled or qualified voter for purposes of this part the tribal member must be registered when a current registration list of voters entitled to vote in a Secretarial election exists (see 25 CFR 52) or eligible to register when no current registration list exists.

(n) "Reorganized tribe" means any tribe that has adopted a constitution pursuant to a Federal Statute.

(o) "Organized tribe" means any tribe that has adopted a constitution outside of a Federal Statute.

§ 53.2 Purpose and scope.

The purpose of this part is to provide uniformity and order in the formulation and submission of petitions requesting the Secretary or the Commissioner to call elections to amend tribal constitutions, to issue charters pursuant to a Federal Statute and for such other purposes where petitioning may be used to effect action by the Secretary or Commissioner.

§ 53.3 Applicability to tribal groups.

The regulations, in this part apply: (a) to any tribe which provides in its constitution for petitioning the Secretary or the Commissioner to call elections to amend the tribal constitution; (b) to any tribe whose constitution or charter provides for petitioning to effect any other action by the Secretary or Commissioner; and (c) to those tribal members at least 18 years of age who, pursuant to a Federal Statute, may wish to petition the Secretary to issue a charter to them.

§ 53.4 Entitlement to petition.

All members eligible to vote in elections conducted by a tribe shall be entitled to sign petitions to effect actions by the Secretary or Commissioner within the scope of § 53.2 of this part, provided that where a tribe is reorganized pursuant to a Federal Statute only persons eligible to register for Secretarial elections may petition, and provided further that where such reorganized tribes have active registration lists maintained by the local Bureau official, only the signatures of registered voters shall be accepted on petitions submitted pursuant to this part.

§ 53.5 Sufficiency of a petition.

The numerical sufficiency of any petition submitted pursuant to this part shall be based upon a number determined by the local Bureau official: (a) by consultation with the tribal governing body regarding the current number of tribal voters; or (b) the number of signatures on an active registration list for Secretarial elections; or (c) the number of members considered eligible to register for a Secretarial election when an active registration list does not exist. The number shall be made available to the spokesman for the petitioners upon request along with a cut-off date when for purposes of the petition no further names will be added.

§ 53.6 Petition format.

Petitions may consist of as many pages as are necessary to accommodate the signatures of the petitioners. However, each sheet of a petition must set forth at least a summary of the objectives of the petitioners and must show the date upon which the petition was signed by each individual as well as the current mailing address of each signer.

§ 53.7 Notarization of petition signatures.

Signatures to a petition must be authenticated in one of the following ways: (a) through having each signer subscribe or acknowledge his/her signature before a notary public; (b) through having the collector of signatures appear before a notary and sign, in his/her presence on each sheet of the petition, a statement attesting that the signatures were affixed on the dates shown and by the individuals whose names appear thereon, and that to the best of his/her knowledge the signatories are eligible, entitled or qualified voters. Only an eligible, entitled or qualified tribal voter shall be recognized as a valid collector of petition signatures.

§ 53.8 Filing of petitions.

All petitions submitted pursuant to this section must be filed with the local Bureau official having administrative jurisdiction over the tribe. No petitions will be accepted until a spokesman for the petitioners declares that he/she wishes to make an official filing. Once a declaration of the official filing is made and the petition is given to the local Bureau official, that official shall immediately enter on the petition the date of receipt (this date becomes the date of official filing) and shall inform the spokesman for the petitioners that no additional signatures may be added and that no withdrawal of signatures will be permitted. The local Bureau official shall also acknowledge in writing receipt of the petition, indicating the exact number of signatures which are attached and the official filing date. Upon this written acknowledgment of the petition, the local Bureau official shall publicly post at the local Bureau unit serving the tribe a statement of the matter proposed in the petition. This statement shall remain posted for a period of 30 days from the official filing date.

§ 53.9 Challenges.

Once an official filing has been made, the local Bureau official shall immediately have copies made of the petition and its signatures. The local Bureau official shall keep these copies at the agency or field office for 15 days following the date of official filing, during which time they shall be available for examination by authorized voters of the tribe upon request. During this 15-day period, challenges of signatures may be filed with the local Bureau official. Challenges will be considered on the following grounds: (a) forgery of signatures; and (b) lack of proper qualifications of a signer. No challenge will be considered which is not accompanied by supporting evidence in writing. In the event that an individual's name appears on a petition more than once, all but one of the names shall be stricken.

§ 53.10 Action on the petition.

Within 30 days after the official filing date, the local Bureau official shall forward to the Area Director, or, when the Area Director is the local Bureau official, directly to the Commissioner, the original of the petition and its accompanying signatures, together with recommendations concerning challenges and conclusions concerning: (a) the validity of the signatures; (b) the adequacy of the number of signatures; and (c) the propriety of the petitioning procedure. The Area Director or the Commissioner, as the case might be, shall within 45 days after the official filing date decide upon each challenge and the sufficiency of the petition and announce whether the petition shall be acted upon. If a decision is reached that the petitioning action is for any reason insufficient, the spokesman for the petitioners and the governing body of the tribe will be so informed and given the reasons for the decision. If a petitioning action warrants action by the Secretary or Commissioner, the spokesman for the petitioners and the governing body of the tribe concerned will be so informed. The decision in such matters shall be final. The procedures for implementing any action initiated by the acceptance of a petition will be determined in accordance with pertinent directives and regulations.

Rick Lavis,

Deputy Assistant Secretary—Indian Affairs.

[FR Doc. 79-21318 Filed 7-9-79; 0:45 am]

BILLING CODE 4310-02-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco, and Firearms

[27 CFR Part 240]

[Notice No. 324]

Determination of Color in White Wine, Treatment of Sherry, and Other Miscellaneous Amendments

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF).

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to replace the Lovibond Method with the Association of Official Analytical Chemists (AOAC) Method 11.B01–11.B02 for determining color in white wine. The AOAC method utilizes a simple device which gives results that correspond more closely to the intensity of white wine color than the Lovibond Method. The proposal would provide a more accurate method for testing the range of color of wine treated with activated carbon.

This proposal would also provide that a winemaker (proprietor) may be authorized on a continuing basis to treat sherry with activated carbon in order to remove excess color. The proprietor would no longer have to apply for approval and to submit samples, generally, to treat each batch of sherry with activiated carbon. In addition, the maximum amount of activated carbon to remove the excess color in sherry would be set at 25 pounds per 1,000 gallons of wine.

DATES: Comments must be received on or before September 10, 1979.

ADDRESS: Send comments on this proposal to: Director, Bureau of Alcohol, Tobacco and Firearms, Post Office Box 385, Washington, D.C. 20044, Attention: Chief, Regulations and Procedures Division (Notice No. 324).

FOR FURTHER INFORMATION CONTACT: Armida N. Stickney at 202-566-7626.

SUPPLEMENTARY INFORMATION:

I. AOAC Method for Determining Color in White Wine

A. Background

Current regulations allow decolorizing material to be used in producing white wines which are acceptable to consumers and require that the white wine shall have a color of not less than 0.6 Lovibond in a one-half inch cell.

The Lovibond Method was first adopted by the brewing industry in 1884 and was gradually used to meet the requirements of the whisky and wine industries. Though the Lovibond Method was solely designed to measure and record "color units" (1.0–20.1 units) of

malt beverage, the Lovibond scale was arbitrarily extended below the 1.0 color unit to 0.6 in order to include white wines. The method required a number of adjustments to correct its inherent problems. Determination of color by this method may be subject to error due to haze from suspended particulate matter.

The wine industry has expressed dissatisfaction with the Lovibond Method. As a result, the Wine Institute, a California trade association, undertook an extensive study to devise a more satisfactory analytical method. Involving seven collaborators, one being the ATF National Laboratory, the study resulted in the development of a method which was adopted as official first action by the Association of Official Analytical Chemists (AOAC) in 1976. Prior to adoption, the AOAC proved the method to be precise in measuring color variations within grape juice variation and in measuring reproducible color in hazy or cloudy wines.

The Wine Institute filed a petition for rulemaking to amend 27 CFR 240.527a by substituting the AOAC Method 11.B01–11.B02 for the Lovibond Method to test the range of color of wine treated with activated carbon. In support of its petition, the Wine Institute submitted several reports on the determination of color in white wines. These reports are as follows: "Report of the Wine Institute Technical Committee," March 10, 1977; "Collaborative Study of the Determination of Color in White Wines," by Herb L. Wildenradt and Arthur Caputi, Jr.; "Determination of Color in White Wine and White Grape Juice Using the White Wine Colorimeter," by Herb L. Wildenradt and Paul A. Stafford; "The Color of White Wine. I. A Review and Critical Analysis of the Lovibond Unit Specification," by Angela C. Little; "The Color of White Wine. II. Evaluation by Trans-Reflectometry," by Angela C. Little; and "The Color of Wine. III. The Design, Fabrication, and Testing of a New Instrument for Evaluating White Wine Color," by Angela C. Little and R. John Simms.

B. Proposed Changes.

The proposed regulation would state that white wine treated with decolorizing material shall have a color of not more than 95% transmittance value per AOAC Method 11.B01–11.B02. The 95% transmittance value is reasoned to be the minimum color level, equivalent to the current 0.6 Lovibond level, that occurs naturally in white grape wines.

C. AOAC Method: Color in White Wine—Official First Action.[1]

1. *Apparatus.* White wine colorimeter.—Double beam filter photometer utilizing tungsten incandescent lamp with Corning 5–61 high pass filter, selenium photocells, and 1-inch path test and reference cells. Combination of responses of photocell and filter approximates monochromatic peak at 430 nanometers. [Available from Technical Products, 2135 Upper Scenic Drive, Post Office Box 291, Felton, California 95018.]

2. *Reagents.* Potassium chromate standard solution—0.0002059 Molar. Dissolve 0.0400 gram of potassium chromate primary standard (J. T. Baker Chemical Company, Number 3058) in 0.05 Normal potassium hydroxide and dilute to one liter with 0.05 Normal potassium hydroxide.

3. *Determination.*

a. Let instrument warm up 2 hours. Standardize with potassium chromate solution according to manufacturer's instructions. Percent transmittance should be reproducible to ±0.1%.

b. Fill reference and test cells with water and place both in colorimeter. Set indicator by adjusting zero set cell. Remove test cell and replace with zero set cell. Null meter by adjusting indicator. Indicator should read approximately 98.5 on duplicate tests. Repeat each hour or after every 10–15 samples.

c. With zero set cell in place, set indicator to value (ca. 98.5) determined above. Null meter with zero set knob. Replace zero set cell with test cell containing wine sample. Null meter by adjusting indicator. Read percent transmittance on indicator.

II. Activated Carbon Treatment of Sherry

A. Background

Existing regulations provide that a proprietor may treat sherry, a white wine, with activated carbon to remove excess color from the product. The amount of activated carbon is limited to no more than 9 pounds per 1,000 gallons of wine. Each time a proprietor needs to use more than that amount to treat certain types of sherry (i.e., pale dry or cocktail sherry), the proprietor must submit an application for variations under § 240.527. The use of excess activated carbon on a continuing basis, moreover, requires repeated submission of samples from each lot of sherry produced. (§§ 240.527, 240.527a, 240.941, and 240.942.)

[1] Source: Journal of the AOAC (Vol. 60, No. 2, 1977) p. 466.

Repeated applications and submission of samples prove to be costly when, for all practical purposes, continuing authority for activated carbon treatment could be granted, under existing law, above the 9-pounds-per-1,000-gallons-of-wine limitation applicable to white wine.

The Director views that these regulations could be more responsive to the needs of the wine industry by liberalizing the provisions affecting the production of sherry. For example, sometimes pale and dry cocktail sherries are produced from the juice of grapes that darken excessively during the aging or baking process. The utilization of this juice, which might othewise be wasted, produces a sherry too dark to meet commercial color standards. To correct the color in dark sherry to acceptable color standards, it would be necessary to use amounts of activated carbon in excess of 9 pounds per 1,000 gallons of wine.

In an experimental study conducted from August 1958 through August 1961 on the activated carbon treatment of white wine, information on sherry treatment revealed that greater amounts than 9 pounds of activated carbon per 1,000 gallons of wine were needed. Recent chemical, physical, and taste tests of several sherries performed by the United Vintners, Inc., demonstrated that the necessary quantity of activated carbon can range up to 25 pounds per 1,000 gallons of sherry in order to produce a desirable light product while still retaining the characteristic sherry flavor and distinctive amber color.

Consequently, the Director proposes to allow a proprietor to use activated carbon in excess of 9 pounds, but not more than 25 pounds, per 1,000 gallons of wine under continuing authority when this treatment is required to adjust the color in sherry.

B. Proposed Changes

The key amendment, § 240.527a, would (1) give proprietors continuing authority to use activated carbon in sherry as long as the amber color and sherry flavor characteristics are not lost and (2) limit the total use of activated carbon to 25 pounds or less for any purpose. Additionally, § 240.1051 would be amended to list the maximum amounts of activated carbon to remove the excess color in sherry and in other white wines, 25 pounds and 9 pounds, respectively. To be listed, too, is the statement that the amount of activated carbon used to clarify and purify wine shall be included in the total amount used to remove excess color in white wine. Since vermouth is a formula wine,

the quantity limitations of activated carbon do not apply to vermouth; therefore, § 240.527 would be amended to exempt vermouth to be consistent with the vermouth exemption in § 240.527a.

III. Other Amendments

Other amendments are as follows: (1) The heading in § 240.527 would be amended to read, "Removal of excess color in white wine"; (2) the title, "regional regulatory administrator", wherever used would replace "assistant regional commissioner" as adopted by Treasury Decision ATF-48 (43 FR 13531); (3) §§ 240.527 and 240.527a would be edited to make the regulations more readable; and (4) the citations of authority at the end of §§ 240.527, 240.527a, and 240.1051 would be updated.

IV. Public Participation

Interested persons may participate in the proposed rulemaking process by submitting written data, views, or objections regarding the proposal. Written communications should be identified by the notice number (Notice No. 324) and be submitted to the Director, Bureau of Alcohol, Tobacco and Firearms, Post Office Box 385, Washington, D.C. 20044, Attention: Chief, Regulations and Procedures Division. All written communications received on or before September 10, 1979, will be considered before action is taken on the proposed rulemaking.

Written communications will be available for public inspection at the ATF Reading Room, Room 4408, 12th and Pennsylvania Avenue, NW., Washington, D.C., from 8:30 a.m. to 5:00 p.m.

Any interested person who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his or her request, in writing to the Director within the 60-day comment period. The Director, however, reserves the right to determine, in the light of all circumstances, whether a public hearing should be held.

V. Safety of Activated Carbon

The safety of activated carbon is being evaluated by the Food and Drug Administration under their comprehensive safety review procedures to determine whether activated carbon is generally recognized as safe (GRAS) or subject to a prior sanction. The Director will take appropriate action in the event the present or proposed limitations on activated carbon are affected by any future conclusions made by the Select Committee on GRAS Substances on the safety of activated carbon. The Food and Drug Administration will be consulted on this matter before any final rule is proposed.

VI. Drafting Information

The principal author of this document is A. N. Stickney of the Research and Regulations Branch, ATF. Other personnel of ATF and the Department of Treasury, however, participated in developing the document, both as to matters of substance and style.

VII. Authority and Issuance

Accordingly, the Director is issuing the proposed regulations, under the authority contained in 26 U.S.C. 5382 (72 Stat. 1383) and 26 U.S.C. 7805 (68A Stat. 917), as follows:

PART 240—WINE

1. Subpart X of the table of sections, as amended, reads as follows:

* * * * *

Subpart X—Storage and Finishing of Wine

§ 240.527 Removal of excess color in white wine.

* * * * *

2. Section 240.527, as revised, reads as follows:

§ 240.527 Removal of excess color in white wine.

(a) *Application.* If color in excess of that normally present in white wine (other than vermouth) develops during the production or storage of a particular lot or lots and if the proprietor desires to remove the excess color, the proprietor will prepare samples and a written statement for each lot of wine to be treated and will submit these to the regional regulatory administrator for examination.

(1) The samples shall consist of—

(i) The wine before treatment with activated carbon (or other material);

(ii) The wine after treatment with activated carbon (or other material); and

(iii) The activated carbon (or other material) used.

(2) The written statement, in duplicate, shall state—

(i) The reasons for treating the wine;

(ii) The quantity, kind, and type of the wine to be treated;

(iii) The kind and quantity of activated carbon (or other material) to be used; and

(iv) The process to be employed.

(b) *Authorization.* The regional regulatory administrator will authorize the treatment of the white wine if the chemical analysis shows that the proposed treatment will remove only the excess color and will not remove any of the characteristics of the wine. If the chemical analysis shows that the proposed treatment will remove the characteristics of the wine in question, the regional regulatory administrator will disapprove the application.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1383 (26 U.S.C. 5382))

3. Section 240.527a, as revised, reads as follows:

§ 240.527a Continuing authority to use activated carbon.

(a) *Application.* A proprietor may obtain continuing authority to use activated carbon to remove excess color from white wine (other than vermouth) by filing an application with the regional regulatory administrator. The application shall contain all the information required by § 240.527(a) except that the annual quantity of wine to be treated may be estimated. The application shall also state the following:

(1) The range of color (per AOAC Method 11.B01-11.B02) of the expressed juice before treatment with any decolorizing material;

(2) The pounds of activated carbon to be used per 1,000 gallons of wine or juice and the length of time the activated carbon will be in contact with the wine or juice;

(3) The approximate temperature of the juice or wine during treatment; and

(4) A description or explanation of any unusual factors of the treatment. The application shall be approved or disapproved in accordance with § 240.527(b).

(b) *Conditions.* Proprietors authorized by approved application under paragraph (a) of this section to use activated carbon shall meet the following conditions:

(1) The vinous character of the white wine treated shall not be reduced. The amber color and flavor characteristics generally attributed to sherry shall be retained.

(2) The quantity of activated carbon per 1,000 gallons of wine used to treat white wine (other than sherry), including any activated carbon used in the basic wine-producing material, shall not exceed 9 pounds. In sherry, the quantity of activated carbon used per 1,000 gallons of wine, including any activated carbon used in the basic wine-producing material shall not exceed 25 pounds. The total amount of activated carbon used in wine before and after a transfer

of wine in bond shall not exceed the prescribed limitations of pounds per 1,000 gallons (see paragraph (d) of this section).

(3) The wine treated with activated carbon shall have a color of not more than 95% transmittance per AOAC Method 11.B01–11.B02. However, if a proprietor by using normal methods and without the use of activated carbon produces wine having a color of more than 95% transmittance per AOAC Method 11.B01–11.B02, the proprietor may produce such a wine.

(c) *Records.* Proprietors authorized to treat with activated carbon shall keep records showing the following:

(1) The exact details of the cellar treatment for each lot of wine treated, including the length of time the activated carbon is in contact with the wine;

(2) The kind and quantity of the juice or grape (by variety); and

(3) The kind and quantity of the activated carbon used.

(d) *Transfers in bond.* The consignor proprietor shall record on Form 703, the following:

(1) The amount of the wine which has been treated under the provisions of this section; and

(2) The amount of activated carbon used in treating the wine before its transfer. The consignee proprietor may further treat the wine with activated carbon as long as the consignee proprietor possesses an approved application and complies with the requirements of this section.

(Sec. 201, Pub. L. 85–859, 72 Stat. 1383 (26 U.S.C. 5382))

4. Section 240.1051, as amended, reads as follows:

§ 240.1051 Materials authorized for treatment of wine.

* * * * * * *

Materials	Use	Reference or limitation
* * *	* * *	* * *
Activated carbon	To assist precipitation during fermentation	Secs. 240.361, 240.366, 240.401, 240.405. GRAS.
	To clarify and purify wine	Any amount used shall be included in the total amount used to remove excess color in white wine. Sec. 240.527a. GRAS.
	To remove excess color in white wine (other than vermouth or sherry).	The amount used shall not exceed 9 pounds per 1,000 gallons of wine. Secs. 240.527 and 240.527a. GRAS.
	To remove excess color in sherry	The amount used shall not exceed 25 pounds per 1,000 gallons of wine. Sec. 240.527a. GRAS.
* * *	* * *	* * *

(Sec. 201, Pub. L. 85–859, 72 Stat. 1383 (26 U.S.C. 5382))

Signed: May 4, 1979.

John G. Krogman,

Acting Director.

Approved: June 26, 1979.

Richard J. Davis,

Assistant Secretary of the Treasury.

[FR Doc. 79–21269 Filed 7–9–79; 8:45 am]

BILLING CODE 4810–31–M

FEDERAL MEDIATION AND CONCILIATION SERVICE

[29 CFR Ch. XII]

Mediation Assistance in the Federal Sector

AGENCY: Federal Mediation and Conciliation Service.

ACTION: Advance Notice of Proposed Rulemaking.

SUMMARY: As directed by Section 7134 of the Civil Service Reform Act, the Service is preparing to promulgate new regulations concerning its role in the Federal Sector. The Service is considering modifying its current regulations and adding several new provisions.

The options that the Service would like to explore include: (1) Establishing a notice requirement in cases of initial agreement negotiations as well as modification or termination of an existing agreement; (2) making explicit the Service's authority to set time limits for its participation and to make recommendations for settlement to the parties where appropriate; and (3) stating as FMCS policy that the Service will not refer a case to the Federal Service Impasses Panel until the mediation process has been exhausted.

DATES: Comments must be submitted on or before September 10, 1979.

ADDRESS: Send comments to: Office of the General Counsel, Federal Mediation and Conciliation Service, Washington, D.C. 20427. All comments received may be inspected during normal business hours.

FOR FURTHER INFORMATION CONTACT: Nancy B. Broff, Assistant General Counsel, Office of the General Counsel, (202) 653–5305.

SUPPLEMENTARY INFORMATION: One purpose of Title VII of the Civil Service Reform Act, (5 U.S.C. section 7101 *et seq.*) is to maximize the ability of the parties to the collective bargaining relationship to conclude an agreement on their own rather than to have it imposed on them from outside. The role of FMCS is to facilitate agreement between the parties.

The Service is considering requiring notices in both agreement modification or renewal and initial negotiations. The proposed notice requirement is intended to assist the Service in carrying out its responsibilities under Title VII. By alerting the Service at an early stage in negotiations, the notices would allow mediation to play a more useful role in the collective bargaining process.

The Service also is considering promulgating regulations which would make explicit the Service's authority to impose time deadlines on the mediator's participation in order to establish the concentrated bargaining atmosphere frequently necessary for the parties to reach agreement. The Service would have the option to set time limits at the outset or at any time during the mediation process. The time limits could be tailored to each particular dispute.

If the time limit established were reached without a settlement, the Service could make recommendations for settlement to the parties if the Service thought that this would assist the parties in reaching a settlement. If the recommendations did not lead to settlement within time limits set by the Service, the Service could refer the dispute to the Federal Service Impasses Panel. FMCS has used these techniques in certain select federal sector cases. The Service is considering putting specific language in the regulations to put the parties on express notice of the intent of the Service to use such techniques where appropriate.

The possibility of recommendations would underscore the significance of the deadline imposed by the mediator. The expected result would be more meaningful bargaining by the parties themselves.

In order to provide the fullest opportunity for the parties to reach agreement by negotiation, the Service is considering a regulation which would bar referring a case to the Federal Service Impasses Panel until the mediation process has been exhausted. Such a regulation would be intended to put the parties on notice that it will not send a case to FSIP until it is convinced

that mediation can be of no further assistance.

Signed at Washington, D.C. this 3rd day of July 1979.

Robert P. Gajdys,

Director of Administration.

[FR Doc. 79-21207 Filed 7-9-79; 8:45 am]

BILLING CODE 6732-01-M

DEPARTMENT OF THE INTERIOR

Geological Survey

[30 CFR Part 250]

Oil, Gas and Sulfur Operations in the Outer Continental Shelf

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Extension of Comment Period on Proposed Rules.

SUMMARY: The U.S. Geological Survey of the Department of the Interior hereby extends until July 23, 1979, the comment period on the proposed rules to control air emissions from activities authorized under the Outer Continental Shelf Lands Act, as amended. The proposed rules were published at 44 FR 27449 (May 10, 1979) with a comment period scheduled to terminate on July 9, 1979.

ADDRESS: Responses should identify the subject matter and be directed to the Chief, Conservation Division, U.S. Geological Survey, National Center, Mail Stop 620, Reston, Virginia 22092.

FOR FURTHER INFORMATION CONTACT: R. A. Karam, Office of OCS Program Coordination, Department of the Interior (202/343-9314).

Dated: July 6, 1979.

Joan M. Davenport,

Assistant Secretary of the Interior.

[FR Doc. 79-21423 Filed 7-6-79; 3:45 pm]

BILLING CODE 4310-31-M

DEPARTMENT OF AGRICULTURE

Forest Service

[36 CFR Part 222]

Grazing and Livestock Use on the National Forest System; Wild Free-Roaming Horses and Burros

AGENCY: Forest Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would amend the regulations for National Forest System lands relating to the "Wild Free-Roaming Horses and Burros Act" of 1971, in accordance with the "Public Rangelands Improvement Act" of 1978. The amended rules will facilitate management programs directed toward protecting and controlling populations of wild free-roaming horses and burros as well as their habitats.

DATES: Comments must be received by September 7, 1979.

ADDRESSES: Send comments to: Chief John McGuire (2200), Forest Service, Department of Agriculture, P.O. Box 2417, Washington, D.C. 20013. Comments received will be available for public inspection in Room 610, Rosslyn Plaza Building E, 1621 North Kent Street, Arlington, Virginia, 9 a.m. to 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Robert M. Williamson, Range Management Staff, Forest Service, P.O. Box 2417, Washington, D.C. 20013, telephone: (703) 235-8139.

SUPPLEMENTARY INFORMATION: The Public Rangelands Improvement Act of 1978 (92 Stat. 1803, 43 U.S.C. 1901) amended the Wild Free-Roaming Horses and Burros Act of 1971 (85 Stat. 649, 16 U.S.C. 1331 et seq.) resulting in the following significant proposed changes:

1. Not more than four animals per year may be adopted for maintenance and care by one individual, organization, or government agency, unless the Secretary determines, in writing, that such individual, organization, or government agency is capable of humanely caring for more than four animals.

2. The Secretary may grant title to not more than four animals per year to a qualified applicant after the applicant, through adoption for maintenance and care, has provided humane treatment for the animal for one year.

3. Wild free-roaming horses and burros or their remains shall lose their status as such and no longer be considered as falling within the purview of the Act when: (a) Title is passed to an individual; (b) upon transfer for private maintenance and care they die of natural causes before passage of title; (c) the animal is destroyed under the provisions of the Act; (d) upon death by natural causes on National Forest System or on private lands where maintained thereon and disposal is authorized by a Forest Officer; or (e) upon destruction or death for purposes authorized by the Act.

4. The proposed rule establishes priorities for removal of excess animals and provides for humane and cost-efficient disposal of unadoptable excess animals.

5. The proposed rule provides for consulting and cooperating with other agencies, organizations, and individuals for the purpose of managing wild horses, burros, and their habitat.

6. The regulations prohibit use of wild free-roaming horses and burros for commercial exploitation and make violation of this provision a punishable offense.

7. Present regulations provide, that the carcasses of wild free-roaming horses and burros cannot be sold or processed into commercial products. The proposed rule provides that the carcasses of animals that have lost their status as wild free-roaming horses or burros may be disposed of in any manner that is acceptable under State sanitary statutes.

The Wild Free-Roaming Horses and Burros Act of 1971 is successful in its goal to protect the animal from capture, branding, and harassment. It does not deal sufficiently with the social and economic consequences of management of the species, nor the biological requirements for the perpetuation of the species and its habitat, including inter-relationships of other wild animal species requiring and occupying the same habitat as that of wild horses and burros. The proposed rule will alleviate the problems expressed hereto and provide a greater opportunity to protect and care for the perpetuation of a healthy and viable species.

The Bureau of Land Management has published similar information regarding their proposed rule for wild free-roaming horses and burros.

Public Participation

Previous publication in the Federal Register in March 1972, July 1973, August 1973, and January 1977, together with many public meetings and Congressional Hearings, have provided ample opportunities for participation by many organizations and individuals in the decisionmaking processes for the management of wild free-roaming horses and burros. Public comments on this proposed regulation will be accepted for a period of 60 days. Copies of the proposed regulation will be available to all interested individuals and organizations at Forest Service field offices throughout the western United States. Because the fundamental aspects of this regulation are prescribed by law (PL 95-514), public comments should be directed primarily toward the manner of implementation and the clarity of the regulation.

Note.—The Department of Agriculture has determined that the publication of this proposed rule is not a major Federal action significantly affecting the quality of the human environment, and that a detailed statement pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(c)) is not required. An approved Draft Environmental Assessment

Report (includes Impact Analysis) is available from Range Management Staff, Forest Service, P.O. Box 2417, Washington, D.C. 20013.

Recodification

Promulgation of rule changes requires the recodification of Part 222, Subpart B, Chapter II, in CFR 36.

Accordingly, it is proposed to amend 36 CFR, Chapter II, as follows:

1. Section 222.20, Authority and Definitions, is amended to revise subsections (b)(1), (b)(4), (b)(10) and (b)(12), to add new subsections (b)(3), and (b)(7), and to recode subsections (b)(4) through (b)(12).

2. Section 222.21, Administration of Wild Free-Roaming Horses and Burros, is recodified and adds new paragraphs (e), (f), and (g).

3. 222.29, Relocation of Animals, is amended and revised to incorporate former Section 222.30, Disposal of Animals. The new Section 222.29 is entitled Relocation and Disposal of Animals. It revises subsections (a), (a)(1), (a)(2), and adds new subsections (a)(2)(i) through (a)92)(v). It also adds new subsections (a)(3) and (a)(4).

4. Section 222.30, Disposal of Animals, is removed from this section and incorporated 222.29, Relocation and Disposal of Animals.

5. Section 222.31, Disposal of Carcasses, is recoded to Section 222.30 and is revised.

6. Section 222.31, Loss of Status, is a new title and includes subsections (a) through (e).

7. Section 222.35, Studies, is revised to include the National Academy of Sciences.

Proposed Regulations

Under the authority of the Wild Free-Roaming Horses and Burros Act (85 Stat. 649), as amended (16 U.S.C. 1331 et seq.), it is proposed to amend in its entirety Part 222, Subpart B, Chapter II, title 36 CFR, as set forth in the following document, titled "Subpart B—Management of Wild Free-Roaming Horses and Burros."

Dated: June 26, 1979.

M. Rupert Cutler,

Assistant Secretary of Agriculture.

Subpart B—Management of Wild and Free-Roaming Horses and Burros

Sec.
222.20 Authority and definitions.
222.21 Administration of wild free-roaming horses and burros and their environment.
222.22 Ownership claims.
222.23 Removal of other horses and burros.
222.24 Use of helicopters, fixed-wing aircraft and motor vehicles.
222.25 Protection of wild free-roaming horses and burros when they are upon other than National Forest System or the public lands.
222.26 Removal of wild free-roaming horses and burros from private lands.
222.27 Maintenance of wild free-roaming horses and burros on privately owned lands.
222.28 Cooperative agreements.
222.29 Relocation and disposal of animals.
222.30 Disposal of carcasses.
222.31 Loss of status.
222.32 Use of non-Forest Service personnel.
222.33 Management coordination.
222.34 National Advisory Board.
222.35 Studies.
222.36 Arrest.

Authority: 85 Stat. 649, as amended (16 U.S.C. 1331–1340); Sec. 1, 30 Stat. 35, as amended (16 U.S.C. 551); Sec. 32, 50 Stat. 522, as amended (7 U.S.C. 1011); (92 Stat. 1803 (43 U.S.C. 1901 note).

Subpart B—Management of Wild and Free-Roaming Horses and Burros

§ 222.20 Authority and definitions.

(a) *Authority.* The Chief, Forest Service, shall protect, manage, and control wild free-roaming horses and burros on lands of the National Forest System and shall maintain vigilance for the welfare of wild free-roaming horses and burros that wander or migrate from the National Forest System. If these animals also use lands administered by the Bureau of Land Management as a part of their habitat, the Chief, Forest Service, shall cooperate to the fullest extent with the Department of the Interior through the Bureau of Land Management in administering the animals.

(b) Definitions.

(1) "Act" means the Act of December 15, 1971 (92 Stat. 1803 as amended, 43 U.S.C. 1901).

(2) "Captured animal" means a wild free-roaming horse or burro taken and held in the custody of an authorized officer, his delegate, or agent. This term does not apply to an animal after it is placed in private custody through a cooperative agreement.

(3) "Commercial Product" disposal through sale of wild free-roaming horses and burros or their carcasses for profit.

(4) "Excess animals" means wild free-roaming horses and burros which have been removed by authorized personnel pursuant to applicable law or, must be removed from an area in order to preserve and maintain a thriving natural ecological balance in coordination with other resources and activities.

(5) "Herd" means one or more stallions and their mares, or jacks and their jennies.

(6) "Humane treatment" means kind and merciful treatment, without causing unnecessary stress or suffering to the animal.

(7) "Inhumane treatment" means causing physical stress to an animal through any harmful action or omission that is not compatible with standard animal husbandry practices; causing or allowing an animal to suffer from a lack of necessary food, water, or shelter; using any equipment, apparatus, or technique during transportation, domestication, or handling that causes undue injury to an animal; or failing to treat or care for a sick or injured animal.

(8) "Malicious harassment" means any intentional act demonstrating deliberate disregard for the well-being of wild free-roaming horses and burros and which creates a likelihood of injury or is detrimental to normal behavior pattern of wild free-roaming horses or burros including feeding, watering, resting, and breeding. Such acts include, but are not limited to, unauthorized chasing, pursuing, herding, roping, or attempting to gather wild free-roaming horses or burros. It does not apply to activities conducted by or on behalf of the Forest Service or the Bureau of Land Management in implementation or performance of duties and responsibilities under the Act.

(9) "National Advisory Board" means the Advisory Board as established jointly by the Secretary of Agriculture and the Secretary of the Interior under the provisions of the Act.

(10) "National Forest System" includes the National Forests, National Grasslands, and other Federal lands for which the Forest Service has administrative jurisdiction.

(11) "Wild free-roaming horses and burros" means all unbranded and unclaimed horses and burros and their progeny that have used lands of the National Forest System on or after December 15, 1971, or do hereafter use these lands as all or part of their habitat, but does not include any horse or burro introduced onto National Forest System lands on or after December 15, 1971, by accident, negligence, or willful disregard of private ownership. Unbranded, claimed horses and burros where the claim is found to be erroneous, are also considered as wild and free-roaming if they meet the criteria above.

(12) "Wild horse and burro range" means an area of National Forest System specifically so designated by the Chief, Forest Service, from wild horse and burro territory, for the purpose of

sustaining an existing herd or herds of wild free-roaming horses and burros, provided the range does not exceed known territorial limits and is devoted principally, but not necessarily exclusively to the welfare of the wild horses and burros, in keeping with the multiple-use management concept for National Forest System.

(13) "Wild horse and burro territory" means lands of the National Forest System which are identified by the Chief, Forest Service, as lands which were territorial habitat of wild free-roaming horses and/or burros at the time of the passage of the Act.

§ 222.21 Administration of wild free-roaming horses and burros and their environment.

The Chief, Forest Service, shall:

(a) Administer wild free-roaming horses and burros and their progeny on the National Forest System in the areas where they now occur (wild horse and burro territory) to maintain a thriving ecological balance considering them an integral component of the multiple use resources, and regulating their population and accompanying need for forage and habitat in correlation with uses recognized under the Multiple Use-Sustained Yield Act of June 12, 1960 (70 Stat. 215: U.S.C. 528–531).

(b) Provide direct administration for the welfare of wild free-roaming horses and burros that are located on the National Forest System by use of the Forest Service organization rather than by the granting of leases and permits for maintenance of these animals to individuals and organizations.

(c) Establish wild horse and burro territories in accordance with the Act and continue recognition of such territories where it is determined that horses and/or burros will be recognized as part of the natural system. The Chief may designate areas within these territories as a specific wild horse and burro range in those unique and singular important situations where he determines such designation as especially fitting to meet the purposes of the Act and the Multiple Use Sustained-Yield Act and after consultation with the appropriate State agencies where such range is proposed and with the National Advisory Board.

(d) Analyze each wild horse or burro territory and, based on said analysis, develop and implement a plan of management. The analysis and plans will be updated whenever needed as determined by conditions on each territory.

(e) Maintain a current inventory of wild free-roaming horses and burros on each territory for the purpose of determining whether and where overpopulation exists.

(f) Based on paragraphs (d) and (e) of this section, determine appropriate management levels; whether action should be taken to remove excess animals and whether appropriate actions should be achieved by removal or destruction of excess animals or other options.

(g) In making determinations cited in this section, the authorized officer shall consult with the U.S. Fish and Wildlife Service, wildlife agencies in the State, individuals and organizations independent of Federal or State government recommended by the National Academy of Sciences, and any other individual or organizations whom he determines have scientific expertise and special knowledge of wild horse and burro protection, wildlife management and animal husbandry as related to rangeland management.

§ 222.22 Ownership claims.

(a) Any person claiming ownership under State branding and estray laws of branded or unbranded horses or burros within a wild horse or burro territory or range on National Forest System lands where such animals are not authorized must present evidence of ownership to justify a roundup before permission will be granted to gather such animals. Claims of ownership with supporting evidence were required to be filed during a claiming period which expired November 15, 1973. Unauthorized privately owned horses or burros entering the National Forest System after November 13, 1973, which become intermingled with wild horses or burros, may be claimed by filing an application with the District Ranger. All authorizations to gather claimed animals shall be in writing in accordance with instructions as the Chief, Forest Service, may prescribe. After such public notice as an authorized officer deems appropriate to inform interested parties, gathering operations may be authorized. The authorization shall provide that the gathering or roundup be consistent with regulations, and will (1) establish a specific reasonable period of time to allow the gathering of claimed animals and (2) stipulate other conditions, including visual observation by Forest Service personnel deemed necessary to assure humane treatment of associated wild free-roaming horses and burros and to protect other resources involved.

(b) Prior to removal of claimed animals which have been captured from National Forest System lands, claimants shall substantiate their claim of ownership in accordance with whatever criteria are cooperatively agreed to between the Forest Service and the State agency administering the State estray laws. In the absence of a cooperative agreement, ownership claims shall be substantiated in accordance with State law and subject to approval of the Forest Service.

§ 222.23 Removal of other horses and burros.

Horses and burros which do not come within the definition in 222.20(b)(11) which are introduced onto Wild Horse and Burro Territories or ranges after December 15, 1971, by accident, negligence, or willful disregard of private ownership, and which do not become intermingled with wild free-roaming horses or burros shall be considered as unauthorized livestock and treated in accordance with provisions in 36 CFR 261.7 and 262.2.

§ 222.24 Use of helicopters, fixed-wing aircraft, and motor vehicles.

(a) The Chief, Forest Service is authorized to use helicopters, fixed-wing aircraft, and motor vehicles in a manner that will ensure humane treatment of wild free-roaming horses and burros as follows:

(1) Prior to using helicopters in capture operations and/or using motor vehicles for the purpose of transporting captured animals, a public meeting will be held in the proximity of the territory where the capture operation is proposed.

(2) Helicopters may be used in all phases of the administration of the Act including, but not limited to, inventory, observation, surveillance, and capture operations. In capture operations, helicopters may be used to locate the animals involved to assist ground crews in moving the animals and for related purposes such as to transport personnel and equipment. The condition of the animals shall be continuously observed by the authorized officer and, should signs of harmful stress be noted, the source of stress shall be removed so as to allow recovery. Helicopters may be used in roundups or other capture operations subject to the following procedures:

(i) Helicopters shall be used in such a manner that bands or herds will tend to remain together.

(ii) Horses or burros will not be moved at a rate which exceeds limitations set by the authorized officer who shall consider terrain, weather, distance to be traveled, and condition of the animals.

(iii) The helicopter shall be used to observe the presence of dangerous areas and may be used to move animals away from hazards during capture operations.

(iv) During capture operations, animals shall be moved in such a way as to prevent harmful stress or injury.

(v) The authorized officer shall supervise all helicopter use as follows:

(A) Have means to communicate with the pilot and be able to direct the use of the helicopter.

(B) Be able to observe effects of the use of the helicopters on the well-being of the animals.

(3) Fixed-wing aircraft may be used for inventory, observation, and surveillance purposes necessary in administering the Act. Such use shall be consistent with the Act of September 8, 1959, as amended (18 U.S.C. 41 et seq.). Fixed-wing aircraft shall not be used in connection with capture operations except as support vehicles.

(4) Motor vehicles may be used in the administration of the Act except that such vehicles shall not be used for driving or chasing wild horses or burros in capture operations. Motor vehicles may also be used for the purpose of transporting captured animals subject to the following humane procedures:

(i) Such transportation shall comply with appropriate State and Federal laws and regulations applicable to humane transportation of horses and burros.

(ii) Vehicles shall be inspected by an authorized officer prior to use to ensure vehicles are in good repair and of adequate rate capacity.

(iii) Vehicles shall be carefully operated to ensure that captured animals are transported without undue risk or injury.

(iv) Where necessary and practical, animals shall be sorted as to age, temperament, sex, size, and condition so as to limit, to the extent possible, injury due to fighting and trampling.

(v) The authorizing officer shall consider the condition of the animals, whether conditions, type of vehicle, and distance to be traveled when planning for transportation of captured animals.

§ 222.25 Protection of wild free-roaming horses and burros when they are upon other than National Forest System or public lands.

Individual animals and herds of wild free-roaming horses and burros will be under the protection of the Chief, Forest Service, even though they may thereafter move to lands of other ownership or jurisdiction as a part of their annual territorial habitat pattern or for other reasons. The Chief will exercise surveillance of these animals through the use of cooperative agreements and as otherwise authorized by law and act immediately through appropriate administrative or criminal and civil judicial procedures to provide them the protective measures of the act at any time he has cause to believe its provisions are being violated.

§ 222.26 Removal of wild free-roaming horses and burros from private lands

Owners of land upon which wild free-roaming horses and burros have strayed from National Forest System lands may request their removal by calling the nearest office of either the Forest Service or Federal Marshal.

§ 222.27 Maintenance of wild free-roaming horses and burros on privately-owned lands.

Owners of land who wish to maintain wild free-roaming horses and burros which have strayed onto their lands from National Forest System lands may do so by notifying the nearest office of the Forest Service in a timely fashion and providing such information on a continuing basis as the Chief, Forest Service, may require. Such owners shall protect the wild free-roaming horses and burros on their lands. They may not, in so maintaining these animals, impede their return to National Forest System lands unless authorized by cooperative agreement with the Forest Service.

§ 222.28 Cooperative agreements.

The Chief, Forest Service, may enter into cooperative agreements as he deems necessary to further the protection, management, and control of wild free-roaming horses and burros.

§ 222.29 Relocation and disposal of animals.

(a) Based on directions cited in 222.21 and 222.26, the Chief, Forest Service shall, when he determines overpopulation of wild horses and burros exists and removal is required, take immediate necessary action to remove excess animals from that particular territory.

(1) No person except an authorized Forest Service officer or his agent shall destroy, remove, or relocate any wild free-roaming horse and burro located on the National Forest System.

(2) Wild horses and burros shall be relocated or removed in the following order of priority:

(i) Sick, lame, or old, animals shall be destroyed in the most humane manner possible.

(ii) Relocate animals to other National Forest System lands which were identified as 1971 wild horse or burro territory, providing suitable habitat exists and relocation of animals will not jeopardize vegetation condition.

(iii) Relocate animals to other Federally-owned lands which were identified as 1971 wild horse or burro occupied lands providing, suitable habitat exists and relocation of animals will not jeopardize vegetation condition and animals are requested by the appropriate land manager having jurisdiction.

(iv) Place animals under private maintenance and care agreements where there is an adoption demand by qualified individuals, groups, or Government bodies, and for which there is assurance of humane treatment and care, provided not more than four animals are placed under private maintenance and care agreements per year to any individual, organization, or government agency unless there is a determination expressed otherwise in writing.

(v) Excess animals, for which an adoption demand by qualified applicants does not exist, shall be destroyed in the most humane and cost-efficient manner possible.

(3) Where excess animals have been placed under private maintenance and care agreements as provided for in (2)(iv) of this section, and animals have been provided humane conditions, treatment, and care, for a period of one year, the Chief, Forest Service, may grant title to not more than four animals per year to each individual, organization, or government agency.

(4) The applicants must make written application for title and adoption and must be of legal age in the State in which they reside. Unless waived in writing the application for title shall include a written statement by a licensed veterinarian attesting to the condition of the animals and that they have given humane treatment and care for no less than one year preceding the filing of the application for adoption.

§ 222.30 Disposal of carcasses.

Carcasses of animals that have lost their status as wild free-roaming horses or borros may be disposed of in any customary manner acceptable under applicable State sanitary statutes including disposal through a rendering plant. However, no consideration of any kind shall be received by any person who transfers the remains of a wild free-roaming horse or burro to a rendering plant or other facilities for processing into a commercial product.

§ 222.31 Loss of status.

Wild free-roaming horses and burros or their remains shall lose their status

under the 1971 Wild Horses and Burros Act:

(a) Upon passage of title pursuant to 222.29 (3)(4) of this subpart.

(b) Upon transfer for private maintenance and care pursuant to 222.29(2)(iv) of this subpart and die of natural causes before passage of title.

(c) Upon destruction by an authorized Forest officer pursuant to 222.29(2)(v) of this subpart.

(d) Upon death by natural causes on the National Forest System or on private lands where maintained thereon pursuant to 222.27 of this subpart and disposal is authorized by a Forest officer.

(e) Upon destruction or death for purposes of or incident to the program authorized in 222.20(a).

§ 222.32 Use of non-Forest Service personnel.

The Chief, Forest Service, may authorize the use of non-Forest Service personnel to assist in specific situations of short duration.

§ 222.33 Management coordination.

All management activities by the Chief, Forest Service, shall be carried out in consultation with the appropriate agencies of the State involved. The expert advice of qualified scientists in the fields of biology and ecology shall also be sought in administering wild free-roaming horses and burros. The advice and suggestions of agencies, qualified scientists, and other qualified interest groups shall be made available to the National Advisory Board for their use and consideration. Actions taken in connection with private ownership claims shall be coordinated to the fullest extent possible with the State agency responsible for livestock estray law administration.

§ 222.34 National Advisory Board.

The Chief, Forest Service shall appoint a representative to attend meetings of the National Advisory Board for Wild Free-Roaming Horses and Burros and to function as prescribed by the Memorandum of Agreement between the Department of the Interior and the Department of Agriculture and the Joint Charter issued by the Secretary of the Interior and the Secretary of Agriculture. Policies and guidelines relative to proposals for the establishment of ranges, adjustments in number, relocation and disposal of animals, and other matters relating generally to the protection, management, and control of wild free-roaming horses and burros shall be presented to the National Advisory Board for recommendations.

§ 222.35 Studies.

The Chief, Forest Service is authorized and directed to undertake those studies of the habits and habitat of wild free-roaming horses and burros that he may deem necessary. In doing so, he shall consult with the appropriate agencies of the State(s) involved and the National Academy of Sciences.

§ 222.36 Arrest.

Any employee designated by the Chief, Forest Service, shall have the power to arrest without warrant, any person committing in the presence of the employee a violation of the Act and to take such person immediately for examination or trial before an officer or court of competent jurisdiction. Any employee so designated shall have power to execute any warrant or other process issued by an officer or court of competent jurisdiction to enforce the provisions of the Act.

[FR Doc. 79-21294 Filed 7-9-79; 8:45 am]
BILLING CODE 3410-11-M

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 51]

[FRL 1267-2]

1977 Clean Air Act Amendments for Stack Heights; Fluid Modeling Guidance

AGENCY: Environmental Protection Agency.

ACTION: Request for review and comment on draft fluid modeling implementation guidance.

SUMMARY: This document gives notice of the availability for public review and comment of EPA's draft "Guideline for Use of Fluid Modeling to Determine Good Engineering Practice Stack Height" (EPA 450/4-79-015) provided in support of stack heights regulations proposed on January 12, 1979 at 44 FR 2608.

DATES: Comments must be received no later than September 10, 1979.

ADDRESS: Comments should be sent to: Environemntal Protection Agency, Control Programs Development Division (MD-15), Research Triangle Park, N.C. 27711, Attn: Mr. Darryl D. Tyler.

Comments received on the "Guideline" will be available for public inspection and copying at the Public Information Reference Unit (EPA Library), Room 2922, 401 M Street, SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Mr. Alan Huber, Monitoring and Data Analysis Division (MD-14), Environmental Protection Agency, Research Triangle Park, N.C. 27711. Telephone: (919) 541-5381.

SUPPLEMENTARY INFORAMTION: On January 12, 1979 the Environmental Protection Agency published in the Federal Register proposed stack heights regulations to implement Section 123 of the Clean Air Act [44 FR 2608].

Section 51.1(ii) of the proposed regulations establishes the Agency's definition of good engineering practice (GEP) stack height in order to ensure that the degree of emission limitation required for control of any pollutant; for any source, under an applicable State Implementation Plan (SIP) will not be affected, i.e., diminished by stack heights in excess of GEP.

In § 51.1(ii)(2) the Agency recognizes the appropriateness of establishing GEP stack heights for certain facility situations in accordance with a general rule and has provided implementation guidance in the "Technical Support Document for Determination of Good Engineering Practice Stack Height," Draft, July 1978 (EPA 450/2-78-046) for use of this approach.

In § 51.1(ii)(3) the Agency, as required by the Clean Air Act, provides sources with the opportunity to establish their GEP stack height through the use of fluid modeling. In addition, the Agency establishes in § 51.1(ii)(2) the discretion for fluid modeling determinations of GEP to be required by air pollution control agencies where use of the general GEP formulation may be inappropriate.

As mentioned by EPA in the January 12, 1979 proposal of stack height regulations fluid modeling implementation guidance in the form of "evaluation criteria" were to be developed to guide the reveiw of fluid modeling demonstrations for GEP stack heights.

The purpose of this notice is to announce the availability for review and comment of EPA's proposed guidance in this regard. The "Guideline for Use of Fluid Modeling to Determine Good Engineering Practice Stack Height", Draft, June 1979 (EPA 450/4-79-015) is available for inspection and copying at the Public Information Reference Unit (EPA Library) Room 2922, 401 M Street, SW., Washington, D.C. and is available for distribution to the public upon request from the U.S. Environmental Protection Agency, Library, Research

Triangle Park, North Carolina 27711. Telephone: (919) 541-2777.

Also available to the public through the above offices will be EPA's "Guideline for Fluid Modeling of Atmospheric Diffusion" Draft, June 1979 (EPA 450/4-79-016). This is a more basic fluid modeling guideline, referenced by the 'stack height' fluid modeling guideline. Persons wishing to review and comment on the 'Stack height' fluid modeling guideline should be familiar with the "Guideline for Fluid Modeling of Atmospheric Diffusion".

When requesting the "Guideline for Use of Fluid Modeling to Determine Good Engineering Practice Stack Height," Draft, June 1979 (EPA 450/4-79-015) for review and comment and the referenced support "Guideline for Fluid Modeling of Atmospheric Diffusion", Draft, June 1979 (EPA 450/4-79-016) from the EPA library at Research Triangle Park, N.C., please identify the documents requested by their complete title and EPA publication number.

EPA will receive comments on the draft fluid modeling guidance through [60 days of publication]. All comments received during the public comment period will be available for inspection and copying during normal business hours, at the Public Information Reference Unit, whose address is given above.

Dated: June 29,1979.

David G. Hawkins,

Assistant Administrator for Air, Noise, and Radiation.

[FR Doc. 79-21293 Filed 7-9-79; 8:45 am]

BILLING CODE 6560-01-M

[40 CFR Part 52]

[FRL 1268-3]

Receipt of Implementation Plan Revision for the State of Connecticut

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Availability and Advance Notice of Proposed Rulemaking.

SUMMARY: This notice is to announce the receipt of a State Implementation Plan (SIP) revision for Connecticut which is available for public review and comment.

Under the requirements of Part D of the Clean Air Act, the State of Connecticut submitted to EPA on June 27, 1979 a revision to its SIP for certain areas designated as not attaining the National Ambient Air Quality Standards (NAAQS) for specific air pollutants. As required by the Act, the purpose of this revision is to implement new measures for controlling air pollution and to demonstrate that these measures will provide for attainment of the primary NAAQS as expeditiously as practicable, but no later than December 31, 1982 (in certain instances December 31, 1987). A Notice of Proposed Rulemaking describing the revision and EPA's intended approval or disapproval action will be published in the Federal Register at a later date.

DATES: See Supplementary Information.

ADDRESSES: Copies of the SIP revision are available for inspection at the following addresses: Environmental Protection Agency, Region I, Air Branch, Room 1903, J. F. K. Federal Building, Boston, Massachusetts 02203; Environmental Protection Agency, Public Information Reference Unit, 401 M Street, S.W., Washington, DC 20460; and the Department of Environmental Protection, Air Compliance Unit, State Office Building, 165 Capitol Avenue, Hartford, Connecticut 06115.

Written Comments Should Be Sent To: Frank J. Ciavattieri, Chief, Air Branch, Environmental Protection Agency, Region I, J. F. K. Federal Building, Room 1903, Boston, Massachusetts 02203.

FOR FURTHER INFORMATION CONTACT: Frank J. Ciavattieri, Chief, Air Branch, Environmental Protection Agency, Region I, J. F. K. Federal Building, Room 1903, Boston, Massachusetts 02203, Telephone: (617) 223-5609.

SUPPLEMENTARY INFORMATION: On March 3, 1978 (43 FR 8962), and on September 11, 1978 (43 FR 40412), pursuant to the requirements of Secton 107 of the Clean Air Act, EPA designated areas in each state as non-attainment with respect to the criteria air pollutants. The non-attainment areas in Connecticut are:

Connecticut

	TSP		CO	O_3
	Primary	Secondary		
AQCR 41		X		X
AQCR 42	X		X	X
AQCR 43	X		X	X
AQCR 44	X			X

Part D of the Clean Air Act requires each state to revise its SIP to meet specific requirements in the non-attainment areas. These SIP revisions were due on January 1, 1979 and must demonstrate attainment of the NAAQS, as expeditiously as practicable, but no later than December 31, 1982, or in limited instances for carbon monoxide and oxidants, no later than December 31, 1987.

On June 27, 1979 EPA received the revised SIP for Connecticut which is currently under review. The revision includes strategies to reduce ozone concentrations, control of transportation-related pollutants, emission limitations for stationary sources and a program for New Source Review. Also included are requests for an extension for attainment of ozone and carbon monoxide standards until December 31, 1987, and an 18-month extension for submittal of an attainment plan for TSP secondary standards. At the completion of this review, a notice will be published in the Federal Register proposing approval or disapproval of the revision.

All interested persons are advised that the proposed revision is available for review at the locations listed, and are invited to comment on its approvability. A file of documents explaining EPA's criteria for approval is also available at EPA offices. The proposed notice referred to above will announce the last day for public comment. This public comment period will end not less than 60 days from this date and not less than 30 days from the published date of EPA's proposal for approval or disapproval.

Dated: July 2, 1979.

Rebeca W. Hanmer,

Acting Regional Administrator, Region I.

[FR Doc. 79-21304 Filed 7-9-79; 8:45 am]

BILLING CODE 6560-01-M

[40 CFR Part 52]

[FRL 1268-7]

Approval and Promulgation of Implementation Plans; Proposed Revision to Idaho State Implementation Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Availability and Advance Notice of Proposed Rulemaking.

SUMMARY: EPA is today giving advance notice of its intention to propose as a revision to the Idaho State Implementation Plan (SIP), the Interim Regulation contained in the Settlement Agreement as agreed to by the Bunker Hill Company and EPA on June 11, 1979.

DATE: Preliminary comments on the proposed revision will be accepted by

EPA until such time as EPA proposes the Interim Regulation contained in the Settlement Agreement as a revision to the Idaho SIP. Subsequent to such proposal EPA will again invite public comment on this proposed revision to the Idaho SIP.

ADDRESSES: The Settlement Agreement and Proposed Interim Regulation may be examined during normal business hours at the following EPA offices:

Public Information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

Air Programs Branch, Environmental Protection Agency, Region X, 1200 Sixth Avenue, Seattle, WA 98101.

In addition, the Agreement and proposed Interim Regulation may be examined at the State of Idaho Department of Health and Welfare, Statehouse, Boise, ID 83720.

Send comments to: George C. Hofer, Chief, Support and Special Projects Section, Air Programs Branch (M/S 625), Environmental Protection Agency, 1200 Sixth Avenue, Seattle, WA 98101.

FOR FURTHER INFORMATION CONTACT: George C. Hofer, Chief, Support and Special Projects Section, Air Programs Branch (M/S 625), Environmental Protection Agency, 1200 Sixth Avenue, Seattle, WA 98101, (206) 442-1125 or (FTS) 399-1125.

SUPPLEMENTARY INFORMATION: On June 11, 1979, representatives of the Bunker Hill Company and EPA executed a document setting forth in principle the terms of settlement of the remanded proceedings in the case of *Bunker Hill Company* vs *EPA*, Nos. 75-3670 and 77-3772 before the United States Court of Appeals for the Ninth Circuit.

In accordance with the Settlement Agreement and Interim Regulation, EPA is announcing its intention to propose in the Federal Register, in the near future, the Proposed Interim Regulation as a revision to the Idaho SIP. EPA is currently preparing the official record for the proposed action. In the meantime, the Settlement Agreement and Interim Regulation is available for public inspection at the addresses listed above.

(Sections 110 and 307 of the Clean Air Act (42 U.S.C. Sections 7410 and 7607)).

Dated: July 2, 1979.

L. Edwin Coate,

Acting Regional Administrator.

[FR Doc. 79-21306 Filed 7-9-79; 8:45 am]

BILLING CODE 6560-01-M

[40 CFR Part 52]

[FRL 1267-1]

Approval and Promulgation of Implementation Plans; Wisconsin

AGENCY: U.S. Environmental Protection Agency.

ACTION: Proposed Rulemaking.

SUMMARY: As one part of Wisconsin's plan to attain and maintain the ozone National Ambient Air Quality Standards (NAAQS), Wisconsin is revising its volatile organic compound (VOC) regulations for certain stationary sources based on the U.S. Environmental Protection Agency's (USEPA) control technique guidelines (CTG). Additionally, in December, 1978, the Wisconsin Natural Resources Board made a commitment to adopt any additional rules representing reasonably available control technology (RACT) that are necessary for the attainment of the ozone standards. These regulations and this commitment are proposed for public comment as revisions to the Wisconsin State Implementation Plan (SIP).

DATE: Comments on this proposed revision to the Wisconsin SIP must be received on or before September 10, 1979.

ADDRESSES: Comments on these proposals should be sent to: John McGuire, Regional Administrator, U.S. Environmental Protection Agency, 230 S. Dearborn Street, Chicago, Illinois 60604, Attention: Air Programs Branch.

Copies of this proposed revision to the Wisconsin SIP are available for public inspection during normal business hours at the above address and at:

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

Bureau of Air Management, Department of Natural Resources, 4610 University Avenue, Box 7921, Madison, Wisconsin 53707.

FOR FURTHER INFORMATION CONTACT: Robert B. Miller, Wisconsin State Specialist, Air Programs Branch, U.S. Environmental Protection Agency, 230 S. Dearborn Street, Chicago, Illinois 60604, (312) 353-2205.

SUPPLEMENTARY INFORMATION: On March 3, 1978 (43 FR 8962), and on October 5, 1978 (43 FR 45993), pursuant to the requirements of section 107 of the Clean Air Act (Act), as amended in 1977, the USEPA designated certain areas in each state as not attaining the NAAQS for photochemical oxidants of 0.08 parts per million (ppm) for a one hour average. This standard was subsequently changed on February 8, 1979 (44 FR 8202) to 0.12 ppm ozone for a one hour average.

Part D of the Act, as added by the 1977 Amendments, requires each State to revise its SIP to meet specific requirements for areas designated as nonattainment. These SIP revisions must demonstrate attainment of the primary National Ambient Air Quality Standards as expeditiously as practicable, but not later than December 31, 1982. Under certain conditions, the date may be extended to December 31, 1987 for photochemical oxidants and/or carbon monoxide. The requirements for an approvable SIP are described in the April 4, 1979 Federal Register (44 FR 20372) and are not reiterated in this notice.

On February 27, 1979, after notice and public hearings, the Secretary of the Wisconsin Department of Natural Resources (DNR) submitted to USEPA among other items, proposed revisions to Wisconsin's regulatory definitions, NR 154.01; stationary source VOC regulations, NR 154.13; and a commitment by the DNR Board to adopt further revisions to NR 154.13, as necessary to attain the ozone standards. The Wisconsin Assembly Environmental Resources Committee recommended minor modifications to proposed NR 154.01 and NR 154.13, which were subsequently made in the proposed regulations. On June 4, 1979, the Secretary of the DNR transmitted revised NR 154.01 and 154.13 to the Wisconsin Revisor of Statutes for publication. A copy of the transmittal was sent to USEPA so that the Agency could review the plan, and solicit public comment on the plan provisions and on USEPA's proposed rulemaking. Final adoption of the regulations will occur after completion of the necessary State administrative procedures.

The USEPA will not complete Federal rulemaking until all State procedural requirements are satisfied and the regulatory and nonregulatory portions of the SIP are formally submitted to USEPA by the Governor or his designee. Any substantive changes in the final SIP which are not discussed or anticipated in this Federal Register notice will be addressed in supplemental notices of proposed rulemaking.

The measures proposed for promulgation will be in addition to, and not in lieu of, existing SIP regulations. The present emission control regulations for any source will remain applicable and enforceable to prevent a source from operating without controls, or under less stringent controls, while it is moving toward compliance with the new

regulations or, if it chooses, challenging the new regulations. In some instances, the present emission control regulations contained in the federally-approved SIP are different from the regulations currently being enforced by the State. In these situations, the present federally-approved SIP will remain applicable and enforceable until there is compliance with the newly promulgated and federally-approved regulations. Failure of a source to meet applicable pre-existing regulations will result in appropriate enforcement action, including assessment of noncompliance penalties. Furthermore, if there is any delay or lapse in the applicability or enforceability of the new regulations, because of a court order or for any other reason, the pre-existing regulations will be applicable and enforceable.

The only exception to this rule is in cases where there is a conflict between the requirements of the new regulations and the requirements of the existing regulations, such that it would be impossible for a source to comply with the pre-existing SIP while moving toward compliance with the new regulations. In these situations, the State may exempt a source from compliance with the pre-existing regulations. Any exemption granted will be reviewed and acted on by the USEPA either as part of these promulgated regulations or as a future SIP revision.

This notice discusses USEPA's review of the proposed Wisconsin SIP. In its review, USEPA has specified portions of the proposed SIP for which additional information and justification are needed. For those areas of the SIP which the USEPA is proposing to approve if specified conditions are met, the State must correct the deficiencies in the final submittal or make a commitment to correct the deficiencies within a reasonable time according to a schedule to be contained in the final SIP. If the State neither corrects the deficiencies nor provides acceptable schedules and commitments, USEPA will disapprove those portions of the plan in its final rulemaking.

USEPA proposes to conditionally approve the plan where there are minor deficiencies and the state provides assurances that it will submit corrections on a specified schedule. This notice solicits comment on what items should be conditionally approved, and it solicits comment on the schedule where specified in this notice. A conditional approval will mean that the restrictions on new major source construction will not apply unless the state fails to submit the necessary SIP revisions by the scheduled dates, or unless the revisions are not approved by USEPA.

Section 172(b)(2) of the Clean Air Act requires the application of reasonably available control technology to stationary sources of VOC in areas which have not attained the ozone standard. Revised NR 154.01 and revised 154.13 require either new or additional controls on those categories of sources for which a CTG was published prior to January 1978. The 15 source categories covered by the present revisions of NR 154.01 and NR 154.13 are:

NR 154.13(2) Petroleum Liquid Storage in Fixed Roof Tanks.
NR 154.13(3)(a) Bulk Gasoline Terminals.
NR 154.13(3)(b) Bulk Gasoline Plants.
NR 154.13(3)(c) Gasoline Service Stations—Stage 1.
NR 154.13(4)(c) Can Coating.
NR 154.13(4)(d) Coil Coating.
NR 154.13(4)(e) Paper Coating.
NR 154.13(4)(f) Fabric and Vinyl Coating.
NR 154.13(4)(g) Automobile and Light-Duty Truck Manufacturing.
NR 154.13(4)(h) Furniture Metal Coating.
NR 154.13(4)(i) Surface Coating of Large Appliances.
NR 154.13(5)(a) Cutback Asphalt.
NR 154.13(6)(a) Solvent Metal Coating.
NR 154.13(7)(a) Petroleum Refinery Sources.

The USEPA has review the proposed changes to NR 154.01 and NR 154.13 in relation to the respective CTG for each type of emission source. The CTGs provide information on available air pollution control techniques, and contain recommendations of what USEPA calls the "presumptive norm" for RACT. Based on the information in the CTGs, USEPA believes that the submitted regulations represent RACT, except as noted below. On the points noted below, the State regulations are not supported by the information in the CTGs, and the State must provide an adequate demonstration that its regulations represent RACT or amend the regulations to be consistent with the CTGs.

1. NR 154.13(5)(a)2.b. allows the use of cutback asphalts for sealcoating where a single coat of liquid asphalt is applied to the aggregate base to control dust. Since justification for this exemption to the general ban against cutback asphalt is not provided in the CTG, the State of Wisconsin must demonstrate the need for this exemption. For example, the demonstration could contain a showing that the State has contacted emulsified asphalt manufacturers and emulsified chemical manufacturers, and has found that they cannot develop an acceptable emulsion or recommend an alternative paving or repair procedure. Alternatively, the State could demonstrate that this exemption will result in VOC emission reductions which differ inperceptively (e.g., up to 5%) from the reductions which would be obtained through implementation of the CTG recommendations for cutback asphalt.

2. NR 154.01(98) is a definition of "ozone season." The concept of an ozone season is apparently based on former Assistant Administrator Roger Strelow's July 28, 1976, memorandum entitled "Seasonal Operation of Natural Gas-Fired Afterburners." This memorandum would allow the cessation of the use of natural gas-fired afterburners from November 1 until March 31 for climates similar to Wisconsin's. Wisconsin proposes to allow cessation of use of fossil fuel-fired incinerators from October 1 until April 30, or two additional months (NR 154.13(10(d)). The ozone season concept is also found in the sections relating to bulk gasoline plants (NR 154.13(3)(b)), gasoline service stations (NR 154.13(3)(c)), and road surfacing materials (NR 154.13(5)). In order to justify the proposed shorter ozone season, as it applies to fossil fuel-fired incinerators, bulk gasoline plants in rural areas, and road surfacing materials, Wisconsin must either demonstrate through the use of ambient air monitoring data that violations of the ozone standard have not occurred in Wisconsin in April and October or that, if violations have occurred, they are the result of documented natural phenomena, i.e. stratospheric intrusion of ozone.

The exemptions in Mr. Strelow's memorandum were based on the critical shortage of natural gas at that time. Due to the continuing shortages of natural gas and petroleum products, an appropriate length ozone season exemption is approvable for afterburners/incinerators. The ozone season exemption is also approvable for bulk gasoline plants, as long as it only applies to bulk plants in rural areas. Finally, because the usage of emulsified asphalt has certain temperature constraints, a cold weather exemption is appropriate for this type of source. However, requiring controls solely during the ozone season is inappropriate for urbanized area gasoline stations with stage I vapor recovery. Proper usage of stage I vapor recovery techniques is neither technologically infeasible during the winter months nor does it require significant amounts of additional energy. Therefore, the ozone season concept exemption is not approvable for stage I vapor recovery procedures at urbanized area gasoline stations.

In addition to air quality considerations, a potential safety hazard exists when proper stage I vapor recovery procedures are not followed at facilities equipped for vapor recovery. If the vapor return line is not tightly connected during gasoline delivery, high concentrations of gasoline fumes may accumulate at ground level. For the above reasons, Wisconsin must amend NR 154.13(3)(c) by removing the ozone season exemption from this paragraph or USEPA will disapprove this rule in its final rulemaking action.

USEPA solicits comments from all interested parties on the proposed Wisconsin SIP revisions and on the USEPA's proposed action on these revisions. USEPA specifically solicits public comment on the proposals for conditional approval. USEPA also encourages residents and industries in adjoining states to comment on any potential interstate air quality impacts of the proposed Wisconsin SIP.

This Notice of Proposed Rulemaking is issued under the authority of Section 110 of the Clean Air Act, as amended.

Dated: June 15, 1979.

John McGuire,

Regional Administrator.

[FR Doc. 79-21308 Filed 7-3-79; 8:45 am]

BILLING CODE 6560-01-M

Notices

Federal Register
Vol. 44, No. 133
Tuesday, July 10, 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.

ACTION

State Office of Voluntary Citizen Participation Program (S/OVCP) Formerly "Statewide" or State Volunteer Services Coordinator Program; Proposed Guidelines

AGENCY: ACTION.

ACTION: Proposed Notice of Guidelines for State Office of Voluntary Citizen Participation S/OVCP Program Grants.

SUMMARY: The following proposed notice sets out the guidelines under which applications for new or continuation State Office of Voluntary Citizen Participation (S/OVCP) program grants will be accepted and reviewed in fiscal year 1979. The program was formerly called the "Statewide" or State Volunteer Services Coordinator Program. The notice describes the program purpose, applicant eligibility, grant scope, selection criteria, S/OVCP functions and application review process and criteria for S/OVCP grants.

In accordance with ACTION's response to Executive Order 12044 ("Improving Government Regulations"), a working group met on March 30, 1979, and determined that a regulation was not necessary to accomplish the purposes of this notice, but that a guideline was sufficient as an alternative for awarding funds in FY 1979. In addition, because the group determined that the notice affects an important agency Program (S/OVCP) and imposed substantial compliance and reporting requirements, it was decided that the notice was significant and, therefore, would be published in proposed form for a 60-day period during which written comments would be accepted and regional meetings held for public discussion and input, if requested, prior to award of any FY 1980 funds.

In order to allow sufficient time for a comprehensive review of fiscal year 1979 applications at the State, regional, and headquarters levels, the Office of Voluntary Citizen Participation has set August 24, 1979 as the date by which all applications must be submitted to ACTION for consideration during fiscal year 1979. Under the 60-day comment period, however, this notice will not be finalized in time for the deadline. The working group, therefore, approved the use of the proposed notice as an interim guideline so that the FY 1979 funding could be approved and the S/OVCP Program would not be disrupted for FY 1979. The final guidelines, with any changes that have been incorporated as a result of public comments, will be utilized in all future fiscal years.

DATE: Written comments should be submitted no later than September 10, 1979, to Peter A. Bender, OVCP ACTION, 806 Connecticut Avenue, NW, Washington, D.C. 20525.

FOR FURTHER INFORMATION OR TO REQUEST A REGIONAL MEETING CONTACT: Peter A. Bender, OVCP, ACTION, 806 Connecticut Avenue, NW, Washington, D.C., 20525, or telephone toll free 800-424-8867. The addresses and phone numbers of State ACTION Offices can also be obtained by calling this number.

SUPPLEMENTARY INFORMATION: Notice is hereby given that pursuant to the authority contained in section 123 of the Domestic Volunteer Service Action of 1973, as amended, Pub. L. 93-113 (42 U.S.C. section 4993), applications will be accepted from Governor's offices wishing to apply for grants in fiscal year 1979 to develop, create, and/or support State Voluntary Citizen Participation Offices (S/OVCP).

A. *Program purpose.* S/OVCP grants are made to stimulate new active citizen initiatives and to support projects to resolve local human need problems, particularly those related to poverty, through voluntary action; and to promote and coordinate voluntary participation in government and local public and private organizations by developing, creating, and/or supporting "Voluntary Citizen Participation" offices at the state level.

B. *Eligibility.* Applicants for S/OVCP grants must be State Governor's offices. Preference will be given in the following order: (1) States which utilized ACTION S/OVCP Program funds during FY 79; (2) States which have never received funds under ACTION's S/OVCP Program; (3) States which have received funds under ACTION's S/OVCP Program in the past, but whose State Office of Voluntary Citizen Participation has been closed for a minimum of 1 year; (4) States with existing State Offices of Voluntary Citizen Participation which have completed three years of ACTION funding prior to September 30, 1978; these offices will only be eligible to apply for fourth year grants under this notice if applications are received on or before August 24, 1979 for FY 1979 funds or on or before September 30, 1979 for FY 1980 funds. Award of funds to applicants in Group 4 will be contingent on the availability of funds in both years.

C. *Scope of Grant.* 1. Approximately $500,000 is available in fiscal year 1979 to fund approximately 6-8 new and/or continuation grants. ACTION provides twelve month project grants for periods of up to 5 years to support the establishment and operation of the office. ACTION requires that these offices be called the "STATE OFFICE OF VOLUNTARY CITIZEN PARTICIPATION". The name of the state must be included. No more than 1 grant per state will be given at one time. Applicants must submit a completed application for Federal Assistance which itemizes total program costs, including salaries and operating expenses for each period of program operation.

2. ACTION grant awards for the first year will not exceed $100,000. There is no required contribution by the grantee in the first year.

3. Second year grant awards will be subject to ACTION's appraisal of grantee performance the first year, approval of the second year continuation application, and Congressional appropriations. Grant awards for the second year will not exceed 90% of the total program budget or $100,000, whichever is less. The minimum contribution by the grantee is 10% of the total grant cost and can be cash, or in-kind, or combination. The in-kind contribution cannot exceed $10,000.

4. Third year grant award will be subject to ACTION's appraisal of grantee performance the second year, approval of the third year continuation application and Congressional

appropriations. Grant awards for the third year will not exceed 75% of the total program budget or $100,000, whichever is less. The minimum contribution for the grantee is 25%, and can be either cash, or in-kind, or a combination. The in-kind contribution cannot exceed $10,000.

5. Fourth year grant awards will be subject to ACTION's appraisal of grantee performance the third year, approval of the fourth year continuation application, and Congressional appropriations. It is expected that at least two professional and one clerical full-time core staff positions will be fully funded by the fourth year. Grant awards for the fourth year will not exceed 60% of the total program budget, or $100,000 whichever is less. The minimum contribution for the grantee is 40% and can be either cash, or in-kind or a combination. The in-kind contribution cannot exceed $10,000.

6. Fifth year grant awards will be subject to ACTION's appraisal of grantee performance the fourth year, approval of the fifth year continuation application, and Congressional appropriations. Grant awards for the fifth year will not exceed 50% of the total program budget, or $100,000 whichever is less. The minimum contribution for the grantee is 50%, and can be either cash, or in-kind, or a combination. The in-kind contribution cannot exceed $10,000.

7. When not prohibited by OMB Circular #A-102, Federal funds received from sources other than ACTION may be considered as a part of the grantee's in-kind contribution only.

8. Continued financial support of the program beyond the fifth year will be the responsibility of the grantee.

9. An S/OVCP grant will cover those costs of operating the project that are allowable under Federal Management Circular 74-4, "Cost Principles Applicable to Grants and Contracts with State and Local Governments."

10. Publication of this announcement does not obligate ACTION to award any specific number of grants, or to obligate the entire amount of funds available, or any part thereof.

D. *Functions of State Offices of Voluntary Citizen Participation.* Listed below are the required functions of State Offices of Voluntary Citizen Participation.

1. Organize and support a state coalition of the leadership of volunteer service organizations in order to be able to mobilize their membership to address a specific statewide need, as appropriate.

2. Develop, implement, and maintain a comprehensive system to disseminate information collected on voluntary action and citizen participation.

3. The grantee (in conjunction with its Advisory Committee) shall prepare at least one publication or brochure which should be useful to both the private and public sector. This publication should include the year's achievements, and a "State of the Art" section on volunteer activities in the state developed in the first year and updated each subsequent year. Grantees are also encouraged to include recommendations, trends, highlights, and problems. The publication or brochure should be given broad distribution throughout the state.

4. Develop, implement, and maintain a state plan for public recognition of voluntary action and citizen participation efforts.

After the first year of program operation, grantees will be required each year to:

5. Assist government agencies and non-profit organizations at state and local levels to expand or develop citizen participation and voluntary action activities to meet basic human needs. One major effort shall be identified (based on state needs) and implemented annually.

Applications must address all three (3) of the following functions over the possible five year grant period. However, only one (1) function need be identified and implemented annually.

6. Development of an organization of citizen volunteers to support state government human service initiatives or programs.

7. Develop and/or strengthen programs, activities, or organizations of former Peace Corps and VISTA Volunteers.

8. Assist in the development of voluntary action and/or citizen participation offices in city and county government.

During the entire program period, grantees are encouraged to:

9. Serve as advocates for effective volunteer involvement and citizen participation in government and non-profit organizations.

10. Provide or arrange for the provision of training and technical assistance to public and private non-profit organizations involved in such areas as grantsmanship, resource development, volunteer management, the development of advisory groups, citizen participation, and voluntary action.

11. Promote communication and collaboration among volunteer organizations and government agencies by providing statewide and local public forums, such as conferences, workshops, and seminars for exchange of information.

12. Provide leadership in developing legislation, regulations and systems supportive of voluntary action and citizen participation.

13. Assist in the development and support of community based self-help voluntary action initiatives.

14. Serve as liaison with national, civic and volunteer organizations, including the Office of ACTION's State Program Director and ACTION's Office of Voluntary Citizen Participation.

E. Applicant must submit with the grant application, a plan for development of an Advisory Committee to the State Office of Voluntary Citizen Participation.

1. The responsibilities of the Advisory Committee shall be clearly outlined in the plan.

2. The plan shall specify how and from which groups representatives of different segments of the population with expertise and skills that will contribute to the success of the office will be chosen to serve on the Advisory Committee. The Advisory Committee should include representatives of major volunteer service and private voluntary organizations in the state, state organizations of citizen and consumer groups, the business community local decison-makers, the poor and the elderly. It is intended that this Advisory Committee shall be representative of the population of the State. ACTION's domestic legislation requires that the beneficiaries of volunteer efforts be involved to the maximum extent possible in the planning and policy stages at the local level. If possible, individuals should be identified at the time of application.

3. The plan shall also specify the length of terms of members and the methods of selection of the chairperson of the Advisory Committee.

4. The Advisory Committee must meet a minimum of four times a year.

5. The Advisory Committee should begin functioning no later than 3 months after grant award.

6. The grantee, in cooperation with the Advisory Committee, shall submit with the third year grant application a plan for continued funding of the State Office of Voluntary Citizen Participation Program at the conclusion of ACTION funding.

F. *Reporting Requirements.* 1. The grantee is responsible for following the

grant management reporting requirements (in accordance with ACTION Handbook 2650.2) and other ACTION grantee reports and submitting required reports to the appropriate ACTION office.

G. *Application Review Process.* Letters of inquiry by the Governor's Office should be sent to the appropriate ACTION State Office by July 23, 1979, so that applicants may receive the S/OVCP program package containing model budget information, samples of required reports, and other pertinent information.

Applications submitted to ACTION State Offices will be evaluated at the State and Regional level using ACTION's procedures for Project Review Boards (PRB). Following this review, applicants will be sent to ACTION's Office of Voluntary Citizen Participation for final approval.

The final selection of S/OVCP grantees will be made by the Director of ACTION's Office of Voluntary Citizen Participation in accordance with the purposes of the Act, OVCP policies, and the availability of funds.

Each notice of grant award (NGA) will be made by the cognizant ACTION Regional Grants and Contracts Officer. The NGA sets forth in writing such items as the amount of funds granted, the terms and conditions of the grant award, the effective date of award, the performance period and the negotiated budget.

H. *Application Review Criteria.* Merit ratings are assigned to Grant applications on the basis of (a) completeness of application (b) OVCP Application Committee Review, and (c) on-site visits. The various categories and ranges of numerical ratings which can be assigned are listed below:

1. Evidence of need for the program and of program goals. (0–10 points)

2. Program Objectives and Operations.

a. Clarity of stated objectives and relevance to program goals. (0–5 points)

b. Demonstrated or potential ability to implement objectives within established time frames. (0–5 points)

c. Completeness and appropriateness of plans for day-to-day operations and commitment of proposed staff. (0–5 points)

3. Program Methods—adequacy and appropriateness of proposed method to conduct program activities and extent of creativity employed in program development. (0–15 points)

4. Advisory Committee—scope of functions and adequacy of project representation. (0–10 points)

5. Funds—adequacy of non-federal support for the total project period for which federal funds are sought, grantee contribution in first year when not required; extra grantee cash contributions in subsequent years; concreteness of plans for self-support. (0–10 points)

6. Other Supporting Data—level of local support and commitment for the development of a continuation of a State Office of Voluntary Citizen Participation. (0–20 points)

7a. For First Year Applicants Only.I11Evidence of written documentation that the Heads of State departments or agencies support the S/OVCP, and have designated a senior official to have primary and continuing responsibility for the participation and cooperation of that department or agency in matters concerning volunteer activities and citizen participation. (0–20 points)

7b. For Second Through Fifth Year Applicants Only.

Extent to which prior year plans were effectively implemented. (0–20 points)

A maximum of 100 points can be scored for a S/OVCP proposal.

I. *Availability of Forms.* To be eligible for consideration an application must be prepared and submitted on Standard Form SF 424 (Application for Federal Assistance) available from each ACTION State Office. In response to letters of inquiry sent to ACTION State Offices, forms, instructions, and program guidelines will be provided.

J. *Application submission:* One signed original and two (2) copies of each completed application must be submitted to the appropriate ACTION state office.

Applications which do not conform to this announcement, or are incomplete, will not be accepted for review.

Issued in Washington, D.C. on July 2, 1979.

Sam Brown,

Director, ACTION Agency.

[FR Doc. 79-21048 Filed 7-6-79; 8:45 am]

BILLING CODE 6050-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[TIPS Docket No. 31]

Termination of Proceedings Regarding Application of Thomas B. Hall, Jr., and Marvin E. Inge, Jr., for Expansion of Tobacco Inspection and Price Support Services

Notice is hereby given of the termination of proceedings regarding application for expansion of tobacco inspection and price support services on the designated market at Kenbridge, Virginia, to all types of tobacco, rather than flue-cured only. The original hearing was scheduled to be held in Kenbridge, Virginia, on October 26, 1978 (43 FR 42024, September 19, 1978). Postponement of that hearing was granted for good cause shown upon the request of the applicants, Mr. Thomas B. Hall, Jr., T/A Virginia Dark Fired Tobacco Growers' Marketing Association, Inc., Farmville, Virginia, and Mr. Marvin E. Inge, Jr., T/A Planters Warehouse, Blackstone, Virginia, notice of which appeared at 43 FR 59855, December 22, 1978.

The applicants, by letter dated April 11, 1979, informed the Department that they were withdrawing their application for redesignation of the Kenbridge market. Therefore, the application is deemed withdrawn, and the proceeding is hereby terminated.

Dated: July 5, 1979.

Jim Williams,

Acting Secretary.

[FR Doc. 79-21285 Filed 7-9-79; 8:45 am]

BILLING CODE 3410-02-M

Forest Service

Big Frog Wilderness Study Area; Cherokee National Forest, Polk County, Tennessee and Chattahoochee National Forest, Fannin County Georgia; Intent To Prepare an Environmental Impact Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, will prepare an environmental impact statement for determining the suitability or nonsuitability for perservation as wilderness of the Big Frog Study Area.

Preparation of an environmental impact statement is a required part of the process in determining the suitability of Congressionally designated wilderness study areas. The Big Frog Study Area was so designated by Congress on January 3, 1975.

It is anticipated that the environmental impact statement will require about four months to prepare. This statement will be prepared by an interdisciplinary team after scoping sessions with other governmental agencies, and after reviewing input from concerned citizens' groups and organizations, individuals and other interested persons. Some data was collected during the recent Roadless Area Review and Evaluation process, compartment prescription examinations, and the Cherokee National Forest Timber Management Plan.

R. Max Peterson, Chief, USDA Forest Service, is the responsible official, and Charles Engle, forester, will be the team leader for the environmental analysis and the preparation of the environmental impact statement.

The draft environmental impact statement is scheduled for completion in October, 1979, with a 60 day review period. The final environmental impact statement is scheduled for filing in 1980.

Comments on the Notice of Intent or the Wilderness Study Area should be sent to Marvin K. Lauritsen, Forest Supervisor, Cherokee National Forest, Box 400, Cleveland, Tennessee 37311.

Dated: July 3, 1979.

Everett L. Towle,

Acting Deputy Chief.

[FR Doc. 79-21195 Filed 7-9-79; 8:45 am]

BILLING CODE 3410-11-M

Citico Wilderness Study Area; Cherokee National Forest, Monroe County, Tennessee; Intent To Prepare an Environmental Impact Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, will prepare an environmental impact statement for determining the suitability or nonsuitability for the preservation as wilderness of the Citico Study Area.

Preparation of an environmental impact statement is a required part of the process in determining the suitability of Congressionally designated wilderness study areas. The Citico area was so designated by Congress on January 3, 1975.

It is anticipated that the environmental impact statement will require about four months to prepare. This statement will be prepared by an interdisciplinary team after scoping sessions with other governmental agencies, and after receiving input from concerned citizens' groups and organizations, individuals and other interested persons. Some data was collected during the process for Roadless Area Review and Evaluation (RARE II), compartment prescription examinations, and the preparation of the Cherokee National Forest Timber Management Plan.

R. Max Peterson, Chief, USDA Forest Service, is the responsible official and Charles Engle, Forester, will be the team leader for the environmental impact statement.

The draft environmental impact statement is scheduled for completion in August 1979, with a 60 day review period. The final environmental impact statement is scheduled for filing in November 1979.

Comments on the Notice of Intent, or the Wilderness Study Area, should be sent to Marvin K. Lauritsen, Forest Supervisor, Cherokee National Forest, Box 400, Cleveland, Tennessee 37311.

Dated: July 3, 1979.

Everett L. Towle,

Acting Deputy Chief.

[FR Doc. 79-21193 Filed 7-9-79; 8:45 am]

BILLING CODE 3410-11-M

Office of the Secretary

National Advisory Council on Child Nutrition; Meeting

Pursuant to Public Law 92-463, notice is hereby given that the National Advisory Council on Child Nutrition, which was etablished to make a continuing study of the child nutrition programs of the Department of Agriculture, has scheduled a three-day meeting in San Francisco, California, on July 26-28, 1979, from 8:30 a.m. to 5:00 p.m., daily. The general session will be held in Room 303 at the San Francisco Civic Center at Polk Street (use the Polk Street entrance). The meeting will be open to the general public, and participants will be allowed to participate as time permits.

The final agenda for the meeting, which will include individual discussion group sessions concerning the School Breakfast, Child Care and Summer, and Food Distribution Programs, will be available 15 days prior to the meeting from Mr. Gene P. Dickey, Executive Secretary, National Advisory Council on Child Nutrition, U.S. Department of Agriculture, FNS, 500 12th Street, S.W., Washington, D.C. 20250. Telephone: (202) 447-5548. Comments on the agenda should also be addressed to the Executive Secretary.

Dated: July 3, 1979.

Carol Tucker Foreman,

Assistant Secretary and Chairperson, National Advisory Council on Child Nutrition.

[FR Doc. 79-21032 Filed 7-9-79; 8:45 am]

BILLING CODE 3410-30-M

Privacy Act of 1974; Additional Routine Use of Systems of Records

AGENCY: Department of Agriculture.

ACTION: Notice of additional routine use of USDA/ASCS Farmers Name and Address File.

SUMMARY: Referral to Individual Congressmen, upon their request to provide information to their farmer constituency. This routine use was inadvertantly omitted when the system notice was originally published in Federal Register, 43 FR 51278 (November 2, 1978).

DATES: This notice invites written comments on the additional routine use. Comments must be received on or before August 9, 1979.

ADDRESS: Send comments to Director, Research and Operations Division, Office of the General Counsel, U.S. Department of Agriculture, Room 2321 South Building, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: L. Jeffery Ross (202) 447-4147.

SUPPLEMENTARY INFORMATION: Comments will be available for public inspection in Room 2321, South Building from 8:30 a.m. to 5:00 p.m.

Signed at Washington, D.C., on July 2, 1979.

Bob Bergland,

Secretary.

[FR Doc. 79-21212 Filed 7-9-79; 8:45 am]

BILLING CODE 3410-01-M

Soil Conservation Service

Attoyac Bayou Watershed, Texas; Intent To Prepare an Environmental Impact Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is being prepared for the Attoyac Bayou Watershed, Nacogdoches, Rusk, Shelby, and San Augustine Counties, Texas.

The environmental assessment of this Federal action indicates that the project will cause significant, local, regional, or national impacts on the environment. As a result of these findings, Mr. George C. Marks, State Conservationist, Soil Conservation Service, has determined that the preparation and review of an environmental impact statement is needed for installing the remaining measures in this project.

The project concerns a plan for watershed protection, flood prevention, improved water quality and quantity, and improved quality of life for the area. The planned action for the remaining project provides for the installation of 8 floodwater retarding structures and one multiple-purpose structure with recreational facilities.

Accelerated technical assistance for land treatment has been provided for

achievement of land treatment goals for the watershed and 10 floodwater retarding structures have been installed.

A draft environmental impact statement will be prepared and circulated for review by agencies and the public. The Soil Conservation Service invites participation of agencies and individuals with expertise or interest in the preparation of the draft environmental impact statement. The draft environmental impact statement is being developed by Mr. George C. Marks, State Conservationist, Soil Conservation Service, W. R. Poage Federal Building, 101 South Main Street, Temple, Texas 76501; 817-774-1255.

Dated: June 29, 1979.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program—Public Law 83-566, 16 U.S.C. 1001-1008.)

Joseph W. Haas,

Assistant Administrator for Water Resources, Soil Conservation Service.

[FR Doc. 79-21221 Filed 7-9-79; 8:45 am]

BILLING CODE 3410-16-M

Wilkerson Creek Watershed, Alabama; Intent To Not Prepare an Environmental Impact Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Wilkerson Creek Watershed, Coffee, Dale, and Geneva Counties, Alabama.

The environmental assessment of this Federal action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. William B. Lingle, State Conservationist, Soil Conservation Service, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project concerns a plan for watershed protection and flood prevention. Alternatives being considered are conservation land treatment, critical area treatment, and land stabilization.

The notice of intent to not prepare an environmental impact statement has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment is on file and may be reviewed by interested parties at the Soil Conservation Service, 138 South Gay Street, Auburn, Alabama 36830; 205-821-8070. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication (August 9, 1979).

Dated: June 29, 1979.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program—Public Law 83-566, 16 USC 1001-1008)

Joseph W. Haas,

Assistant Administrator for Water Resources, Soil Conservation Service.

[FR Doc. 79-21222 Filed 7-9-79; 8:45 am]

BILLNG CODE 3410-16-M

Office of Transportation

Rural Transportation Advisory Task Force Public Hearing Schedules

AGENCY: Office of Transportation, U.S. Department of Agriculture.

ACTION: Notice of Public Hearings of the Rural Transportation Advisory Task Force.

SUMMARY: The Rural Transportation Advisory Task Force, established by Public Law 95-580, enacted November 2, 1978, announces the places and dates of its public hearings. The Task Force is studying and will report to Congress on methods for enhancing the economical and efficient movement of agricultural commodities (including forest products) and agricultural inputs and provide recommendations for approaches for determining the continuing transportation needs of agriculture; for establishing a national agricultural transportation policy; and for identifying impediments to a railroad transportation system adequate for the needs of agriculture.

To obtain a copy of the Task Force's Preliminary Report and/or to register for a time period to appear at a public hearing, the public is encouraged to call Bill Dunton or Ron Vail at 1-800-424-9107.

The Rural Transportation Advisory Task Force will receive public input concerning agricultural and rural transportation problems at 8:00 a.m. on the indicated dates at the following places.

July 12—Des Moines, Iowa, at Sheraton Inn, 11040 Hickman Rd.
July 12—Raleigh, N.C., at Hilton Inn, 1708 Hillsborough St.
July 16—Fresno, Calif., at Picadilly Inn, 2305 West Shaw Ave.
July 17—Albany, N.Y., at Howard Johnson's Motor Lodge, Southern Blvd.
July 19—Orlando, Fla., at Hilton Inn-West, 3200 West Colonial Dr.
July 24—San Antonio, Tex., at Sheraton-San Antonio Motor Inn, 1400 Austin Highway
July 24—Fargo, N.D., at Fargo Biltmore Motor Hotel, 3700 Main Ave.
July 26—Wichita, Kan., Holiday Inn-East, 7335 Kellogg.
July 26—Indianapolis, Ind., at Stouffer's Indianapolis Inn, 2820 North Meridian St.
July 30—Spokane, Wash., Ridpath Hotel & Motor Inn, Sprague & First Avenues
July 31—Portland, Me., Holiday Inn-Downtown, 88 Spring St.
Aug. 8—Mitchell, S.D., Holiday Inn, 1525 West Havens St.

FOR FURTHER INFORMATION CONTACT: Dr. Robert J. Tosterud, Office of Transportation, U.S. Department of Agriculture, Washington, D.C. 20250, Phone: (202) 447-7690.

Dated: June 28, 1979.

James H. Lauth,

Acting Director, Office of Transportation.

[FR Doc. 79-21284 Filed 7-9-79; 8:45 am]

BILLING CODE 3410-02-M

CIVIL AERONAUTICS BOARD

[Docket 33712]

Tiger International-Seaboard World Airlines, Inc., Acquisition Case; Cancellation of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the hearing in the above-entitled matter scheduled to be held beginning on July 9, 1979 at 9:30 a.m. (local time), in Room 1003 D, 1875 Connecticut Avenue, N.W., Washington, D.C. (44 FR 34182, May 14, 1979), is hereby canceled.

Dated at Washington, D.C., July 3, 1979.

John J. Mathias,

Administrative Law Judge.

[FR Doc. 79-21242 Filed 7-9-79; 8:45 am]

BILLING CODE 6320-01-M

COMMISSION ON CIVIL RIGHTS

Illinois Advisory Committee; Agenda and Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights that a press conference of the Illinois Advisory Committee (SAC) of the Commission will convene at 10 a.m. and will end at 12 Noon, on July 30, 1979, at

the Marriott Inn, I-69 and U.S. 27 North, Fort Wayne, Indiana 46825.

Persons wishing to attend this open meeting should contact the Committee Chairperson or the Midwestern Regional Office of the Commission, 230 South Dearborn, 32nd Floor, Chicago, Illinois 60604.

The purpose of this press conference is to release the Indiana SAC report, *Equal Opportunity In the Fort Wayne Community Schools: A Reassessment.*

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

Dated at Washington, D.C. July 3, 1979.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 79-21203 Filed 7-9-79; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

Economic Development Administration

Safety Systems, Inc., Et Al.; Notice of Petitions for Determinations of Eligibility To Apply for Trade Adjustment Assistance

Petitions have been accepted for filing from nine firms: (1) Safety Systems, Inc., 216 South Hoyne Avenue, Chicago, Illinois 60612, a producer of ski bindings and poles (accepted June 26, 1979); (2) Guthrie, Inc., Church Street, North Walpole, New Hampshire 05101, a producer of hair dryers and cosmetic packaging (accepted June 26, 1979); (3) Hagerstown Leather Goods Company, P.O. Box 470, 858 Willow Circle, Hagerstown, Maryland 21740, a producer of billfolds and other personal leather goods; school bags, pencil cases, attache cases and lunch kits; and cases for records, tapes and guns (accepted June 26, 1979); (4) P and P Industries, Inc., 405 W. Redwood Street, Baltimore, Maryland 21201, a producer of men's and women's uniforms, blouses, skirts, dresses and pants (accepted June 27, 1979); (5) The Mansfield Tire & Rubber Company, 515 Newman Street, Mansfield, Ohio 44902, a producer of tires and tubes, molded wood fiber parts and mechanical rubber parts (accepted June 27, 1979); (6) Fashiontime, Inc., 106 East Adams Boulevard, Los Angeles, California 90011, a producer of women's jackets, pants, skirts, vests and dresses (accepted June 29, 1979); (7) The Hartford Element Company, Box 47, Sunapee Street, Newport, New Hampshire 03773, a producer of electric heating elements (accepted June 29, 1979); (8) Conklin Forging Company, Inc., 12680 Westwood, Detroit, Michigan 48223, a producer of steel forgings (accepted July 2, 1979); and (9) M. Hoffman and Company, Inc., 160 N. Washington Street, Boston, Massachusetts 02114, a producer of jeans, tops, shirts and other sportswear for men, women and children (accepted July 2, 1979).

The petitions were submitted pursuant to section 251 of the Trade Act of 1974 Pub. L. 93-618) and Section 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315).

Consequently, the United States Department of Commerce has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than July 20, 1979.

Charles L. Smith,

Acting Chief, Trade Act Certification Division, Office of Eligibility and Industry Studies.

[FR Doc. 79-21217 Filed 7-9-79; 8:45 am]

BILLING CODE 3510-24-M

Industry and Trade Administration

Columbia University, et al.; Consolidated Decision on Applications for Duty-Free Entry of Accessories for Foreign Instruments

The following is a consolidated decision on applications for duty-free entry of accessories for foreign instruments pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301). (See especially § 301.11(e)).

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review between 8:30 a.m. and 5:00 p.m. at 666 11th Street, N.W. (Room 735), Washington, D.C.

Docket No. 79-00170. Applicant: Columbia University, Henry Krumb School of Mines, 520 W. 120th Street, New York, New York 10027. Article: Specimen Heating Holder, Model 100CX-SHH and Power Control Unit, Model 100CX-SHU. Manufacturer: Japan Electonics Optics Laboratories Ltd., Japan. Intended use of article: The articles are accessories that will provide distinctly new experimental and analytical function to an existing electron microscope. One of the main purposes for which the equipment is to be used is for the study of coarsening, or growth, of platinum particles supported in metal catalysts. The article will also be used in the course Electron Microscopy, Met. M.S. E4154y: Techniques and theory of electron microscopy including operation of electron microscopes and the preparation of specimens for electron microscopy. Application received by Commissioner of Customs: February 23, 1979. Advice submitted by the National Bureau of Standards on: June 12, 1979.

Docket No. 79-00201. Applicant: Duke University Medical Center, Box 3011, Anatomy Department, Durham, North Carolina 27710. Article: Double Tilt-lift Device. Manufacturer: Siemens and Halski Company, West Germany. Intended use of article: The article is intended to be used with an electron microscope to permit high resolution electron micrographs to be taken of biological membranes and membrane structures at large angles of tilt. The experiments that are to be done involve taking minimal dose electron micrographs at large angles of tilt followed by computer image analysis procedures and three-dimensional reconstruction of membrane components. The techniques will be applied particularly to the communicating junction structure (gap junction) derived from liver tissue and to a three-dimensional reconstruction of the highly organized membrane placque structures in mammalian urothelial cell fusiform vaculoes. The article will also be used for stereoscopic studies of freeze-fracture-etch preparation of several types of membranes including urothelial cell membranes and the purple membrane of *Halobacterium halobium.* In addition, the article will be used for training graduate students and postdoctoral fellows in the techniques of three-dimensional reconstruction by low dose electron microscopy. Application received by Commissioner of Customs: March 15, 1979. Advice submitted by the Department of Health, Education, and Welfare on: June 7, 1979.

Docket No. 79-00209. Applicant: National Institute of Environmental Health Sciences, NIH, HEW, P.O. Box 12233, Research Triangle Park, NC

27709. Article: LKB 14801-1 CryoKit and LKB 14815 Set of Tools and Accessories. Manufacturer: LKB Produkter AB, Sweden. INTENDED USE OF ARTICLE: The article is intended to be used to study the ultrastructure of tissues that transport or utilize intracellular ions. Frozen thin sections of normal lung tissue and lung tissues from animals exposed to a variety of injurious gases and particulates will be prepared for study in the electron microscope with particular attention being given to the existence and location of mineral inclusions. The general goal of the investigation is to further understand the localization of intracellular minerals (exogenous and endogenous) and the nature of the cellular involvement in elemental translocation. Application received by Commissioner of Customs: March 20, 1979. Advice submitted by the National Bureau of Standards on: June 7, 1979.

Comments: No comments have been received with respect to any of the foregoing applications.

Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for the purposes for which the articles are intended to be used, is being manufactured in the United States.

Reasons: The applications relate to compatible accessories for instruments that have been previously imported for the use of the applicant institutions. The articles are being manufactured by the manufacturers which produced the instruments with which they are intended to be used. We are advised by the National Bureau of Standards and the Department of Health, Education, and Welfare in the respectively cited memoranda that the accessories are pertinent to the applicant's intended uses and that it knows of no comparable domestic articles.

The Department of Commerce knows of no similar accessories manufactured in the United States which are interchangeable with or can be readily adapted to the instruments with which the foreign articles are intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff

[FR Doc. 79-21186 Filed 7-9-79; 8:45 am]

BILLING CODE 3510-25-M

National Radio Astronomy Observatory Associated Universities; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. at 666-11th Street, N.W. (Room 735) Washington, D.C.

Docket No. 79-00160. Applicant: National Radio Astronomy Observatory Associated Universities, Inc., Edgemont Road, Charlottesville, Virginia 22901. Article: RWO-170 Backward Wave Oscillator. Manufacturer: Siemens AG, West Germany. Intended Use of Article: The article is intended to be used as signal source for the testing of millimeter wave frequency receiver components as well as a local oscillator, super heterodyne, for radio astronomy receivers at the frequencies of interest. The objectives to be pursued in the course of research are the investigation into natural phenomena, basic research in celestial mechanisms, the formation of astronomical objects, and other physical and chemical investigations using radio astronomy instrumentation and techniques.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a frequency in the range between 110-170 gigahertz. The National Bureau of Standards (NBS) advises in its memorandum dated May 24, 1979 that (1) the capability of the foreign article described above is pertinent to the applicant's research purposes and (2) it knows of no domestic instrument of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 79-21187 Filed 7-9-79; 8:45 am]

BILLING CODE 3510-25-M

Princeton University; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Education, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5 p.m. at 666-11th Street, NW. (Room 735) Washington, D.C.

Docket No. 79-00091. Applicant: Princeton University, P.O. Box 33, Princeton, New Jersey 08540. Article: JNM/FX-90Q NMR Spectrometer and Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used to obtain routine H^1 and ^{13}C spectra to determine chemical shifts, coupling constants and lineshapes, nuclear overhauser effects, variable temperature effects, and relaxation times (T_1 and $T_{1\rho}$) for various molecules investigated under the following projects:

1. Studies of Carbene Rearrangements.
2. Dynamic Stereochemistry of Molecular Propellers.
3. Conformational Analysis of Tetraarylethanes.
4. Studies of the Gear Effect.
5. Inversion Barrier of Stibines.
6. Barriers to Rotation about Metal-carbon σ Bonds.
7. Polynuclear Cations: Racemization Barriers and Catalytic Properties.
8. Mechanisms of Reductive Elimination.
9. Palladium-catalyzed Synthesis of Methylene Lactones.
10. Organometallic Reagents for Organic Synthesis: New Routes to Prostacyclins Through Novel Organometallic Catalytic Reactions, Reductive Polymerization of Carbon Monoxide by Transition Metal Catalysts and Oxidation of Organic Compounds Using Organometallic Catalysts.
11. Natural Product Synthesis and Development of New Synthetic Methods.
12. Synthesis of Heterocycles.

13. Organic Synthetic Transformation Involving the Use of Thallium.

14. Studies of Hydrocarbons Adsorbed on Surfaces.

15. Organometallic and Spirocyclic Synthesis: Studies in Total Synthesis, New Synthetic Methods, Mechanisms of Organometallic Reactions and Synthesis and Study of Spirocyclic Molecules.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides the capability for making T_{1rho} (spin-lattice relaxation) measurements in the rotating frame. The National Bureau of Standards advises in its memorandum dated April 30, 1979 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 79-21188 Filed 7-9-79; 8:45 am]

BILLING CODE 3510-25-M

Stanford University; Decision on Application for Duty-Free Entry of Scientific Article

The followings is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. at 666-11th Street, N.W. (Room 735) Washington, D.C.

Docket No. 79-00159. Applicant: Stanford University, 851 Welch Road, Palo Alto, CA 94304. Article: FPA-141 Projection Mask, Aligner and Periphery. Manufacturer: Canon Inst., Japan. Intended use of article: The article is intended to be used for research which deals with the fundamental physics and technology of small device geometry. Specifically, studies of x-ray lithography which will necessitate the preparation of masks of various materials with extremely small dimensions. The study of very thin SiO_2 films includes the fabrication of extremely small devices and modeling of these devices is also part of the research.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article can resolve line widths down to 0.8 micrometers. The National Bureau of Standards advises in its memorandum dated May 18, 1979 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus or combination of domestic instruments of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 79-21191 Filed 7-9-79; 8:45 am]

BILLING CODE 3510-25-M

SUNY at Stony Brook; Decison on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. at 666-11th Street, N.W. (Room 735) Washington, D.C.

Docket No. 79-00156. Applicant: State University of N.Y., Stony Brook, N.Y. 11794. Article: MM-Wave Klystrons Tube, Model VRT-2123A and Accessories. Manufacturer: Varian Associates of Canada Ltd., Canada. Intended use of article: The article is intended to be used for operating a radio receiver at 130 GHz which is necessary to carry out a contract with NASA to conduct millimeter wave research in the upper atmosphere for pollutants.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a frequency in the range between 124.5-132.5 gigahertz. The National Bureau of Standards (NBS) advises in its memorandum dated May 22, 1979 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 79-21192 Filed 7-9-79; 8:45 am]

BILLING CODE 3510-25-M

University of Florida; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. at 666 11th Street, N.W. (Room 735) Washington, D.C.

Docket No. 79-00192. Applicant: University of Florida—College of Pharmacy, Box J-4, J. Hillis Miller Health Center, Gainesville, Florida 32610. Article: Model J-500 Automatic Recording Spectropolarimeter and Accessories. Manufacturer: Japan Spectroscopic Co., Ltd., Japan. Intended

use of article: The article is intended to be used in experiments to obtain circular dichroism spectra of the complexes under various conditions of temperature and concentration. Primarily, proteins and nucleic acids will be studied to quantitatively assess the structure of macromolecules, to study subtle changes of the environment of the macromolecules in a quantitative manner and to compare predicted and experimental structures.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides capabilities for circular dichroism spectra and rapid switching between right and left polarized light (50,000 times/second). The Department of Health, Education, and Welfare advises in its memorandum dated May 31, 1979 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 79-21193 Filed 7-9-79; 8:45 am]

BILLING CODE 3510-25-M

University of New Orleans; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. at 666-11th Street, N.W. (Room 735) Washington, D.C.

Docket No. 79-00018. Applicant: University of New Orleans, Department of Chemistry, Lakefront Campus, New Orleans, LA. 70122. Article: High resolution Fourier Transformation Multi Nuclear Magnetic Resonance Spectrometer System, Model FX-90Q and Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: the article is intended to be used by a wide variety of chemists to study a wide variety of materials and phenomena including: Investigation of Zinc Binding in Biological Important Molecules and Investigation of Cobalt (II) Oxygen Carriers.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States at the time the foreign article was ordered (July 1, 1978).

Reasons: The foreign article provides the capability for measuring T_{1rho}, the spin-lattice relaxation time in the rotating frame. The National Bureau of Standards (NBS) and the Department of Health, Education, and Welfare (HEW) advise in its memoranda respectively dated May 30, 1979 and January 13, 1979 that (1) the capability of the foreign article described above is pertinent to the applicant's intended research and (2) Neither NBS nor HEW knows of any domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use which provided the pertinent specification at the time the foreign article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 79-21189 Filed 7-9-79; 8:45 am]

BILLING CODE 3510-25-M

University of Utah; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. at 666-11th Street, N.W. (Room 735), Washington, D.C.

Docket No. 79-00148. Applicant: University of Utah, Department of Biology, Room 136, South Biology, Salt Lake City, Utah 84112. Article: CO_2 Infrared Gas Analyzer, Model 225 Mark II and Accessories. Manufacturer: Analytical Developmental Co., United Kingdom. Intended use of article: The article is intended to be used for photosynthetic studies of desert plants. These studies are to be conducted in the field under natural environmental conditions. Planned experiments include measurements of net photosynthesis as a function of irradiance and water stress as well as diurnal measurements of net photosynthesis. In addition, the article will be used in the course "Plant Adaptation," Biology #586 in which field measurements of plant physiological processes are taught.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides accurate measurements (1% of full scale reading) from 0-1000 ppm carbon dioxide (CO_2), and an internal frequency standard for operation with portable generator power (60 hertz (Hz) ±5% or 3 Hz) at remote locations. The most closely comparable domestic instrument is the Model 865-25 Infrared Gas Analyzer manufactured by Beckman Instruments Inc. (Beckman). The Model 865-25 provides a matching accuracy over the 0-1000 ppm CO_2 range but does not provide an interval frequency standard or portable operation with a 60 Hz generator. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated May 10, 1979 that both accurate measurements at remote location and operation with portable generator power are pertinent to the purposes for which the foreign article is intended to be used. We, therefore, find that the Model 865-25 is not of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 79-21190 Filed 7-9-79; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Sea Grant Review Panel; Partially Closed Meeting

The Sea Grant Review Panel will neet on August 14 and 15, 1979, from 8:30 a.m. to 4:30 p.m. each day, in Room 926 of the Washington Science Center Building No. 5, 6010 Executive Boulevard, Rockville, Maryland.

The Panel was established in December 1976 under Section 209 of the National Sea Grant Program Improvement Act (Public Law 94-461) and advises the Secretary of Commerce with respect to:

a. Applications or proposals for, and performance under, grants and contracts awarded under Sections 205 and 206 of the Act:

b. The Sea Grant Fellowship Program, established under Section 2088 of the Act;

c. The designation and operation of Sea Grant Colleges and Sea Grant Regional Consortia, (which are provided for in Section 207 of the Act) and the operation of Sea Grant programs;

d. The formulation and application of the planning guidelines and priorities established by the Secretary under Section 204(2) of the Act and applied by the Director in accordance with Section 204(c)(1); and

e. Such other matters as the Secretary refers to the Panel for review and advice.

The Panels's meeting agenda is as follows:

August 14, 1979 (8:30 a.m. to 4:30 p.m.)

8:30 a.m.—A. Preliminary remarks, introduction and swearing in of new members.

9 a.m.—B. The nature and current posture of, and problems facing, the National Sea Grant College Program, and the tasks before the Panel. A discussion by the Director and the Panel Chairman.

11 a.m.—C. Discussion of most appropriate use of the Panel as currently constituted, and the format and conduct of subsequent meetings.

2:30 p.m.—D. Discussioon of Institutional and Coherent Area Programs reviewed since last meeting: University of Hawaii, Massachusetts Institute of Technology, University of Rhode Island, University of Michigan, Oregon State University, Lousiana State University, Texas A&M University, Woods Hole Oceanographic Institution.

4:30 p.m.—Recess.

August 15, 1979.

8:30 a.m.—D. Continued discussion of Institutional and Coherent Area Programs reviewed since last meeting: University of Delaware, University of Southern California, New Jersey Consortium, University of Georgia, Ohio State University, University of Minnesota, University of Alaska, South Carolina Sea Grant Consortium.

10 a.m.—E. Discussion of progress toward two-year review cycle. Report on second year negotiations with: University of Wisconsin, University of California

10:30 am.m—F Sea Grant College Candidates Discussion. The following are eligible on the basis of time to be considered for designation as Sea Grant Colleges: University of Southern California, University of Georgia, University of Maine/University of New Hampshire.

11 a.m.—G. Closed Session Discussion Regarding Agenda items D and F

2:30 p.m.—H. Return to Agenda item C. Setting plans for Panel activities and subsequent meetings.

4:30 p.m.—Adjourn.

All agenda items will be open to the public except items D and F. Approximately 30 seats will be available to the public on a first-come, first-served basis. If time permits before the scheduled adjournment, the Chairman will solicit oral comments by the attendees. Written statements may be submitted at any time before or after the meeting.

Minutes of the meeting will be available 30 days thereafter on written request addressed to the National Sea Grant College Program, 6010 Executive Boulevard, Rockville, Maryland 20852.

For further information, contact Mr. Arthur G. Alexiou, Executive Secretary of the Sea Grant Review Panel, at the above address. Telephone: (301) 443-8894.

The Assistant Secretary of Commerce for Administration has approved the closure of these meetings for Items D and F.

Dated: June 29, 1979.

R. L. Carnahan,

Acting Assistant Administrator for Administration, National Oceanic and Atmospheric Administration.

[FR Doc. 79-21223 Filed 7-9-79; 8:45 am]

BILLING CODE 3510-12-M

COUNCIL ON WAGE AND PRICE STABILITY

Advisory Committee Meeting

The Council on Wage and Price Stability announces that the meetings of its Price Advisory Committee and Wage Advisory Committee scheduled for July 12, 1979, are being postponed. When new dates are selected, information regarding the meetings will be published in the Federal Register.

Dated: July 5, 1979.

Barry Bosworth,

Director, Council on Wage and Price Stability

[FR Doc. 79-21137 Filed 7-9-79; 8:45 am]

BILLING CODE 3175-01-M

DEPARTMENT OF DEFENSE

Department of the Army

Training Land Acquisition for Fort Carson, Colo.; Intent To Prepare Environmental Impact Statement

Notice is hereby given of intent to prepare an Environmental Impact Statement (EIS) concerning the possible acquisition of approximately 200,000 acres of land located in Southeastern Colorado. On December 20, 1978, the Department of the Army announced approval of a land use and requirements study for Fort Carson which identified a requirement for up to 200,000 acres of additional land. It is planned that the draft EIS will be filed with the Environmental Protection Agency in December, 1979. The EIS will evaluate the environmental and socio-economic impacts of two apparently reasonable alternative sites already identified and any other reasonable alternatives developed while preparing the EIS. The two sites planned to be evaluated are the parcels known as the Huerfano River parcel and the Pinon Canyon parcel. The Huerfano River parcel is located 5 to 36 miles south, southwest of Pueblo, Colorado. The majority of the parcel lies within Pueblo County with approximately 7,000 acres extending south into Las Animas County and a small portion, along the Huerfano River, in Huerfano County. The Pinon Canyon parcel is located midway between La Junta and Trinidad, Colorado. Ninety-five percent of the parcel is located in Las Animas County. The proposed site would be utilized for military maneuvers conducted by military units presently utilizing Fort Carson. The active Army units would remain stationed at Fort Carson, however. The environmental and socio-economic effects of the

proposed military training and related activities will be described. Also, the "no action" alternative will be discussed. Questions about the proposed action and the scoping process for the EIS should be addressed to Mr. Mike Halla, Environmental Quality Officer, ATTN: AFZC-FE-EQ, Fort Carson, Colorado 80913.

Orren R. Whiddon,

Colonel, GS, Acting Director of Training.

[FR Doc. 79-21226 Filed 7-9-79; 8:45 am]

BILLING CODE 3710-08-M

Ongoing Mission at Fort Carson, Colo.; Intent To Prepare Environmental Impact Statement

Notice is hereby given of intent to prepare an Environmental Impact Statement (EIS) concerning the ongoing mission of Fort Carson, Colorado. The current and planned mission of Fort Carson is to house and support the 4th Infantry Division (Mechanized) and associated active and Army Reserve elements. Questions about the mission and the EIS scoping process should be addressed to Mr. Mike Halla, Environmental Quality Officer, ATTN: AFZC-FE-EQ, Fort Carson, Colorado 80913.

Orren R. Whiddon,

Colonel, GS, Acting Director of Training.

[FR Doc. 79-21227 Filed 7-9-79; 8:45 am]

BILLING CODE 3710-08-M

Department of the Army; Corps of Engineers

District Realignment Studies; Request for Comments

Purpose

This notice provides for additional public comment on recently completed district realignment studies and recommendations made by the Division Engineers who conducted the studies.

Summary

The district realignment studies are part of a nationwide effort of the Chief of Engineers to improve the performance and management capability of the water resources (Civil Works) activities of the United States Army Corps of Engineers. The studies were prepared under the direction of the appropriate Division Engineer, and are now under review in the Office of the Chief of Engineers. The studies include examination of the benefits and impacts of closing or reducing responsibilities of selected Engineer district offices with relatively low workloads, as well as, examination of certain division and district boundary realignments. The studies evaluate operational, budgetary, economic, environmental, and community impacts of each of the alternatives considered. A summary of the Division Engineers' recommendations follows:

North Atlantic Division Engineer recommends transfer of construction and related engineering functions from the Philadelphia District to the neighboring Baltimore District which would provide these services to Philadelphia. A reduction of nine civilian positions would result from the recommended transfer. Philadelphia District would retain full planning responsibilities and continue to operate and maintain all projects within the District's boundaries.

North Central Division Engineer recommends the Chicago District be disestablished. Its Great Lakes-related functions would be transferred to the Detroit District and its river-related functions transferred to the Rock Island District. This action would result in the reduction of 40 civilian positions and in the relocation of 181 positions transferring with functions. The remaining 352 positions currently in the district would be retained at their present field duty stations with reporting changed to other Districts. The St. Paul District's lake-oriented functions are recommended for transfer to the Detroit District. This would place the Lake Superior Area Office at Duluth under the supervision of Detroit District and would require the transfer of 28 civilian positions from the St. Paul District Office to the Detroit District Office. The Division Engineer further recommends the St. Louis District be transferred from the Lower Mississippi Valley Division headquartered at Vicksburg, Mississippi to the North Central Division at Chicago. State liaison offices are recommended for establishment at the state capitals of North Dakota and Wisconsin due to their relative remoteness from Corps district headquarters. A Metropolitan Chicago liaison office is also recommended for establishment at the Division headquarters.

New England Division Engineer recommends his division remain as an operational division under the direct supervision of the Office of the Chief of Engineers as opposed to being redesignated as a district and placed under the supervision of the North Atlantic Division headquartered in New York City.

South Atlantic Division Engineer recommends the Charleston, Wilmington, and Savannah District Offices be retained in their present locations. The boundary separating the Charleston and Wilmington District would be adjusted to follow the North Carolina-South Carolina state boundary and the regulatory (permits) responsibilities of the Savannah and Charleston Districts would be divided along the Georgia-South Carolina state boundary. Savannah District would transfer three positions to Charleston District as a result of this change in their regulatory functions. Charleston District would transfer 12 positions to Wilmington District as a result of the boundary change affecting their respective areas of responsibility. Wilmington District would also assume control of the 11 personnel at the W. Kerr Scott Dam and Reservoir office in Wilkesboro, NC.

Southwestern Division Engineer recommends that each of the five districts in the division continue to perform the full range of functions related to Civil Works programs. The possibility of removing the design, construction, and real estate functions from the Little Rock and Albuquerque Districts was studied and found to be uneconomical. He also recommends keeping the military construction functions centralized in the Fort Worth District. The Division Engineer further recommends several district boundary changes to partially coincide with state borders, thus reducing the number of districts sharing responsibilities in states served by the Division.

South Pacific Division Engineer recommends the San Francisco District not be closed. Instead, he recommends its design and construction management responsibilities be transferred to Los Angeles District for coastal and navigation projects and to Sacramento District for all other projects except for the Warm Spring Dam project which would remain under San Francisco. San Francisco District would continue to perform full planning responsibilities and continue to operate and maintain all projects within the District's unchanged geographic boundaries. This includes regulatory (permits) and emergency operations programs. Implementation of the Division Engineer's recommendations requires that San Francisco District transfer 35 civilian positions to Sacramento District, three to Los Angeles District, and 14 to South Pacific Division Office. A reduction of 62 positions would occur, leaving 268 positions in the San Francisco District. Twenty-seven of the positions reduced

would result from transfer of responsibilities to neighboring districts with the remaining 35 position reductions occurring from management improvements identified during the course of the study.

Public Participation

The Chief of Engineers will review the study reports, the Division Engineers' recommendations and public comments before making his decisions, which are expected in September 1979. Opportunity for public participation and comment was afforded at the local and regional level during the course of the studies which began in January of this year. Comments received too late for incorporation into the Division Engineers' study recommendations are being forwarded to the Office of the Chief of Engineers for review. To insure that no substantive information has been overlooked in the studies, any new comments not previously submitted to Corps officials should be provided to HQDA (DAEN-RMI) Washington, D.C. 20314 before August 10, 1979.

FOR FURTHER INFORMATION CONTACT: Raymond P. Mellard, Management and Organization Improvement Division, Resource Management Office, Office of the Chief of Engineers, Washington, D.C. 20314. (202-272-0044)

SUPPLEMENTARY INFORMATION: Copies of the District Realignment Study Reports are available for public on-site review in the Office of the Chief of Engineers. Each affected division, district, and area office will also have a copy of the study relating to that office. Addresses for location of study reports are:

Office of the Chief of Engineers, 20 Massachusetts Ave., Room 8120, Washington, D.C. 20013.
U.S. Army Engineer Division, North Atlantic, 90 Church St., New York, New York 10007.
U.S. Army Engineer District, Philadelphia, U.S. Custom House, 2nd & Chestnut Streets, Philadelphia, Pennsylvania 19106.
U.S. Army Engineer Division, New England, 424 Trapelo Road, Waltham, Massachusetts 02154.
Cape Cod Canal Office, Academy Lane, Buzzards Bay, Maine 02532.
Hartford Area Office, 75 Laurel St., Hartford, Connecticut 06106
U.S. Army Engineer Division, Southwestern, 1200 Main St., Dallas, Texas 75202
U.S. Army Engineer District, Albuquerque, 517 Gold Ave. SW, Albuquerque, New Mexico 87101
John Martin Resident Office, Star Route, Hasty, Colorado 81044
U.S. Army Engineer District, Fort Worth, 819 Taylor St., Fort Worth, Texas 76102
Eastern Area Office, 2924 Knight St., Shreveport, Louisiana 71105
U.S. Army Engineer District, Galveston, 400 Barracuda St., Galveston, Texas 77550
U.S. Army Engineer District, Little Rock, 700 West Capitol, Little Rock, Arkansas 72203
U.S. Army Engineer District, Tulsa, 224 S. Boulder St., Tulsa, Oklahoma 7421
U.S. Army Engineer Division, North Central, 536 S. Clark St., Chicago, Illinois 60605
U.S. Army Engineer District, Buffalo, 1776 Niagara Street, Buffalo, New York 14207
U.S. Army Engineer District, Chicago, 219 South Dearborn Street, Chicago, Illinois 60604
U.S. Army Engineer District, Detroit, 477 Michigan Ave., Detroit, Michigan 48226
U.S. Army Engineer District, Rock Island, Clock Tower Bldg., Rock Island, Illinois 61202
U.S. Army Engineer District, St. Paul, 1135 USPO & Custom House, St. Paul, Minnesota 55101
U.S. Army Engineer District, St. Louis, 210 North 12th St., St. Louis, Missouri 63101
Fox River Project Office, 1008 Augstine Street, Kaukauna, Wisconsin 54130
Joliet Project Office, 622 Railroad St., Joliet, Illinois 60434
Kewaunee Project Office, Kewaunee, Wisconsin 54216
Peoria Project Office, Foot of Grant Street, Peoria, Illinois 61603
Duluth Superior Project Office, Marine Museum & Visitors Center, Canal Park, Culuth, Minnesota 55802
U.S. Army Engineer Division, South Pacific, 630 Sansome St., Rm. 1216, San Francisco, California 94111
U.S. Army Engineer District, Los Angeles, 300 North Los Angeles St., Los Angeles, California 90012
U.S. Army Engineer District, Sacramento, 650 Capital Mall, Sacreamento, California 95814
U.S. Army Engineer District, San Francisco, 211 Main Street, San Francisco, California 94105

Forrest T. Gay, III,

Colonel, Corps of Engineers, Exective Director, Engineer Staff.

[FR Doc. 79-21309 Filed 7-9-79; 8:45 am]

BILLING CODE 3710-92-M

Office of the Secretary

DoD Advisory Group on Electron Devices; Advisory Committee Meeting

The DoD Advisory Group on Electron Devices (AGED) will meet in closed session on 6 August 1979, at 201 Varick Street, 9th Floor, New York, New York 10014.

The mission of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency, and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of Electron Devices.

The AGED meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. The agenda for this meeting will include programs on Radiation Hardened Devices, Microwave Tubes, Displays and Lasers. The review will include details of classified defense programs throughout.

In accordance with 5 U.S.C. App. 1 section 10(d) (1976), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. section 552b(c)(1) (1976), and that accordingly, this meeting will be closed to the public.

H. E. Lofdahl,

Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.

July 5, 1979.

[FR Doc. 79-21202 Filed 7-9-79; 8:45 am]

BILLING CODE 3810-70-M

DEPARTMENT OF ENERGY

Hearings and Appeals Office

Objection to Proposed Remedial Orders; Weeks of April 30 through May 11, 1979

Notice is hereby given that during the weeks of April 30 through May 11, 1979, the Notices of Objection to Proposed Remedial Orders listed in the Appendix to this notice were filed with the Office of Hearings and Appeals of the Department of Energy.

On or before July 30, 1979, any persons who wishes to participate in any of the proceedings which the Department of Energy will conduct concerning the Proposed Remedial Orders described in the Appendix to this notice must file a request to participate pursuant to 10 CFR 205.194 (44 FR 7926, February 7, 1979). Within 30 days of the publication of this notice, the Office of Hearings and Appeals will determine those persons who may participate on an active basis in these proceedings, and will prepare official service lists which it will mail to all persons who filed requests to participate. Persons may also be placed on an official service list as non-participants for good cause shown. All requests regarding these proceedings shall be filed with the Office of Hearings and Appeals, Department of Energy,

Washington, D.C. 20461. Issued in Washington, D.C.

Melvin Goldstein,

Director, Office of Hearings and Appeals.

July 2, 1979.

Albina Fuel Co., Portland, Oreg., DRO-0209, refined petroleum products

On May 2, 1979, Albina Fuel Company filed a Notice of Objection to a Proposed Remedial Order which the DOE Western District Office issued to the firm on March 30, 1979. The Proposed Remedial Order tentatively determined that Albina violated 6 CFR 150.355, 6 CFR 150.359 and 10 CFR 212.93. According to the Proposed Remedial Order, the violations found to exist resulted in pricing violations in the amount of $470,990.31 Albina's mailing address is: Albina Fuel Company, 3426 Northeast Broadway, Portland, Oregon 97232.

Clark & Clark, Seminole, Okla., DRO-0207, crude oil

On May 9, 1979, Fred Gipson, P.O. Box 1641, Seminole, Oklahoma 74868, filed a Notice of Objection on behalf of Clark & Clark to a Proposed Remedial Order which the DOE Southwest Enforcement District issued on April 20, 1979. In the Proposed Remedial Order, the Enforcement District found that during the time period January 1974 to October 1976, Clark & Clark committed pricing violations in the State of Oklahoma in connection with the production and sale of crude oil. According to the Proposed Remedial Order, Clark & Clark's violations resulted in overcharges to its customer of approximately $79,000.00.

Hawthorne Oil & Gas Co., Inc., Lafayette, La., DRO-0208, crude oil

On April 30, 1979, Hawthorne Oil & Gas Co., Inc., P.O. Box 52429 OCS, Lafayette, Louisiana 70505, filed a Notice of Objection to a Proposed Remedial Order which DOE Region VI (presently the DOE Southwest Enforcement District) issued on May 30, 1978. Hawthorne contends that it did not receive notice of the issuance of the Proposed Remedial Order until April 13, 1979. In the Proposed Remedial Order, Region VI found that during the time period September 1, 1973 through November 30, 1976, Hawthorne committed pricing violations in the State of Louisiana in connection with the production and sale of crude oil. According to the Proposed Remedial Order, Hawthorne's violations resulted in overcharges to its customers of $597,228.26.

Kirkpatrick Oil & Gas Co., Oklahoma City, Okla., DRO-0211 crude oil

On May 16, 1979, Kirkpatrick Oil & Gas Company (Kirkpatrick), 1300 No. Broadway, Oklahoma City, Oklahoma 73103, filed a Notice of Objection to a Proposed Remedial Order which the DOE Southwest Enforcement District issued on April 19, 1979. In the Proposed Remedial Order, the Enforcement District found that during the time period September 1, 1973 through January 31, 1977, Kirkpatrick committed pricing violations in the State of Oklahoma in connection with the production and sale of crude oil. According to the Proposed Remedial Order, Kirkpatrick's violations resulted in overcharges to its customers of $187,450.42.

Oklahoma Refining Co., Oklahoma City, Okla., DRO-0205, motor gasoline

On May 9, 1979, Oklahoma Refining Company (ORC), 5800 North Eastern, P.O. Box 26386, Oklahoma City, Oklahoma 73126, filed a Notice of Objection to an Interim Remedial Order for Immediate Compliance which the DOE Southwest Enforcement District issued on May 4, 1979. In the Interim Remedial Order for Immediate Compliance, the Enforcement District found that ORC had failed to supply motor gasoline to the Mid-South Oil Company in accordance with the DOE allocation regulations. Based on this finding, the Interim Remedial Order directed ORC to resume supplying Mid-South with motor gasoline immediately.

Sun Co., Inc., Washington, D.C., DRO-0204, motor gasoline

On May 7, 1979, Sun Company, Inc. filed a Notice of Objection to an Interim Remedial Order for Immediate Compliance which the DOE Office of Special Counsel, Northeast District issued to the firm on April 27, 1979. In the Interim Remedial order for Immediate Compliance, the Office of Special Counsel ordered Sun to resume supplying a retail gasoline station located in Roslindale, Massachusetts and operated by Peter Kaltsunas.

Texfel Petroleum Corp. & I. U. International Oil & Gas, Inc., Kern County, Calif., DRO-0200, crude oil

On May 9, 1979, Union Oil Company of California filed a Notice of Objection, on May 15, 1979, Texfel Petroleum Corporation filed a similar Notice, and on May 21, 1979, I.U. Internatiuonal Oil & Gas, Inc., also filed such a Notice to a Proposed Remedial Order issued jointly to Texfel and I.U. International Oil & Gas, Inc., by the DOE Western Enforcement District on April 20, 1979. In the Proposed Remedial Order the Western District found that Texfel and IUIO&G, as working interest owners in a crude oil producing lease in the McKittrick Field in Kern County, California, improperly sold crude oil from that lease during the period November 16, 1973 through December 31, 1975, at upper tier or exempt prices in violation of 6 CFR 150.354 and 10 CFR 212.73. The Proposed Remedial Order requires the firms to refund $647,967.29 plus interest in a manner to be determined by the DOE, which may include reimbursements to the United States Treasury.

Union Oil Co. of California, Los Angeles, Calif., DRO-0212, motor gasoline

On May 10, 1979, Union Oil Company of California, Union Oil Center, Los Angeles, California 90017, filed a Notice of Objection to an Interim Remedial Order for Immediate Compliance which the DOE Pacific District Office of Special Counsel issued to Union on April 30, 1979. In the Interim Remedial Order for Immediate Compliance, the Office of Special Counsel ordered Union to permit all base period purchasers who purchased motor gasoline at Taft, Florida in May 1978 to purchase gasoline at Taft, Florida in May 1979.

[FR Doc. 79-21214 Filed 7-9-79; 8:45 am]

BILLING CODE 6450-01-M

Issuance of Proposed Decisions and Orders; May 28 through June 1, 1979

Notice is hereby given that during the period May 28 through June 1, 1979, the Proposed Decisions and Orders which are summarized below were issued by the Office of Hearings and Appeals of the Department of Energy with regard to Applications for Exception which had been filed with that Office.

Under the procedures which govern the filing and consideration of exception applications (10 CFR, Part 205, Subpart D), any person who will be aggrieved by the issuance of the Proposed Decision and Order in final form may file a written Notice of Objection within ten days of service. For purposes of those regulations, the date of service of notice shall be deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. The applicable procedures also specify that if a Notice of Objection is not received from any aggrieved party within the time period specified in the regulations, the party will be deemed to consent to the issuance of the Proposed Decision and Order in final form. Any aggrieved party that wishes to contest any finding or conclusion contained in a Proposed Decision and Order must also file a detailed Statement of Objections within 30 days of the date of service of the Proposed Decision and Order. In that Statement of Objections an aggrieved party must specify each issue of fact or law contained in the Proposed Decision and Order which it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of these Proposed Decisions and Orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1 p.m. and 5 p.m. e.d.t., except federal holidays.

Melvin Goldstein,

Director, Office of Hearings and Appeals.

June 29, 1979.

Proposed Decisions and Orders

Chevron U.S.A. Inc., San Francisco, Calif., DXE-2801, crude oil

Chevron U.S.A. Inc. filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would result in an extension of

exception relief previously granted and would permit the firm to sell a certain portion of the crude oil which it produces from the Murphy Non-Unit for the benefit of the working interest owners at upper tier ceiling prices. On May 30, 1979, the DOE issued a Proposed Decision and Order and tentatively determined that an extension of exception relief should be granted with respect to the applicant's Murphy Non-Unit.

Cities Service Co., Tulsa, Okla., DEE-2000, crude oil

Cities Service Company filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would permit the firm to sell at upper tier ceiling price levels the crude oil produced from the State AE Lease, located in the Lovington Field in Lea County, New Mexico. On May 30, 1979, the DOE issued a Proposed Decision and Order which determined that the exception request be granted in part.

Stechschulte Gas & Oil Co., Owosso, Mich., DEE-3621, motor gasoline

Stechschulte Gas & Oil Company filed an Application for Exception on behalf of the class of branded jobbers of Union Oil Company of California located east of the Rocky Mountains. In its application, Stechschulte requested that the base period for motor gasoline for Union jobbers be based on purchases during the May 1978 through January 1979 period. In a Proposed Decision and Order issued on June 1, 1979, the DOE determined that the Stechschulte request should be granted for the March through May 1979 period and denied for the June through September 1979 period.

Texaco, Inc., Denver, Colo., DEE-2362, crude oil

Texaco, Inc. filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would permit the firm to sell a certain portion of the crude oil produced for the benefit of the working interest owners from the Dugout Creek Shannon Sand Unit located in Johnson County, Wyoming, at upper tier ceiling prices. On May 30, 1979, the DOE issued a Proposed Decision and Order and tentatively determined that exception relief should be granted, in part, with respect to the applicant's Dugout Creek Shannon Sand Unit.

Texaco, Inc., Denver, Colo., DEE-2359 through DEE-2361, crude oil

Texaco, Inc. filed three Applications for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception requests, if granted, would permit the firm to sell the crude oil produced from its Government C. S. McGhee Lease located in Dawson County, Montana and its Government Gwen Knapp Lease and Owens B Lease located in Park County, Wyoming, for the benefit of the working interest owners at market price levels. On May 30, 1979, the DOE issued a Proposed Decision and Order and tentatively determined that exception relief should be denied for the applicant's Owens B Lease and granted, in part, with respect to the remaining two leases to permit Texaco to sell the crude oil produced for the benefit of the working interest owners at upper tier ceiling prices.

Texaco, Inc., Denver, Colo., DEE-2168, crude oil

Texaco, Inc. filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would permit the firm to sell a certain portion of the crude oil produced for the benefit of the working interest owners from the A.S. Wisness Lease located in McKenzie County, North Dakota, at upper tier ceiling prices. On June 1, 1979, the DOE issued a Proposed Decision and Order and tentatively determined that exception relief should be granted with respect to the crude oil produced from the Wisness Lease for the benefit of the working interest owners during the period February 13, 1979 through July 13, 1979.

[FR Doc. 79-21215 Filed 7-9-79; 8:45 am]
BILLING CODE 6450-01-M

List of Cases Involving the Standby Petroleum Product Allocation Regulations for Motor Gasoline

Week of May 28 through June 1, 1979

The following firms filed Applications for Exception from the provisions of Standby Regulation Activation Order No. 1. The exception requests, if granted, would result in an increase in the firms' base period allocation of motor gasoline. The DOE issued Proposed Decisions and Orders which determined that the exception requests be granted.

Company name	Case No.	Location
Boggs Exxon	DEE-3105	Jacksonville, Fla
Cheatham Oil Co	DEE-5597	Wewoka, Okla
C & B Exxon	DEE-4520	Huntsville, Ala
Clyde Oil Co	DEE-3719	Ypsilanti, Mich
Johnson's Arco Mini Market	DEE-3939	Sunnyvale, Calif

List of Cases Involving the Standby Petroleum Product Allocation Regulations for Motor Gasoline

Week of May 28 through June 1, 1979

The following firms filed Applications for Exception from the provisions of Standby Regulation Activation Order No. 1. The exception requests, if granted, would result in an increase in the firms' base period allocation of motor gasoline. The DOE issued Proposed Decisions and Orders which determined that the exception requests be denied.

Company Name	Case No.	Location
Matthews Exxon	DEE-2456	Matthews, N.C
Rozema's Standard	DEE-3733	Hudsonville, Mich
Wells Petroleum Co	DEE-2252	Chicago, Ill

Proposed Subsequent Arrangements

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160), notice is hereby given of proposed "subsequent arrangements" under the Agreements for Cooperation Between the Government of the United States of America and the Governments of Australia and Canada.

The subsequent arrangements to be carried out under the above mentioned agreements involve the following sales:

S-AU-94, 10 milligrams of Uranium-236, to be used for measurement of subthreshold neutron fission cross section, by the Australian Atomic Energy Commission, Sydney, Australia.

S-CA-279, 10 milligrams of thorium, enriched to greater than 80% in thorium-230, for use in measuring distribution coefficients between nitric acid solutions and tri-butyl-phosphate diethylbenzene, by Atomic Energy of Canada, Ltd., Canada.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of the nuclear material will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice (July 25, 1979).

For the Department of Energy.

Dated: July 2, 1979.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 79-21109 Filed 7-9-79; 8:45 am]
BILLING CODE 6450-01-M

Proposed Subsequent Arrangements

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42

U.S.C. 2160), notice is hereby given of proposed "subsequent arrangements" under the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Civil Uses of Atomic Energy and the Agreement for Cooperation Between the Government of the United States of America and the Government of Switzerland.

The subsequent arrangements to be carried out under the above mentioned agreements involve the following sales and lease:

S-EU-589, sale of 10 grams of plutonium, enriched to approximately 80% in Pu-238, for experiments on the behavior of tritium, at Kernforschungzentrum Karlsruhe GMBH, Karlsruhe, West Germany.

S-EU-590, sale of 0.01 micrograms of Thorium 229, for investigations of sediments in oceanographic research at the Institute for Oceanographic Science, England.

S-SD-109, sale of 20 milligrams of Uranium-236, for experiments involving fission probability and capture time measurements, at the Eidg. Institut for Reaktorforschung, Switzerland.

S-SD-110, sale of 20 milligrams of Uranium-236, for experiments involving fission probability and capture time measurements at the Eidg. Institut fur Reaktorforschung, Switzerland.

WC-EU-120, the lease of 150 milligrams of Plutonium-242, to be used for Mossbauer experiments, at the Euratom Joint Research Center, Karlsruhe, West Germany.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of these nuclear materials will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice (July 25, 1979).

For the Department of Energy.

Dated: July 2, 1979.

Harold D. Bengelsdorf.

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 79-21110 Filed 7-9-79; 8:45 am]

BILLING CODE 6450-01-M

Bonneville Power Administration

Fiscal Year 1981 Proposed Construction and Maintenance Program; Intent To Prepare a Draft Environmental Impact Statement

Bonneville Power Administration (BPA) hereby gives public notice of its intent to prepare and circulate a draft environmental impact statement (EIS).

The environmental statement will cover BPA's Fiscal Year 1981 Proposed Construction and Maintenance Program. BPA's proposed program for FY 1981 contemplates construction or modification of approximately 130 to 150 miles of transmission line. In addition, two new substations are also under consideration.

Also included in the program is the continued maintenance of BPA's regional grid which consists of approximately 13,300 miles of transmission line and 354 substations along with associated access roads, microwave communication facilities, and maintenance facilities. A proposed vegetation management program directed toward controlling tall-growing vegetation within transmission line rights-of-way is also included in the FY 1981 program.

BPA has already begun and will continue to proceed in obtaining informal agency and public comments on the various components of the FY 1981 program. Although the draft EIS will be subject to extensive public and agency review, BPA is now soliciting input to the EIS preparation process so that concerns identified now can be fully considered in the preparation of the draft EIS. Accordingly, any suggestions or questions regarding the EIS and BPA's construction and maintenance program for Fiscal Year 1981 should be directed to John E. Kiley, Environmental Manager, Bonneville Power Administration, U.S. Department of Energy, P.O. Box 3621, Portland, Oregon 97208, (503) 234-3361 extension 5137.

Tentatively, the draft environmental statement is now planned for filing with the Environmental Protection Agency in August 1979.

Dated at Portland, Oregon, this 29 day of June 1979.

Sterling Munro,

Administrator.

[FR Doc. 79-21108 Filed 7-9-79; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

N. C. Ginther; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives notice of a Proposed Remedial Order which, was issued to N. C. Ginther, 1400 Bank of the Southwest Bldg., Houston, Texas 77002. This Proposed Remedial Order charges N. C. Ginther (Ginther) with pricing violations in the amount of $66,062.98 caused by Ginther's having made sales of crude oil at prices in excess of those permitted under the Cost of Living council price rule in 6 CFR 150.353 and the Federal Energy Administration (now the DOE) price rule in 10 CFR 212.73. ERA maintained that the overcharges were the result of Ginther's characterization of certain crude oil as stripper exempt due to its treatment of multiple leases as one property and its treatment of gas well condensate as stripper crude in violation of 10 CFR 212.72 and 212.73.

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, DC 20461, in accordance with 10 CFR 205.193.

Issued in Dallas, Texas, on the 29th day of June 1979.

Wayne I. Tucker,

District Manager of Enforcement, Southwest District.

[FR Doc. 79-21113 Filed 7-9-79; 8:45 am]

BILLING CODE 6450-01-M

T-C Oil Co.; 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: June 25, 1979. Comments by: August 9, 1979.

ADDRESS: Send comments to Wayne I. Tucker, District Manager for Enforcement, P.O. Box 35228, Dallas, Texas 75235 (214) 749-7626.

FOR FURTHER INFORMATION CONTACT: Wayne I. Tucker, District Manager for Enforcement, P.O. Box 35228, Dallas, Texas 75235 (214) 749-7626.

SUPPLEMENTARY INFORMATION: On June 25, 1979, the Office of Enforcement of the ERA executed a Consent Order with T–C Oil Company of San Antonio, Texas. Under 10 CFR 205.199J(b), a Consent Order which involves a sum less than $500,000 in the aggregate, excluding penalties and interest, becomes effective upon its execution.

1. Because of the settlement negotiations in this case and the necessity to conclude this matter, as well as the concern to avoid delay in the payment of the refunds, the DOE has determined that it is in the public interest to make the Consent Order with T–C Oil Company effective as of the date of its execution by the DOE and T–C Oil Company.

I. The Consent Order

T–C Oil Company (T–C) with its home office located in San Antonio, Texas, is a firm engaged in the production and sale of domestic crude oil, and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR, Parts 210, 211, 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of T–C, the Office of Enforcement, ERA, and T–C entered into a Consent Order, the significant terms of which are as follows:

1. The audit period was from September 1, 1973, through January 31, 1976. The purchasers of T–C's crude are Exxon and Permian.

2. T–C treated separate reservoirs and groups of separate reservoirs in the same geological structure as separate properties and treated a mechanical separator as a separate property. This treatment by T–C resulted in the sale of greater amounts of "new" and "released" oil than are allowed under the regulations. This treatment violates 10 CFR 212.73(b).

3. The provisions of 10 CFR 205.199J, including the publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, T–C, 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 in I.2. above, the sum of $395,000.00 within sixty (60) days of the effective date of the Consent Order. Refunded overcharges will be in the form of a certified check 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 Wayne I. Tucker, District Manager of Enforcement, P.O. Box 35228, Dallas, Texas 75235. You may obtain a free copy of this Consent Order by writing to the same address or by calling 214–749–7626.

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 T–C Oil Company Consent Order." We will consider all comments we receive by 4:30 p.m., local time, on August 9, 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 Dallas, Texas on the 28th day of June, 1979.

Herbert F. Buchanan,

Deputy District Manager of Enforcement.

[FR Doc. 79-21107 Filed 7-9-79; 8:45 am]
BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Project No. 2914]

Alabama Electric Cooperative; Notice of Application for Preliminary Permit

June 25, 1979.

Take notice that an application for preliminary permit was filed March 9, 1979, and supplemented April 13, 1979, by the Alabama Electric Cooperative [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for a proposed water power project to be known as the Claiborne Hydroelectric Project, FERC No. 2914, located on the Alabama River in Monroe County, Alabama.[1] Correspondence with the Applicant should be directed to: Mr. Charles Lowman, General Manager, Alabama Electric Cooperative, P.O. Box 550, Andalusia, Alabama 36420.

Purpose of Project—The power generated from this project would be fed into an existing transmission system for eventual distribution to members of the Alabama Electric Cooperative, a Rural Electrification Administration generation and transmission cooperative with membership in southern Alabama and western Florida.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which it would study the technical and economic feasibility of installing a hydroelectric generating unit at the existing Corps of Engineers, Claiborne Lock and Dam, located at river mile 81.78 on the Alabama River, approximately 5 miles north of the Town of Claiborne, Alabama. The proposed work would include preliminary designs, economic analysis, environmental analysis, power studies, and other related activities needed for the preparation of an application for a FERC license. Applicant estimates the cost of the work to be performed under the preliminary permit at $95,000.

[1] Map filed as part of the original document.

Project Description—The Claiborne Lock and Dam consists of a lock chamber 84 feet wide with a useable length of 600 feet and a 916-foot-long concrete gravity dam with both a gated spillway section and a free overflow section. Project No. 2914 would consist of an intake with a control gate, a conduit through the dam, and a powerhouse containing a single, 15,000-kW, horizontal axis turbine-generator. The estimated annual output would be 57,500,000 kWh.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other necessary information for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. A copy of the application may be obtained directly from the Applicant. Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Protests and Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's rules of practice and procedure, 18 CFR, § 1.8 or § 1.10 (1978). In determining the appropriate action to take, the Commission will consider all protests filed, but a person who merely files a protest does not become a party to the proceeding. To become a party or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's rules.

Any protest, petition to intervene, or agency comments must be filed on or before August 27, 1979. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426.

The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-21152 Filed 7-9-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-457]

Arizona Public Service Co.; Notice of Filing of Revision to Agreement

July 3, 1979.

The filing Company submits the following:

Take notice that Arizona Public Service Company (Company), on June 25, 1979, tendered for filing a revision to the Agreement between the Company and San Carlos Indian Irrigation Project, FPC Rate Schedule No. 8. The reason for the Revision is to change the location of the interconnection point in Florence, Arizona.

A copy of the filing was furnished to the Arizona Corporation 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 North Capitol St., NE, Washington, DC 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 23, 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.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 79-21153 Filed 7-9-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-474]

Arizona Public Service Co.; Notice of Filing of Revision to Agreement

July 3, 1979.

The filing Company submits the following:

Take notice that on June 22, 1979, Arizona Public Service Company (APS) tendered for filing revised Exhibit "A" dated May 18, 1979 to the wholesale power agreement between United States Bureau of Indian Affairs (Colorado River Indian Irrigation Project) and Arizona Public Service Company (APS) respectively, previously designated APS-FPC Rate Schedule No. 65. This revision of Exhibit "A" of the Agreement adds the contract demand for the year 1983.

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., NE., Washington, DC 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 24, 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.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 79-21154 Filed 7-9-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket Nos. RP74-61, et al.]

Arkansas Louisiana Gas Co., et al.; Notice of Filing of Pipeline Refund Reports and Refund Plans

July 3, 1979.

Take notice that the pipelines listed in the Appendix hereto have submitted to the Commission for filing proposed refund reports or refund plans. The date of filing, docket number, and type of filing are also shown on the Appendix.

Any person wishing to do so may submit comments in writing concerning the subject refund reports and plans. All such comments should be filed with or mailed to the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before July 23, 1979. Copies of the respective filings are on file with the Commission and available for public inspection.

Lois D. Cashell,

Acting Secretary.

Appendix

Filing date	Company	Docket No.	Type filing
5/23/79	Ark-La	RP74-61	Report.
6/18/79	Texas Gas	G-18896, et al.	Report.
6/22/79	East Tennessee.	RP75-23	Report.

[FR Doc. 79-21155 Filed 7-9-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP79-365]

Columbia Gulf Transmission Co.; Notice of Application

July 2, 1979.

Take notice that on June 15, 1979, Columbia Gulf Transmission Company (Columbia Gulf), P.O. Box 683, Houston, Texas 77001, filed in Docket No. CP79-365 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain compression facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Columbia Gulf seeks authorization to install or have installed, and to operate and maintain or cause to be operated and maintained, its one-half interest in certain compression facilities on existing platform B in Block 313, Eugene Island Area, offshore Louisiana, belonging to Texaco Inc. (Texaco) and others and being operated by Texaco.

Texaco has advised Columbia Gulf that the gas to be compressed by the facilities is low pressure oil well gas and absent sufficient compression to enable it to enter Columbia Gulf's transmission line, would have to be flared or otherwise disposed of. Columbia Gulf is also advised that declining pressures in certain wells would soon require compression to enable the gas produced therefrom to enter Columbia Gulf's transmission line. It is stated that absent the installation of the facilities for which authority is sought herein, approximately 75,657,000 Mcf of oil well and gas well gas would be lost to the interstate market by the end of 1984. The installation of compression facilities would make said gas available for transportation for the account of Columbia Gulf's affiliate, Columbia Gas Transmission Corporation.

Columbia Gulf states that the compression facilities consist of a 4000 horsepower Clark VR8-20 reciprocating engine compressor unit complete with associated pipes, valves and fittings. It is estimated that the total cost of the facilities to Columbia Gulf is $1,878,745, 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 26, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to 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.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 79-21156 Filed 7-9-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-464]

Commonwealth Edison Co.; Notice of Filing

July 3, 1979.

The filing Company submits the following:

Take notice that Commonwealth Edison Company (Edison) on June 25, 1979, tendered for filing proposed changes in its FERC Electric Service Tariff No. 7, an Interconnection Agreement between Edison and Interstate Power Company, dated May 1, 1964.

The parties have agreed to modify the provisions in Service Schedules A, C, D and E of the Interconnection Agreement and to annex new Service Schedule F to the Interconnection Agreement. These changes revise certain charges and other provisions related to the exchange of interchange energy, and provide for new forms of interchange energy.

Copies of the proposed rate schedule changes were served upon the Illinois Commerce Commission, Springfield, Illinois, Iowa State Commerce Commission, Des Moines, Iowa and the Minnesota Public Service Commission, St. Paul, Minnesota.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 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 23, 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.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 79-21157 Filed 7-9-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-459]

The Connecticut Light & Power Co.; Notice of Transmission Agreement

July 3, 1979.

The filing Company submits the following:

Take notice that on June 25, 1979, The Connecticut Light and Power Company (CL&P) tendered for filing a proposed rate schedule with respect to Tranmission Agreement dated February 23, 1979 between (1) CL&P, The Hartford Electric Light Company (HELCO) and Western Massachusetts Electric Company (WMECO) and (2) Hingham Municipal Lighting Plant (HINGHAM).

CL&P states that the Transmission Agreement provides for a transmission service to HINGHAM for the wheeling of HINGHAM's entitlement in the Vermont Yankee nuclear generating facility during the period from April 1, 1979 to October 31, 1981.

The transmission charge rate is a monthly rate equal to one-twelfth of the annual average cost of transmission service on the Northeast Utilities system determined in accordance with § 13.9 (Determination of Amount of Pool

Transmission Facilities (PTF) Costs) of the New England Power Pool (NEPOOL) Agreement and the uniform rules adopted by the NEPOOL Executive Committee. The monthly transmission charge is determined by the product of (i) the transmission charge rate ($/kW-month), and (ii) the number of kilowatts which HINGHAM is entitled to receive during such month. The monthly transmission charge will be reduced by 50% to give due recognition for payments made by HINGHAM to intervening systems.

CL&P requests an effective date of April 1, 1979 for the Transmission Agreement.

HELCO and WMECO have filed certificates of concurrence in this docket.

CL&P states that copies of this rate schedule have been mailed or delivered to CL&P, Hartford, Connecticut; HELCO, Hartford, Connecticut; WMECO, West Springfield, Massachusetts and HINGHAM, Hingham, Massachusetts.

CL&P further states that the filing is in accordance with Section 35 of the Commission's Regulations.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§1.8 and 1.10 of the Commission's rules of practice and procedures (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 23, 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 application are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 79-21158 Filed 7-9-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-460]

The Connecticut Light & Power Co.; Notice of Transmission Agreement

July 3, 1979.

The filing Company submits the following:

Take notice that on June 25, 1979, The Connecticut Light and Power Company (CL&P) tendered for filing a proposed rate schedule with respect to Transmission Agreement dated February 23, 1979 between (1) CL&P, The Hartford Electric Light Company (HELCO) and Western Massachusetts Electric Company (WMECO) and (2) Danvers Electric Department (DANVERS).

CL&P states that the Transmission Agreement provides for a transmission service to DANVERS for the wheeling of DANVERS'S entitlement in the Vermont Yankee nuclear generating facility during the period from March 1, 1979 to October 31, 1981.

The transmission charge rate is a monthly rate equal to one-twelfth of the annual average cost of transmission service on the Northeast Utilities system determined in accordance with Section 13.9 (Determination of Amount of Pool Transmission Facilities (PTF) Costs) of the New England Power Pool (NEPOOL) Agreement and the uniform rules adopted by the NEPOOL Executive Committee. The monthly transmission charge is determined by the product of (i) the transmission charge rate ($/kW-month), and (ii) the number of kilowatts which DANVERS is entitled to receive during such month. The monthly transmission charge will be reduced by 50% to give due recognition for payments made by DANVERS to intervening systems.

CL&P requests an effective date of March 1, 1979 for the Transmission Agreement.

HELCO and WMECO have filed certificates of concurrence in this docket.

CL&P states that copies of this rate schedule have been mailed or delivered to CL&P, Hartford, Connecticut; HELCO, Hartford, Connecticut; WMECO, West Springfield, Massachusetts and DANVERS, Danvers, Massachusetts.

CL&P further states that the filing is in accordance with Section 35 of the Commission's Regulations.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capital Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedures (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 23, 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 application are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 79-21159 Filed 7-9-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-461]

The Connecticut Light & Power Co.; Notice of Transmission Agreement

July 3, 1979.

The filing Company submits the following:

Take notice that on June 25, 1979, The Connecticut Light and Power Company (CL&P) tendered for filing a proposed rate schedule with respect to Transmission Agreement dated February 23, 1979 between (1) CL&P, The Hartford Electric Light Company (HELCO) and Western Massachusetts Electric Company (WMECO) and (2) Peabody Municipal Light Plant (PEABODY).

CL&P states that the Transmission Agreement provides for a transmission service to PEABODY for the wheeling of PEABODY's entitlement in the Vermont Yankee nuclear generating facility during the period from March 1, 1979 to October 31, 1981.

The transmission charge rate is a monthly rate equal to one-twelfth of the annual average cost of transmission service on the Northeast Utilities system determined in accordance with § 13.9 (Determination of Amount of Pool Transmission Facilities (PTF) Costs) of the New England Power Pool (NEPOOL) Agreement and the uniform rules adopted by the NEPOOL Executive Committee. The monthy transmission charge is determined by the product of (i) the transmission charge rate ($/kW-month), and (ii) the number of kilowatts which PEABODY is entitled to receive during such month. The monthly transmission charge will be reduced by 50% to give due recognition for payments made by PEABODY to intervening systems.

CL&P requests an effective date of March 1, 1979 for the Transmission Agreement.

HELCO and WMECO have filed certificates of concurrence in this docket.

CL&P states that copies of this rate schedule have been mailed or delivered to CL&P, Hartford, Connecticut; HELCO, Hartford, Connecticut; WMECO, West Springfield, Massachusetts and PEABODY, Peabody, Massachusetts.

CL&P further states that the filing is in accordance with Section 35 of the Commission's Regulations.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedures (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 23, 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 application are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 79-21160 Filed 7-9-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-462]

The Connecticut Light & Power Co.; Notice of Transmission Agreement

July 3, 1979.

The filing Company submits the following:

Take notice that on June 25, 1979, The Connecticut Light and Power Company (CL&P) tendered for filing a proposed rate schedule with respect to Transmission Agreement dated February 23, 1979 between (1) CL&P, The Hartford Electric Light Company (HELCO) and Western Massachusetts Electric Company (WMECO) and (2) Westfield Gas and Electric Light Department (WESTFIELD).

CL&P states that the Transmission Agreement provides for a transmission service to WESTFIELD for the wheeling of WESTFIELD's entitlement in the Vermont Yankee nuclear generating facility during the period from March 1, 1979 to October 31, 1981.

The transmission charge rate is a monthly rate equal to one-twelfth of the annual average cost of transmission service on the Northeast Utilities system determined in accordance with § 13.9 (Determination of Amount of Pool Transmission Facilities (PTF) Costs) of the New England Power Pool (NEPOOL) Agreement and the uniform rules adopted by the NEPOOL Executive Committee. The monthly transmission charge is determined by the product of (i) the transmission charge rate (S/kW-month), and (ii) the number of kilowatts which WESTFIELD is entitled to receive during such month. The monthly transmission charge will be reduced to give due recognition for payments made by WESTFIELD to the intervening system.

CL&P requests an effective date of March 1, 1979 for the Transmission Agreement.

HELCO and WMECO have filed certificates of concurrence in this docket.

CL&P states that copies of this rate schedule have been mailed or delivered to CL&P, Hartford, Connecticut; HELCO, Hartford, Connecticut; WMECO, West Springfield, Massachusetts and WESTFIELD, Westfield, Massachusetts.

CL&P further states that the filing is in accordance with Section 35 of the Commission's Regulations.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedures (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 23, 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 application are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 79-21161 Filed 7-9-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-463]

The Connecticut Light & Power Co.; Notice of Transmission Agreement

July 3, 1979.

The filing Company submits the following:

Take notice that on June 25, 1979, The Connecticut Light and Power Company (CL&P) tendered for filing a proposed rate schedule with respect to Transmission Agreement dated February 23, 1979 between (1) CL&P, The Hartford Electric Light Company (HELCO) and Western Massachusetts Electric Company (WMECO) and (2) Braintree Electric Light Department (BRAINTREE).

CL&P states that the Transmission Agreement provides for a transmission service to BRAINTREE for the wheeling of BRAINTREE'S entitlement in the Vermont Yankee nuclear generating facility during the period from March 1, 1979 to October 31, 1981.

The transmission charge rate is a monthly rate equal to one-twelfth of the annual average cost of transmission service on the Northeast Utilities system determined in accordance with § 13.9 (Determination of Amount of Pool Transmission Facilities (PFT) Costs) of the New England Power Pool (NEPOOL) Agreement and the uniform rules adopted by the NEPOOL Executive Committee. The monthly transmission charge is determined by the product of (i) the transmission charge rate (S/kW-month), and (ii) the number of kilowatts which BRAINTREE is entitled to receive during such month. The monthly transmission charge will be reduced by 50% to give due recognition for payments made by BRAINTREE to intervening systems.

CL&P requests an effective date of March 1, 1979 for the Transmission Agreement.

HELCO and WMECO have filed certificates of concurrence in this docket.

CL&P states that copies of this rate schedule have been mailed or delivered to CL&P, Hartford, Connecticut; HELCO, Hartford, Connecticut; WMECO, West Springfield, Massachusetts and BRAINTREE, Braintree, Massachusetts.

CL&P further states that the filing is in accordance with Section 35 of the Commission's Regulations.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's

rules of practice and procedures (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 23, 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 application are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 79-21162 Filed 7-9-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. RP78-12]

East Tennessee Natural Gas Co.; Notice of Amendment to Stipulation and Agreement

July 3, 1979.

Take notice that on June 11, 1979, East Tennessee Natural Gas Company (East Tennessee) tendered for filing a proposed revision to the Stipulation and Agreement (Stipulation) dated November 6, 1978.

East Tennessee states that the filing consists of a substitute revised Article X, which is intended to clarify a revised Article X filed April 18, 1979 in modification of Article X set forth in the Stipulation of November 6, 1978. East Tennessee states that the substitute revised Article X would closely follow the revised Article X filed April 18, 1979, with certain minor changes required to reflect off-system emergency sales which East Tennessee has initiated since April, and for which the earlier provision does not provide.

East Tennessee further states that a copy of the substitute revised Article X is being served on all parties and participants in the proceeding.

Any person desiring to be heard or to protest said filing should file a petition to intervene or to protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, DC 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 16, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the 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.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 79-21163 Filed 7-9-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-458]

Indiana & Michigan Electric Co. and Central Illinois Public Service Co.; Notice of Filing

July 3, 1979.

The filing Company submits the following:

Take notice that Indiana & Michigan Electric Company and Central Illinois Public Service Company (the Companies), on June 25, 1979, tendered for filing a Notice of Termination of Indiana & Michigan Electric Company Rate Schedule FERC No. 67 and Central Illinois Public Service Company Rate Schedule FERC No. 76—Service Schedule H—Fuel Conservation Power and Energy.

The agreement between the Companies does not provide for any service under the Schedule after December 31, 1974. Therefore, the Companies have requested that the Commission make the Notice of Termination effective any time after that date as provided in 18 CFR 35.15.

The Schedules involved provide only for service between the two Companies who have jointly filed.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before July 23, 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.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 79-21164 Filed 7-9-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ID-1864]

Jackson H. Randolph; Notice of Filing

July 3, 1979.

Take notice that on May 25, 1979, Jackson H. Randolph tendered for filing an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Vice President, Cincinnati Gas & Electric Company, Public Utility

Vice President, Union Light, Heat and Power Company, Public Utility

Vice President, Miami Power Corporation, Public Utility

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 in accordance with 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 25, 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.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 79-21165 Filed 7-9-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-455]

Kentucky Utilities Co.; Notice of Proposed Contracts for Electric Service

July 3, 1979.

The filing Company submits the following:

The Federal Energy Regulatory Commission issues notice that on June 25, 1979 Kentucky Utilities Company ("KU") filed copies of contracts for the providing of electric service between KU and Jackson Purchase Electric Cooperative. KU states that the contracts were negotiated in the context of the Commission's investigation in Docket ER78-417. The contracts incorporate the settlement rate agreed to in that docket.

Any person desiring to be heard or to make any protest with reference to this filing should, on or before July 23, 1979, file with the Federal Energy Regulatory Commission, 825 North Capitol Street, Washington, D.C. 20426, petitions to intervene or protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests 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 persons wishing to become a party must file a petition to intervene. Copies of the filing and supporting documents

are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 79-21166 Filed 7-9-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP79-362]

Michigan Wisconsin Pipe Line Co.; Application

July 2, 1979.

Take notice that on June 13, 1979, Michigan Wisconsin Pipe Line Company (Applicant), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP79-362 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to provide a gas transportation service for Natural Gas Pipeline Company of America (Natural), all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Applicant indicates that Natural has acquired the right to purchase the gas production attributable to a twenty-five percent interest of Aminoil U.S.A. Inc. in the gas reserves underlying High Island Area Block A-309, offshore Texas. To effectuate receipt of the Block A-209 gas supplies, Applicant states that Natural has requested that Applicant provide transportation for a quantity of up to 10,000 Mcf of natural gas per day. The proposed point of receipt would be at the Block A-209 production platform and the point of redelivery would be at an interconnection of the Block A-209 lateral line and the east leg of High Island Offshore System (HIOS) located in High Island Area Block A-332, offshore Texas. It is stated that from the point of redelivery, Natural would utilize its entitlement in both HIOS and U-T Offshore System (UTOS) to effectuate receipt of the Block A-209 gas supplies to its own transmission system.

Applicant states that it would provide the transportation service on a firm basis and in accordance with the terms as set forth in a transportation agreement dated May 7, 1979 between Natural and Applicant. The agreement provides for a contract demand of 10,000 Mcf of natural gas per day, and a monthly demand charge of $2.60 for each Mcf of contract demand. Applicant states that the term of the agreement is fifteen years which is set to commence on the date of initial deliveries.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 24, 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.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 79-21167 Filed 7-9-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-465]

Montana Power Co.; Agreement for Sale of Firm Energy

July 3, 1979.

The filing Company submits the following:

Take notice that the Montana Power Company ("Montana") on June 26, 1979, tendered for filing in accordance with Section 35 of the Commission's Regulations, a Letter Agreement with Tri-State Generation and Transmission Association, Inc. ("Tri-State"). Montana states that this Letter Agreement provides for the sale of firm energy between Montana and Tri-State.

Montana indicates that the proposed Letter Agreement would increase revenues from jurisdictional sales by an estimated $691,500.00 dollars based upon energy delivered from March 1, 1979 through June 30, 1979. Montana states that the rate for firm energy under this Letter Agreement was negotiated.

An effective date of March 1, 1979 is proposed and waiver of the Commission's requirements is therefore requested.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 23, 1979. All 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 supporting documents and are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 79-21168 Filed 7-9-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-466]

Montana Power Co.; Filing

July 3, 1979.

The filing Company submits the following:

Take notice that The Montana Power Company ("Montana") on June 26, 1979, tendered for filing in accordance with Section 35 of the Commission's regulations, a Letter Agreement, as amended, with the City of Glendale, California. Montana states that this Letter Agreement, as amended, provides for the sale of firm energy between Montana and Glendale.

Montana indicates that the proposed Letter Agreement, as amended, would increase revenues from jurisdictional sales by an estimated $1,084,702.50 based upon energy delivered from September 4, 1978 through September 30, 1979. Montana states that the rate for firm energy under this Letter Agreement, as amended, was negotiated.

An effective date of September 4, 1978 is proposed and waiver of the Commission's requirements is therefore requested.

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, Northeast, 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 23, 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.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 79-21169 Filed 7-9-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-467]

Montana Power Co.; Filing

July 3, 1979.

The filing Company submits the following:

Take notice that The Montana Power Company ("Montana") on June 26, 1979, tendered for filing in accordance with Section 35 of the Commission's regulations, a Letter Agreement, as amended, with the City of Burbank ("Burbank"). California. Montana states that this Letter Agreement, as amended, provides for the sale of firm energy between Montana and Burbank.

Montana indicates that the proposed Letter Agreement, as amended, would increase revenues from jurisdictional sales by an estimated $377,125.00 based upon energy delivered from September 4, 1978 through September 30, 1979. Montana states that the rate for firm energy under this Letter Agreement, as amended, was negotiated.

An effective date of September 4, 1978 is proposed and waiver of the Commission's requirements is therefore requested.

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, Northeast, 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 23, 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.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 79-21170 Filed 7-9-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-468]

Montana Power Co.; Filing

July 3, 1979.

The filing Company submits the following:

Take notice that The Montana Power Company ("Montana") on June 26, 1979, tendered for filing in accordance with Section 35 of the Commission's regulations a Letter Agreement, as amended, with the City of Pasadena, California ("Pasadena"). Montana states that this Letter Agreement, as amended, provides for the sale of firm energy between Montana and Pasadena.

Montana indicates that the proposed Letter Agreement, as amended, would increase revenues from jurisdictional sales by an estimated $390,722.50 based upon energy delivered from September 4, 1978 through September 30, 1979. Montana states that the rate for firm energy under this Letter Agreement, as amended, was negotiated.

An effective date of September 4, 1978 is proposed and waiver of the Commission's requirements is therefore requested.

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, Northeast, 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 23, 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.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 79-21171 Filed 7-9-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-469]

Montana Power Co.; Filing

July 3, 1979.

The filing Company submits the following:

Take notice that The Montana Power Company ("Montana") on June 26, 1979, tendered for filing in accordance with Section 35 of the Commission's regulations a Letter Agreement, as amended, with the Los Angeles Department of Water and Power ("Los Angeles"). Montana states that this Letter Agreement, as amended, provides for the sale of firm energy between Montana and Los Angeles.

Montana indicates that the proposed Letter Agreement, as amended, would increase revenues from jurisdictional sales by an estimated $6,429,430.00 based upon energy delivered from September 4, 1978 through September 30, 1979. Montana states that the rate for firm energy under this Letter Agreement was negotiated.

An effective date of September 4, 1978 is proposed and waiver of the Commission's requirements is therefore requested.

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, Northeast, 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 23, 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.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 79-21172 Filed 7-9-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-470]

Montana Power Co.; Filing

July 3, 1979.

The filing Company submits the following:

Take notice that The Montana Power Company ("Montana") on June 26, 1979, tendered for filing in accordance with Section 35 of the Commission's regulations, a Letter Agreement, with Pacific Gas and Electric Company ("PG&E"). Montana states that this Letter Agreement, as amended, provides for the sale of firm energy between Montana and PG&E.

Montana indicates that the proposed Letter Agreement, as amended, would increase revenues from jurisdictional sales by $2,275,000 based upon energy delivered from September 4, 1978 through December 31, 1978. Montana states that the rate for firm energy under this Letter Agreement, as amended, was negotiated.

An effective date of September 4, 1978 is proposed and waiver of the Commission's requirements is therefore requested.

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, Northeast, 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 23, 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.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 79-21173 Filed 7-9-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-471]

Montana Power Co.; Filing

July 3, 1979.

The filing Company submits the following:

Take notice that The Montana Power Company ("Montana") on June 26, 1979, tendered for filing in accordance with Section 35 of the Commission's regulations, a Letter Agreement with San Diego Gas and Electric Company ("San Diego"). Montana states that this Letter Agreement provides for the sale of firm energy between Montana and San Diego.

Montana indicates that the proposed Letter Agreement would increase revenues from jurisdictional sales by $61,250 based upon energy delivered from September 4, 1978 through December 31, 1978. Montana states that the rate for firm energy under this Letter Agreement was negotiated.

An effective date of September 4, 1978 is proposed and waiver of the Commission's requirements is therefore requested.

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, Northeast, 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 23, 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.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 79-21174 Filed 7-9-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-472]

Montana Power Co.; Filing

July 3, 1979.

The filing Company submits the following:

Take notice that The Montana Power Company ("Montana") on June 23, 1979, tendered for filing in accordance with Section 35 of the Commission's regulations, a Letter Agreement with the Los Angeles Department of Water and Power ("Los Angeles"). Montana states that this Letter Agreement provides for the sale of firm energy and capacity between Montana and Los Angeles.

Montana indicates that this proposed Letter Agreement would increase revenues from jurisdictional sales by $1,500,000.00 based upon energy and capacity delivered from February 14, 1978 through April 15, 1978. Montana states that the rate for firm energy and capacity under this Letter Agreement was negotiated.

An effective date of February 24, 1978 is proposed and waiver of the Commission's requirements is therefore requested.

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, Northeast, 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 23, 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.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 79-21175 Filed 7-9-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-473]

Montana Power Co.; Filing

July 3, 1979.

The filing Company submits the following:

Take notice that The Montana Power Company ("Montana") on June 26, 1979, tendered for filing in accordance with Section 35 of the Commission's regulations, a Letter Agreement with the Portland General Electric Company ("Portland"). Montana states that this Letter Agreement provides for the sale of firm energy and capacity between Montana and Portland.

Montana indicates that this proposed Letter Agreement would increase revenues from jurisdictional sales by an estimated $1,500,000.00 based upon energy delivered from August 1, 1978 through December 31, 1978. Montana states that the rate for firm energy and capacity under this Letter Agreement was negotiated.

An effective date of August 1, 1978 is proposed and waiver of the Commission's requirements is therefore requested.

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, Northeast, 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 23, 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.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 79-21176 Filed 7-9-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-476]

New York State Electric & Gas Corp.; Proposed Changes in Rate Schedules

July 3, 1979.

The filing Company submits the following:

Take notice that New York State Electric & Gas Corporation (NYSEG), on June 21, 1979, tendered for filing proposed changes in its FERC Rate Schedules Nos. 26, 27, 28, 30, 33 and 35. It is estimated that the proposed changes would increase revenues from jurisdictional sales and service by $9,100 based on the 12 month period ending April 30, 1979.

After extensive hearings in Case No. 27361, "New York State Electric & Gas Corporation Electric Rates", and pursuant to Opinion 79-11 issued by the Public Service Commission of the State of New York on April 20, 1979, NYSEG filed revised leaves to Schedule PSC No. 115—Electricity, which were allowed to become effective May 1, 1979. Rate Schedule PSC No. 115 is incorporated in the previously noted FERC schedules.

Copies of this filing have been served upon NYSEG's jurisdictional customers.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure before July 24, 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.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 79-21177 Filed 7-9-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP79-375]

Northern Natural Gas Co.; Application

July 2, 1979.

Take notice that on June 20, 1979, Northern Natural Gas Company (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP79-375 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to upgrade the sales measuring station designated Omaha TBS No. 1-D which is located in Sarpy County, Nebraska, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it sells and delivers natural gas to Metropolitan Utilities District of Omaha (District) through facilities of Omaha TBS No. 1-D for resale and distribution on a residential and small volume commercial basis. It is stated that the District has requested that capacity of the station be increased in order to serve the increased residential and small volume commercial needs of the District's southeastern market area. The capacity of the enlarged Omaha TBS No. 1-D station is estimated to be 250 Mcf per hour. Accordingly, Applicant proposes to upgrade the facilities of Omaha TBS No. 1-D to provide the needed capacity. No increase in the District's contract demand would be required.

Applicant estimates the cost of the proposed upgrading of facilities to be $90,000, which District has agreed to reimburse Applicant in full.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 24, 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.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 79-21178 Filed 7-9-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP78-546]

Northwest Pipeline Corp.; Petition To Amend

July 2, 1979.

Take notice that on June 14, 1979, Northwest Pipeline Corporation (Petitioner), P.O. Box 1526, Salt Lake City, Utah 84110, filed in Docket No. CP78-546 a petition to amend the Commission's order of April 5, 1979, issued in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize Petitioner to transport an increased volume of natural gas for Southwest Gas Corporation (Southwest), 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 April 5, 1979, Petitioner was authorized, *inter alia*, to transport up to 6,000 Mcf of natural gas per day from certain acreage in Grand and Uintah Counties, Utah, and Garfield and Mesa Counties, Colorado, pursuant to the terms of a certain gas purchase, gathering and transportation agreement dated September 12, 1978, between Southwest and Northwest. Northwest has the option to purchase from Southwest 25 percent of the volumes of gas so gathered.

It is stated that Southwest's gas development program on the acreage committed to the September 12, 1978, agreement would make volumes of natural gas available to Southwest in excess of the present 6,000 Mcf per day limitation and Southwest has, therefore, requested Petitioner to increase the daily transportation volumes from 6,000 Mcf per day to 20,000 Mcf per day. Consequently, Petitioner requests authorization to transport such increased volumes of gas for Southwest, pursuant to the terms of an amendatory

agreement dated April 24, 1979, between Petitioner and Southwest.

Petitioner states that it has not, and does not propose to exercise its option to purchase 25 percent of the volumes of gas which it gathers and transports for Southwest.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before July 24, 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.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 79-21179 Filed 7-9-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-456]

Ohio Power Co. and the Dayton Power & Light Co.; Filing

July 3, 1979.

The filing Company submits the following:

Take notice that Ohio Power Company and The Dayton Power and Light Company (the Companies), on June 25, 1979, tendered for filing a Notice of Termination of Supplement No. 1 to Supplement No. 16 to Ohio Power Company Rate Schedule FERC No. 36, and Supplement No. 1 to Supplement No. 3 to The Dayton Power and Light Company Rate Schedule FERC No. 31—Service Schedule I—Fuel Conservation Power and Energy.

The agreement between Ohio Power Company and The Dayton Power and Light Company does not provide for any service under the Schedule after December 31, 1974. Therefore, the Companies have requested that the Commission make the Notice of Termination effective any time after that date as provided in 18 CFR 35.15.

The Schedules involved provide only for service between the two Companies, who have jointly filed.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before July 24, 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.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 79-21180 Filed 7-9-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP79-363]

Panhandle Eastern Pipe Line Co.; Application

July 2, 1979.

Take notice that on June 14, 1979, Panhandle Eastern Pipe Line Company (Applicant), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP79-363 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain pipeline, compressor, and related facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant requests authorization to construct and operate the following two new compressor stations and additions to its pipeline system necesary to connect new supplies of natural gas to its system:

1. The Chester Compressor Station consisting of 700 compressor horsepower in Major County, Oklahoma;

2. The Canton Compressor Station consisting of 1,400 compressor horsepower in Major County, and

3. 22.1 miles of 10-inch pipeline and 10.0 miles of 8-inch pipeline and related facilities in Major County.

It is stated that Applicant has contracted to purchase new supplies of natural gas in the Bado Area of Major County, pursuant to the terms of a gas purchase and sales agreements dated April 2, 1979, and May 2, 1979, with Southland Royalty Company and Seneca Oil Company, *et al.*, respectively. There have been 16 wells drilled upon the acreage dedicated to Applicant. Applicant indicates, and Applicant estimates that within the foreseeable future an additional 44 wells would be drilled in the area. Applicant states that the proposed facilities to be constructed and operated would accommodate a capacity of 9,700 Mcf per day of natural gas.

Applicant estimates that the total cost of the proposed facilities is $4,865,000, which cost Applicant would finance from funds available to the Company.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 24, 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.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 79-21181 Filed 7-9-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER 79-478]

Public Service Co. of New Mexico; Change in Rate Schedule

July 3, 1979.

The filing Company submits the following:

Take notice that Public Service Company of New Mexico (PNM), on June 29, 1979, tendered for filing proposed changes in its FERC PNM Rate Schedules Nos. 31, 32, 34 and 35, which provide rates to four wholesale customers, namely, Plains Electric Generation and Transmission Cooperative, Inc., Community Public Service Company, Department of Energy (DOE)—Los Alamos, and City of Farmington, New Mexico. The proposed changes which place pollution control construction work in progress in rate base would increase revenues from the sales and services by $3,363,000 on the basis on PNM's sales during Period II.

The Company estimates its rate of return under presently effective rates during Period II would be 8.4 percent. This rate of return is not adequate to enable the Company to generate funds sufficient to meet its current construction program that is required to provide for substantial growth.

Copies of the filing were served upon the public utility's jurisdictional customers being served under these rate schedules and the New Mexico 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 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 24, 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 application are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 79-21182 Filed 7-9-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-479]

Public Service Co. of New Mexico; Change in Rate Schedule

July 3, 1979.

The filing Company submits the following:

Take notice that Public Service Company of New Mexico (PNM), on June 29, 1979, tendered for filing proposed changes in its FERC PNM Rate Schedules Nos. 31, 32, 34, and 35, which provide rates to four wholesale customers, namely, Plains Electric Generation and Transmission Cooperative, Inc., Community Public Service Company, Department of Energy (DOE)-Los Alamos, and City of Farmington, New Mexico. The proposed changes which place pollution control construction work in progress in rate base would increase revenues from the sales and services by $3,363,000 on the basis of PNM's sales during Period II.

The Company estimates its rate of return under presently effective rates during Period II would be 8.4 percent. This rate of return is not adequate to enable the Company to generate funds sufficient to meet its current construction program that is required to provide for substantial growth.

Copies of the filing were served upon the public utility's jurisdictional customers being served under these rate schedules and the New Mexico 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 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before July 24, 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 application are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 79-21183 Filed 7-9-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP77-347]

Western Gas Interstate Co.; Petition To Amend

July 2, 1979.

Take notice that on June 14, 1979, Western Gas Interstate Company (Western), 1800 First International Building, Dallas, Texas 75270, filed in Docket No. CP77-347 a petition to amend the order issued August 29, 1977 in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to delete the authorization for construction and operation of the Gallagher Compressor facility, Lea County, New Mexico, all as more fully set forth in the petition to amend which is on file with the Commission and open for public inspection.

Western states that the said order authorized it to construct and operate the Gallagher Pipeline and approximately 10.12 miles of 4-inch transmission line with appurtenant facilities, which would connect three wells owned by Southern Union Exploration Company (SX), an affiliate of Western's, with the interstate pipeline system of El Paso Natural Gas Company (El Paso).

Western further states that on April 18, 1977, when it applied for its certificate to construct and operate the Gallagher Pipeline and to transport natural gas in interstate commerce, it was believed that a compressor would be required, if not immediately, at least rather soon after commencing regular production for the three wells in order to increase the pressure of the gas at the wellhead to a level where it could be injected into El Paso's pipeline. It is stated that two developments since the commencement of operation, however, appear to have eliminated any need for the compressor. The petition indicates that the normal operating pressure of El Paso's pipeline has been low enough to permit deliveries of the transported volumes into El Paso's systems without the necessity of compression, and that the gas, even after traveling the ten miles or so from wellhead to the point of delivery into El Paso's line is still at a sufficient pressure to enter the El Paso line without compression.

It is also indicated that although the pressure of the gas is sufficient to

eliminate the necessity of the compressor, the wells involved are producing much less gas than originally had been expected. The daily volumes of gas transported have been approximately 100 Mcf per day as compared to the originally estimated 3,000 Mcf per day, it is asserted, and the proposed compressor could not have compressed this small volume of gas within its design parameters.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before July 26, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceedings. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Regulations.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 79-21184 Filed 7-9-79; 8:45 am]

BILLING CODE 6450-01-M

Office of Hearings and Appeals

Applications for Exception, Relating to Motor Gasoline Allocation Regulations

AGENCY: Office of Hearings and Appeals Department of Energy.

ACTION: Notice of Standards Established in Departmental Determinations Involving Exception Relief from Motor Gasoline Allocations.

SUMMARY: The Guidelines which follow are the first portion of a two-part summary of the standards which the Office of Hearings and Appeals of the Department of Energy has applied in considering applications for exception from the motor gasoline allocation regulations. Applications for exceptions from these regulations have been filed by retail service stations, wholesalers (jobbers), refiners, and end-users as well as municipalities. The portion of the Guidelines which is being published today relates primarily to the standards under which exceptions have been granted or denied for retail service station operations. The remaining portion of the Guidelines will discuss the standards enunciated in Decisions involving other types of applicants and class exception proceedings. The remaining portion of the Guidelines will also discuss the procedures which the Office of Hearings and Appeals has followed in allocation matters. Each of the cases which are cited in the Guidelines is available for public inspection and copying in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street, N.W., Washington, D.C. 20461. The Office of Hearings and Appeals has also formed a group which has been responding to telephone inquiries from members of the public as to the procedures applicable to exception filings. The telephone number of that group has been listed below.

With respect to the cases and discussion that appear in the Guidelines, it must of course be recognized that each exception application submitted to the Department of Energy must be considered on the basis of the particular factual circumstances presented in the application and that the guidelines set forth in this notice are not intended to be exhaustive of every particular factual situation.

FOR FURTHER INFORMATION CONTACT: Office of Hearings and Appeals, Allocation Task Force, Telephone Number (202) 254-3008. Marcy Proctor, Chief, Docket and Publications Branch, Office of Hearings and Appeals, 2000 M Street, N.W., Washington, D.C. 20007, (202) 254-9740.

SUPPLEMENTARY INFORMATION:

Table of Contents for Part 1 of Guidelines

I. Regulatory Background
II. Exception Decisions Issued to Retail Service Stations
A. The *Duncan* Principles.
1. Description and Initial Application of Standards.
2. Application of the *Duncan* Standards Subsequent to the Implementation of the ERA Interim Final Rule.
3. The Nature of Relief Granted.
B. The *Anger* Principles.
1. Description and Initial Application of Standards.
2. Application of *Anger* Standards Subsequent to the Implementation of the ERA Interim Final Rule.
3. Nature of Relief Granted.
C. The *Harrison* Principles.
1. Description and Initial Application of Standards.
2. Application of *Harrison* Standards Subsequent to the ERA Interim Final Rule.
3. Nature of Relief Granted.
D. The *Tidwell* Principles.
E. The Type of Data Which is Necessary for the Evaluation of a Retail Outlet's Exception Request.
F. Exception Decisions Denying Requests for Additional Allocations Filed by Retail Outlets.
III. Cases Which Involve Important Public Interest Considerations.
A. The Gasohol Cases.
B. The *Prudential* Case.

Since March 1, 1979, the Office of Hearings and Appeals has received a great many Applications for Exception relating to a new base period that had been established for motor gasoline allocations. In the ensuing period, the Office of Hearings and Appeals has issued hundreds of decisions resolving gasoline allocation and price cases submitted to it by refiners, jobbers, retailers, and end-users. The Office of Hearings and Appeals has also considered a number of cases in the context of class exception proceedings. These Guidelines will outline the principles the DOE has enunciated in deciding these cases, the procedures it has followed, and the type of data which it found necessary to establish a factual basis for the approval of exception relief.

I. Regulatory Background

On February 22, 1979, the Economic Regulatory Administration (ERA) changed the base period which suppliers had been using for the past five years in allocating motor gasoline. Under the prior standards, each base period purchaser was generally entitled to receive the quantity of motor gasoline it purchased during the corresponding calendar month of 1972. That quantity of gasoline was also subject to: (i) Subsequent adjustments that might have been made to the purchaser's 1972 purchase levels; and (ii) the allocation fraction which its supplier declared. Under the February 22 rule change, technically known as Activation Order Number 1, the base period was changed from the corresponding month of 1972 to the corresponding month of the period from July 1977 through June 1978. The revised base period was initially intended to be effective for the three month period from March through May 1979. 44 FR 11202 (February 28, 1979).

Another regulatory change occurred on May 1, 1979. On that date, the ERA published another rule which established the November 1977 through October 1978 period as the new base period for motor gasoline. *See* Notice of Proposed Rulemaking and Interim Final Rule, 44 FR 26712 (May 4, 1979). In addition, the new rule contained an automatic growth adjustment increasing the gasoline which certain retail outlets, wholesale purchaser-consumers, and end-users are permitted to receive.

Under this adjustment, any such firm is generally entitled to establish its average monthly purchases during the October 1978 through February 1979 period as its base period allocation in any given month, if that average is at least 10 percent greater than its actual purchases of motor gasoline during the particular base period month involved. This growth adjustment pertains to each month in the May 1979 through September 1979 period.

II. Exception Decisions Issued to Retail Service Stations

Subsequent to the Activation Order and prior to the ERA rule issued on May 1st, a retail service station's allocation was limited to the amount of gasoline it actually purchased during the corresponding month of 1978. A number of the retail outlets that filed exception applications maintained that their 1978 purchases were so unrepresentative of current operations that the firm would incur either a serious financial hardship, a gross inequity, or an unfair distribution of burdens if it were limited to the gasoline allocation specified in the Regulations.

Sections A through D below contain a discussion of the major principles which the Office of Hearings and Appeals has applied in considering cases of this type, as well as examples of the findings made in cases in which relief has been approved. Section E contains a discussion of the type of data which the Office of Hearings and Appeals has found useful in considering exception requests filed by retail service stations. Finally, the discussion in Section F focuses upon the principles enunciated in those cases in which the Office of Hearings and Appeals has concluded that an exception request should be denied.

A. The Duncan Principles. 1. Description and Initial Application of Standards. One of the first major cases in which relief was approved was *Duncan Oil Company,* Case No. DEE-2259 (Proposed Decision issued March 15, 1979). *Duncan* involved a situation in which the nature of the business activities which the firm was currently conducting was substantially different from the firm's operations during the base period. The typical factual pattern that appeared in cases that followed the *Duncan* format was a change in the ownership of the station during or immediately subsequent to the end of the new base period. The new owner typically adopted a far more diligent and aggressive posture toward motor gasoline marketing than the previous operator. As a consequence, the new owner was able through these efforts to sell significantly more gasoline during the later part of 1978 and the early part of 1979 than the prior operator did during the base period. In *Duncan* the Office of Hearings and Appeals held that it would be grossly inequitable in that type of situation to reduce drastically the service station's allocation to the base period levels, especially when that reduction jeopardized the new type of operation which the firm conducted subsequent to the base period.

The Office of Hearings and Appeals therefore held in *Duncan* that an exception increasing the firm's allocation would be granted where a showing was made that:

(i) The monthly volume of motor gasoline which the firm has purchased and sold since June 1978 is substantially greater than the average monthly volume which it actually purchased and sold during the new base period;

(ii) This increase in sales volume does not merely reflect a general increased demand for motor gasoline but instead is attributable to a significant alteration in the ongoing business practices of the firm; and

(iii) The failure to grant an exception will adversely affect the firm to a significant degree and might well jeopardize its contined existence as a viable business entity.

In *Duncan* the average monthly volume of gasoline purchased during the July 1978 through December 1978 period was 64.50 percent greater than the firm's purchases in the new base period. In other cases, this criterion of substantially increased purchases has been met where the increase between the two periods amounted to 97.90 percent (*Frank Moody's Mobil Station,* Case No. DEE-2635 (Proposed Decision issued April 5, 1979)); 150.0 percent *Big Gulf Service Station,* Case No. DEE-2661 (Proposed Decision issued April 4, 1979)); and 33.7 percent *M&G Food Center,* Case No. DEE-2596 (Proposed Decision issued March 23, 1979)). In many instances a period other than the July-December 1978 period has been utilized for measurement purposes. *See, e.g., Hampton Park Exxon,* Case No. DEE-2732 (Proposed Decision issued April 18, 1979); *Hannah's Service Station,* Case No. DEE-3428 (Proposed Decision issued April 11, 1979); *West Taft Street Exxon Service Station,* Case No. DEE-2587 (Proposed Decision issued April 3, 1979); and *Briarvista Chevron,* Case No. DEE-2328 (Proposed Decision issued March 30, 1979). In each of these cases, the Office of Hearings and Appeals utilized for measurement purposes only those months which were representative of the normal operation of the station by the new owner.

The second criterion of the *Duncan* standards focuses upon the change in the business activities of the service station that has occurred since the base period. The type of changes in the operation of the firm that satisfy this standard include: (i) Strong and convincing evidence that the new owners of the station have taken significant measures to increase the efficiency of the operation (*Riverdale Chevron,* Case No. DEE-2285 (Proposed Decision issued March 20, 1979); *DeLozier Chevron,* Case No. DEE-2300 (Proposed Decision issued March 19, 1979)); (ii) installation of a car wash (*Pine Ridge Standard,* Case No. DEE-2498 (Proposed Decision issued March 29, 1979)); (iii) considerably increased hours of operation (*Steve's Gulf Service,* Case No. DEE-2574 (Proposed Decision issued April 27, 1979); *Vish's Chevron,* Case No. DEE-2813 (Proposed Decision issued March 28, 1979)); (iv) increase in sales volume attributable to the retention of customers served by the owner of the station at a previous location (*Furtado's Garage,* Case No. DEE-2783 (Proposed Decision issued April 5, 1979)); (v) the installation of facilities to sell unleaded gasoline (*Kimberly Gas Mart,* Case No. DEE-2291 (Proposed Decision issued March 26, 1979)); (vi) conversion of the station to self-service (*Red Clay Creek Exxon,* Case No. DEE-2720 (Proposed Decision issued April 13, 1979); *Lavern L. Maricle,* Case No. DEE-2689 (Proposed Decision issued April 12, 1979); *Scott Boulevard Chevron,* Case No. DEE-2814 (Proposed Decision issued March 30, 1979); *J. Austin Oil Company,* Case No. DEE-2255 (Proposed Decision issued March 23, 1979)); (vii) improved repair service (*Dauphin & Sage Avenue Shell,* Case No. DEE-2543 (Proposed Decision issued April 18, 1979); *Gallian Tire Company,* Case No. DEE-2430 (Proposed Decision issued April 20, 1979)); and (viii) new services offered to customers, including towing service and the expanded use of credit cards (*Brentwood Exxon,* Case No. DEE-2363 (Proposed Decision issued April 30, 1979); *West Taft Street Exxon Service Station, supra;* and *Briarvista Chevron, supra*).

The final criterion focuses upon the impact on the firm's financial and operating posture of the reduction in its allocation of gasoline. This analysis generally involves an evaluation of the firm's current profitability and cash flow. *See, e.g., Red Bluff Mobil Service Center,* Case No. DEE-3111 (Proposed

Decision issued April 23, 1979); *Bob's Vintage Texaco,* Case No. DEE-2772 (Proposed Decision issued April 13, 1979); *Riverdale Chevron, supra;* and *Duncan Oil Company, supra.*

2. Application of the Duncan Standards Subsequent to the Implementation of the ERA Interim Final Rule. As stated in Part I of these Guidelines, the rule adopted by the ERA on May 1, 1979 automatically increases the allocation of a firm that has significantly increased its monthly purchases in recent months. This growth adjustment is similar in principle to the action taken in a class exception issued on April 19, 1979 by the Office of Hearings and Appeals. *Class Exception Proceeding Adjusting April 1979 Base Period Volumes of Motor Gasoline for Retail Sales Oulets and Wholesale Purchaser-Consumers,* Case No. DEE-3726, (Proposed Decision issued April 19, 1979); 44 Fed. R. 24024 (April 23, 1979). The class exception increased the allocation of each service station in the nation in April 1979 whose average monthly purchase volume during the October 1978-February 1979 period exceeded by 35 percent or more its purchases during the month of April 1978. As described earlier, under the new ERA rule a service station calculates its average monthly volume during the same October 1978-February 1979 period. If this average volume exceeds by 10 percent the firm's allocation in any given month, then the firm is generally entitled to receive the five month average during the month in question. The 10 percent rule applies to the May through September 1979 period. The inclusion of this growth adjustment in the ERA rule was largely based upon the agency's review of the prior Decisions issued by the Office of Hearings and Appeals, many of which were based upon the *Duncan* standards described in detail above. The growth adjustment has also eliminated the need to continue the consideration of most *Duncan*-type situations on an individual basis.

The rule implemented on May 1st has not, however, resolved all of the problems experienced by firms which may be entitled to *Duncan*-type relief. In particular, those firms which began service station operations during the October 1978-February 1979 period may still qualify for relief under the *Duncan* standards. For example, *Duncan*-type relief was recently granted in *C&B Exxon,* Case No. DEE-4520 (Proposed Decision issued May 30, 1979). *C&B* presented a situation in which the firm leased a retail outlet and then began operating as a retailer of motor gasoline on February 1, 1979. As a result, the firm operated the station for only one month prior to the implementation of the new base period regulations. In concluding that exception relief under the *Duncan* standards was appropriate, the Office of Hearings and Appeals found that: (i) The firm's sales volume during the month of February was 31 percent greater than the station's average monthly volume during the new base period; (ii) this increase in sales volume was attributable to the marketing strategies of the new owners of the station, who elected to operate the unit on a full-time basis; and (iii) the firm would sustain a severe financial injury if it were unable to obtain greater quantities of gasoline.

3. The Nature of Relief Granted. As a general matter, the level of relief approved in a *Duncan*-type case is based upon the average monthly purchase volume attained by the firm in a period prior to March 1979. The period designated is one that reflects its normal operations at the present time. Prior to the implementation of the Interim Final Rule, the July-December 1978 period was most frequently utilized for this purpose. *See, e.g., Pine Ridge Standard, supra; Frank Moody's Mobil Station, supra; Stinson Grocery,* Case No. DEE-2492 (Proposed Decision issued April 2, 1979); *Ellis Burns Exxon,* Case No. DEE-2852 (Proposed Decision issued April 5, 1979). In those cases in which the new owner of the station established normal operations after June 1978, a later period has been used. For example, in *Riverdale Chevron, supra,* the new owner of the retail outlet leased the station in December 1978 and did not establish full operations until January 1979. As a result, the relief extended to the firm was based upon its actual purchases during the months of January and February 1979. A similar factual situation was presented in *Walter's North Bellmore Exxon,* Case No. DEE-3344 (Proposed Decision issued April 23, 1979), and the exception relief was calculated in the same manner. In *Emerald Hills Citgo,* Case No. DEE-2940 (Proposed Decision issued April 12, 1979), the station involved converted to self-service operations in August 1978. The exception relief approved in that case was therefore based upon the firm's average purchase volume in the September 1978-February 1979 period. Other cases in which similar actions were taken include *Bob's Vintage Texaco, supra; Briarvista Chevron, supra; Scott Boulevard Chevron, supra;* and *Hannah's Service Station, supra.*

B. The Anger Principles. 1. Description and Initial Application of Standards. A second group of cases have involved a situation in which a firm has made a significant investment in a retail outlet and was unable to realize the expected benefits of that investment until after the base period. In these cases, a substantial capital investment was made for the purpose of purchasing the retail outlet, converting the outlet from a full-service to a self-service operation, adding a mini-market or car wash, or renovating the station. Since these investments were made during or after the base period, the owners could not realize the intended benefits of their investments until after the base period. In *Leo Anger, Inc.,* Case No. DEE-2326 (Proposed Decision issued March 23, 1979), the Office of Hearings and Appeals held that it would be grossly inequitable to limit the station's allocation to the base period levels, especially where those allocation levels would not only prevent the owner from realizing a profit on his investment but also would seriously jeopardize the firm's ability to meet its monthly loan payments and other fixed operating costs.

The Office of Hearings and Appeals held in *Anger* that an exception increasing the firm's allocation would be granted where a showing was made that:

(i) A substantial capital investment was made by a firm with the expectation that the investment would enable the applicant to increase its sales of motor gasoline and therefore realize an economic benefit from the investment;

(ii) The increased sales volume and the intended benefits of that capital investment could not be realized until after the new base period; and

(iii) In the absence of an exception increasing its allocation of gasoline, the firm will not be able to realize the intended benefits of the capital investment and will be adversely affected to a significant degree.

In *Anger,* the applicant invested over $460,000 in order to purchase the service station facilities and an additional $79,000 in remodeling the facilities and acquiring equipment; the investment requirement has been satisfied, however, with substantially smaller capital expenditures. *See, e.g., Sea Shell Car Wash,* Case No. DEE-2823 (Proposed Decision issued April 19, 1979) ($25,000); *Hassan & Hassan, Inc.,* Case No. DEE-2583 (Proposed Decision issued April 12, 1979) ($43,000); *J S R Auto Center,* Case No. DEE-2370 (Proposed Decision issued April 6, 1979) ($12,000); and *Howard Moore,* Case No. DEE-2604 (Proposed Decision issued

March 30, 1979) ($47,000). A large outlay of capital to purchase initial gasoline supplies, tires, batteries, accessories, or other basic inventory items does not qualify as an investment under the *Anger* standards.

In this type of case, the applicant must also have been the investment with the expectation of substantially increasing gasoline sales as a result of that investment. In *Anger*, for example, the investment was based on the knowledge that the outlet's 1972 adjusted base period volume was not being fully utilized and therefore would afford an opportunity for sales growth and a return on the investment. *See, e.g., Sumter Oil & Gas Co., Inc.*, Case No. DEE-2725 (Proposed Decision issued April 11, 1979); *Webco Southern Oil, Inc.*, Case No. DEE-2354 (Proposed Decision issued April 2, 1979); and *Howard Moore, supra.* In other cases, the applicant based its investment on written assurances from its supplier that it would supply the outlet with a volume of motor gasoline that exceeds the station's new base period allocation. *See, e.g., Bearsch's Penn Jersey Auto Store & Car Care Center*, Case No. DEE-2477 (Proposed Decision issued April 4, 1979); *Mr. K Exxon*, Case No. DEE-2470 (Proposed Decision issued March 27, 1979); and *Canal & Claiborne Rentals*, Case No. DEE-2181 (Proposed Decision issued March 23, 1979).

The second criterion focuses on when the investment was made. In the majority of the investment cases in which relief has been approved, the firm involved made its investment during or after the new base period. As a result, the increase in sales volume anticipated by the firm which made the investment could not have been achieved during the new base period.

The final criterion in *Anger* focuses on the impact on the firm's financial and operating posture if it is restricted to its base period purchases of motor gasoline. This analysis generally involves an evaluation of the firm's current profitability and cash flow. In most cases, the firm has demonstrated that unless exception relief is granted it will not only be unable to realize the benefits of its investment but will also be unable to meet its operating expenses. *See, e.g., Palm Oil Company*, Case No. DEE-2497 (Proposed Decision issued April 24, 1979); *Sumter Oil & Gas Co., Inc., supra;* and *Canal & Claiborne Rentals, supra.*

2. Application of Anger Standards Subsequent to the implementation of the ERA Interim Final Rule. A number of the firms that made investments during 1978 qualified for the automatic relief available under the growth adjustment provision contained in the Interim Final Rule. Those firms were therefore eligible to receive in May 1979 and in subsequent months their average level of purchases during the October 1978 through February 1979 period. Generally, these volumes reflected the additional motor gasoline the firm was able to sell as a result of the investment made earlier in 1978. However, relief has been granted subsequent to the promulgation of the ERA Interim Final Rule on the basis of the *Anger* standards where a showing has been made that the growth adjustment still will not enable an applicant to realize the benefits of its investment. Generally, this occurs in the situation where the applicant made the investment either late in the new base period, or after the new base period. For example, in *S & S Petroleum Sales*, Case No. DEE-3335 (Proposed Decision issued May 22, 1979), the operator invested $35,000 in October and November 1978 when he leased the outlet, paved the entrance drives to the facility, and installed new computer readout equipment. Although the firm was eligible to receive an increased allocation of gasoline under the growth adjustment provision, it contended that the growth adjustment did not reflect its potential operations because the station was closed for six weeks during November and December 1978 while the capital improvements were being made. Moreover, the firm provided data which indicated that if exception relief were denied it would incur operating losses of more than $1,000 per month. On the basis of the facts presented, the firm was granted an exception which established an alternative base period allocation using an average of the firm's January and February 1979 purchases.

In other cases of this nature, the investment was not made until 1979. In *Kenneth Chapman*, Case No. DEE-3805 (Proposed Decision issued May 10, 1979), the applicant invested $46,000 for the installation of three new bays and an automatic car wash system. Since the facilities obtained as a result of the investment were not available until after the new base period, the increased sales volume and the intended benefits of that capital investment could not have been realized during the new base period. The firm submitted data which indicated that, unless it could obtain additional volumes of motor gasoline, it would default on its bank notes and would be unable to meet more than 50 percent of its operating expenses in May 1979. Other cases involving similar fact situations are as follows: *Marblehead Services, Inc.*, Case No. DEE-2471 (Proposed Decision issued June 7, 1979) (invested $116,500 in January 1978 for purchase of station but did not obtain control of station until March 1, 1979); *Yosemite Gas & Oil*, Case No. DEE-3345 (Proposed Decision issued May 25, 1979) (invested $52,000 in January 1979 for purchase and renovation of station); *Johnson's Arco Mini Market*, Case No. DEE-3939 (Proposed Decision Issued May 30, 1979) (completed $35,000 conversion to mini-market operation on February 16, 1979); *Melvin Olsen*, Case No. DEE-3227 (Proposed Decision issued May 18, 1979) (invested $85,000 in January 1979 to purchase assets of retail outlet); and *Charles F. Ellett*, Case No. DEE-4181 (Proposed Decision issued May 18, 1979) (completed $30,000 conversion to convenience store/service station combination in January 1979).

3. Nature of Relief Granted. Before the Interim Final Rule was issued, relief in *Anger*-type cases was often based on the volume of gasoline the firm purchased during the period in which it was able to realize the benefits of the investment it made. *See Hassan & Hassan, Inc., supra; Circle S. Service*, Case No. DEE-2531 (Proposed Decision issued April 17, 1979); and *Hunter's Lodge Exxon*, Case No. DEE-3713 (Proposed Decision issued April 17, 1979). The growth adjustment provision in the Interim Final Rule eliminated the need for exception relief in many of these cases because the firm's October 1978 through February 1979 monthly average purchases reflected the increased volumes generated by investments it made earlier in 1978. The Interim Final Rule did not provide effective relief, however, if the investment had been completed after December 1978 or if the firm was not able to realize the benefit of the investment until after February 1979. In those cases in which the investment was completed only two months prior to the implementation of the Activation Order, the Office of Hearings and Appeals has granted exception relief based on the firm's average purchases in the two months. In these particular cases, the firm's monthly average was determined to be reflective of the expected return on the investment. *See, e.g., John & Sharon Volk's Arco*, Case No. DEE-3760 (Proposed Decision Issued June 11, 1979); *S & S Petroleum Sales, supra; Hondo Oil Co.*, Case No. DEE-2782 (Proposed Decision issued May 14, 1979); and *Holiday Foods, Inc.*, Case No. DEE-3752 (Proposed Decision issued May 4, 1979).

Where the full benefits of the investment could not be achieved until

after February 1979, the record generally did not contain sufficient operating data to enable the Office of Hearings and Appeals to designate an alternative base period allocation. In those cases, therefore, the Office of Hearings and Appeals directed the firm's supplier to tentatively establish and implement a monthly base period allocation for the outlet based on actual operating data for the nearest comparable outlet. At the same time, the supplier was also directed to provide the appropriate ERA Regional Office with operating data for the outlet. The ERA would then establish a permanent base period allocation for the firm involved which would be substituted on a retroactive basis for the base period volume tentatively set by the supplier. Appropriate adjustments would be made by the ERA at that time for the gasoline already delivered to the firm. *See, e.g., Kenneth Chapman, supra; Melvin Olsen, supra; Hampton Station,* Case No. DEE-3828 (Proposed Decision issued May 18, 1979); *Yosemite Gas & Oil, supra;* and *DuPont Arco,* Case No. DEE-5357 (Proposed Decision issued June 5, 1979).

Although the two forms of relief described above represent the most prevalent type or relief granted in cases of this nature, exception relief has been fashioned in a somewhat different manner where the circumstances warranted. For example, in *Ray W. Reeves,* Case No. DEE-3550 (Proposed Decision issued June 13, 1979), the Office of Hearings and Appeals found that the applicant based its investment on the station's purchases prior to 1978. As a result of the facts presented, the outlet's average purchase volume in May and June 1977 was established as the firm's base period allocation.

C. Harrison Principles. 1. Description and Initial Application of Standards. A third group of cases involved a situation in which a retail outlet's purchases during the base period months were unrepresentative of the station's normal operations. Unlike the *Duncan* and *Anger* cases, however, in these cases the operator of the station did not contend that the firm's business activities changed immediately after the base period or that a substantial capital investment was made after the base period. Rather, in this group of cases, an unusual or anomalous event occurred during the base period which distorted its reliability for measurement purposes as a relatively normal and customary period of business operations for the station. In *Harrison Gas and Oil,* Case No. DEE-2548 (Proposed Decision issued March 21, 1979), the Office of Hearings and Appeals held that it would be grossly inequitable in that type of situation to reduce drastically the service station's allocation to the base period levels, especially where that period does not reflect a relatively normal and customary period of business operations.

According to the *Harrison* case, an exception increasing the firm's allocation will be granted where a showing is made that:

(i) Unusual or anomalous events occurred during a base period;

(ii) Those conditions seriously distort the intended use of the base period for measurement purposes as a relatively normal and customary period of business activity; and

(iii) The consequent distortion that resulted has adversely affected the firm in a significant manner.

In order to satisfy the first of these criteria a firm must first identify the unusual event that led to a reduction in its motor gasoline purchases during the base period. In the *Harrison* case the firm sold substantially less gasoline during a portion of the base period as a result of: (i) An industry rumor which suggested that its supplier no longer intended to sell motor gasoline on a branded basis in Harrison's marketing area; and (ii) the fact that the prices of Harrison's supplier during this period were substantially higher than those of other suppliers of motor gasoline in the marketing area. In addition, the owner of the firm encountered serious medical problems which prevented her from fully participating in the firm's business operations. Unusual circumstances which have been identified in other cases are: (i) Highway construction in the area surrounding the station (*West Broward Phillips "66" Service,* Case No. DEE-2991 (Proposed Decision issued April 20, 1979) and *Exxon of Olney,* Case No. DEE-2454 (Proposed Decision issued April 6, 1979)); (ii) change in credit terms which prevented the firm from purchasing supplies from its historical supplier (*Allied Oil Co.,* Case No. DEE-2420 (Proposed Decision issued April 6, 1979)); and (iii) station initially established in the base period (*Glover Oil Co., Inc.,* Case No. DEE-2563 (Proposed Decision issued April 4, 1979)).

With regard to the second criterion, the firm must convincingly demonstrate that, as a result of these unusual events, the base period does not constitute a relatively normal and customary period of business activity. This was demonstrated in *Harrison* through a comparison of the firm's purchases during the base period with the firm's purchases prior to and subsequent to that period. For example, in *Harrison* the record indicated that during March 1978, the firm purchased only 8.4% of its 1972 adjusted base period entitlement; after the business problems were resolved in July 1978, the firm's purchases equalled or exceeded its 1972 allocation levels. Similar comparisons have been made in other cases of this nature. *See, e.g., Exxon of Olney, supra* (purchases in period preceding and following the anomalous base period exceeded the base period purchases by 20% and 35%, respectively); *Allied Oil Co., supra* (monthly average purchases for March, April and May 1977 were approximately 456,667 gallons greater than in the corresponding months of the base period).

The final criterion focuses upon the impact on the firm's operations of the loss in its motor gasoline allocation which results from the use of the distorted base period. In *Harrison* the record indicated that, during the anomalous period, the firm experienced losses of about $12,000 per month as compared to monthly profits of approximately $7,000 per month before and after the anomalous period. Other firms have also demonstrated that, if they are now restricted to the volumes they purchased during the anomalous base period, they will be forced to substantially curtail their business activities (*Exxon of Olney, supra;* and *Allied Oil Co., supra*). In still other cases, a showing was made that the firm would not have sufficient gasoline to meet even a minor portion of its customers' needs (*Glover Oil Company, supra*).

2. Application of Harrison Standards Subsequent to the ERA Interim Final Rule. The growth adjustment in the Interim Final Rule provides substantial relief to a number of firms that experienced unusual or anomalous events prior to October 1978. However, relief has been granted even after the Interim Final Rule was issued where a showing has been made that the firm's purchases during the October 1978 through February 1979 period also fail to satisfactorily reflect its normal and customary business activities. An example of a case of that nature is *R. C. Strother,* Case No. DEE-2301 (Proposed Decision issued May 25, 1979). With regard to the first criterion in *Harrison,* Strother showed that since mid-1977 the firm it now operated had been buying substantially less gasoline than it had previously purchased because of: (i) the illness of one operator in early 1977; and (ii) the numerous changes in management from mid-1977 until

Strother assumed management in January 1979. With regard to the second criterion, the firm's monthly purchases of motor gasoline from November 1976 through October 1978 were significantly less than its usual purchases during the entire 1972 through February 1979 period. Finally, the record indicated that unless Strother could obtain additional quantities of motor gasoline he would not be able to meet his monthly operating expenses and would default on outstanding loan obligations.

3. Nature of Relief Granted. Am alternate base period has been established in most *Harrison*-type cases. The new base period is one which the record in the particular case indicates is in fact representative of the firm's normal operations. *See, e.g., R. C. Strother, supra* (the period prior to September 1977); *Exxon of Olney, supra* (the July–December 1978 period); and *Allied Oil Co., supra* (the corresponding month of the previous year). In *West Broward Phillips "66" Service, supra,* however, the new base period use was established on the basis of a determination that 60,000 gallons per month was reasonable for service stations of comparable size and location.

D. The Tidwell Principles. The exception relief granted to a firm which has satisfied the *Duncan, Anger,* or *Harrison* criteria is generally intended to alleviate a gross inequity, serious hardship, or unfair distribution of burdens being experienced by the firm itself. In another line of cases, exception relief has been approved to alleviate disproportionate burdens being experienced by the residents of the community served by a retail outlet. The criteria applicable to situations of this type were initially set forth in *James Tidwell Chevron,* Case No. DEE–2398 (Proposed Decision issued March 19, 1979).

In the Tidwell case, the applicant operated a retail outlet in Nipomo, California, a small rural town that had in the past been served by four retail outlets, including Tidwell. During 1978, however, two of these outlets closed. Subsequent to the implementation of the new base period regulations, Tidwell found that its allocation was insufficient to meet the needs of the residents of its community. The Office of Hearings and Appeals held that exception relief would be appropriate in a situation of this type if it appeared that the residents of the community involved would otherwise experience a disproportionate portion of the burdens which have resulted from the energy shortage the nation is experiencing. In particular, the Office of Hearings and Appeals held that exception relief would be granted to a firm in a situation of this type which demonstrated that:

(i) The firm has experienced an increased demand for motor gasoline as a result of a significant change in the circumstances under which the product is supplied or used;

(ii) The continued inability of the firm to obtain additional gasoline would significantly frustrate one or more of the policy objectives set forth in Section 4(b)(1) of the Emergency Petroleum Allocation Act of 1973, as amended (EPAA); and

(iii) The firm has been unable to purchase surplus product.

In each of the cases in which relief has been granted on the basis of these criteria, the Office of Hearings and Appeals held that the first criterion is satisfied when the increased demand experienced by the applicant is attributable to the recent closing of other retail outlets in a relatively small community. *See Jim's Chevron,* Case No. DEE–3045 (Proposed Decision issued May 16, 1979); *G&C Grocery & Standard Oil Company,* Case No. DEE–2841 (Proposed Decision issued April 6, 1979); *Northland Oil Company,* Case No. DEE–2744 (Proposed Decision issued April 4, 1979); and *Larry E. Stadler,* Case No. DEE–2746 (Proposed Decision issued March 29, 1979). The Office of Hearings and Appeals also found in each of these cases that the applicant has been unable to purchase surplus gasoline as a result of the tight supply situation which currently exists.

With regard to the second criterion, the record presented in the *Tidwell* case indicated that the citizens of Nipomo would be required to make a round trip of 20 miles to the nearest town in order to obtain gasoline if product were unavailable in Nipomo. In view of this burden, the Office of Hearings and Appeals concluded that the denial of the relief requested would frustrate the policy objective in Section 4(b)(1)(F) of the EPAA which relates to the "equitable distribution of . . . refined petroleum products . . . among all users." In other cases this criterion was satisfied by a showing that the denial of relief would require the residents of the community involved to drive an additional 72 miles (*G&C Grocery, supra*), 90 miles (*Northland Oil Co., supra*) and 100 miles (*Jim's Chevron, supra*).

E. The Type of Data Which is Necessary for the Evaluation of a Retail Outlet's Exception Request. The preceding four sections described the standards which have been utilized in the majority of the Decisions issued to retail service stations. Of course, an Application for Exception filed by a particular retail outlet need not be specifically directed to one of these standards. Exception relief is appropriate whenever a showing is made that the regulations are causing a particular firm or class of persons to experience a gross inequity, serious hardship, or unfair distribution of burdens. Any firm which believes that it can make such a showing may file a request for exception relief. Such request should specify the hardship, inequity, or unfair distribution of burdens which is being experienced.

Regardless of whether the exception request is directed to one of the specific standards discussed in the previous portions of these Guidelines or is based upon a general claim of hardship or inequity, the firm involved must submit information in support of its Application that will enable the Office of Hearings and Appeals to determine whether an exception is justified. Every retail outlet that submits an Application should specify: (i) The monthly volumes of motor gasoline which the outlet has purchased since July 1977; (ii) the date on which the current owner assumed operation of the station, and the nature of any changes which have been made in the operation of the station since that date; and (iii) the base period and current supplier(s) of the station, and an explanation of any change in supplier which has occurred since July 1977.

A firm which files an Application which is based on a claim of serious financial hardship should submit financial data which will enable the Office of Hearings and Appeals to evaluate this claim. In previous cases the Office of Hearings and Appeals has requested the following type of data: (i) A Profit and Loss Statement for 1978 and for 1979, through the most recent month for which final data is available; (ii) a detailed schedule of all operating expenses incurred each month by the firm; (iii) a detailed schedule and explanation of all loan payments which the firm is required to make each month; and (iv) the station's average product cost, maximum permissible selling price, and maximum permissible margin per gallon sold under the DOE regulations for regular, premium, and unleaded gasoline. If the firm is not selling gasoline at its maximum permissible selling price, it should specify why it believes it would be unable to sell the gasoline it is entitled to receive under the general regulations if it raised its price to that level.

A firm which made an investment at the station it owned during 1978 or during the first two months of 1979 should provide information with regard to that investment. In previous cases, the Office of Hearings and Appeals has requested information with regard to (i) the nature of the investment; (ii) the date on which the investment was completed; (iii) the amount of the investment; (iv) the method by which the investment was financed; and (v) the reasons why the station believed that the investment would be profitable.

A firm which believes that anomalous events occurred during the base period or the growth adjustment period which distort the intended use of those periods for measurement purposes should specify the nature of these anomalous events. Similarly, a firm which believes that an exception is justified by the burdens being experienced by the residents in the community should specify the nature of these burdens as precisely as possible. In considering *Tidwell*-type cases, for example, the Office of Hearings and Appeals has generally requested that the applicant indicate: (i) The size of the community in which it is located; (ii) the number of service stations which have historically and which currently serve this community; (iii) the names and addresses of any stations which have closed in the community within the past twelve months and the approximate monthly volumes sold by these stations prior to their closing; and (iv) the distance from the town involved to other nearby communities.

As a general matter, a retail outlet which is requesting an increased allocation should be prepared to demonstrate why its allocation under the Interim Final Rule is unrepresentative of its normal operating position or unfair to it or the members of the community which it serves. The description in this section of the type of data the Office of Hearings and Appeals has requested in the past is only intended to indicate the general nature of the information which will probably be relevant to most exception filings. The Office of Hearings and Appeals will of course consider any relevant information provided by a firm in support of its request.

F. Exception Decisions Denying Requests for Additional Allocations Filed by Retail Outlets. The Office of Hearings and Appeals has also issued a number of Decisions in which it concluded that a firm failed to satisfy the standards discussed in *Duncan, Anger, Harrison,* or *Tidwell.*

For example, in *Day-Nite Food Store,* Case No. DEE-2422 (Proposed Decision issued April 4, 1979), the Office of Hearings and Appeals evaluated the firm's submission in the light of the *Duncan* criteria. The Chevron retail outlet in that case had requested an increased allocation which it stated was necessary to enable it to meet the increased demand generated by the recent closing of the only other Chevron outlet in the community. The Office of Hearings and Appeals concluded that the increased sales volume the firm was experiencing was not a result of any significant alteration in the ongoing business practices of the firm and that the firm had therefore not satisfied the second of the three *Duncan* criteria. The Office of Hearings and Appeals also found that the citizens of the community involved would not experience a hardship or an inequity if they were unable to obtain additional gasoline from Day-Nite, since the town was served by ten other retail outlets.

Harold's Exxon, Case No. DEE-2384 (Proposed Decision issued April 13, 1979) presented a similar situation. In denying this firm's request, the Office of Hearings and Appeals observed that the recent increased sales volume of the firm was attributable to the recent closing of the service station directly across the street, and not to any specific actions taken by the applicant. Other cases in which the Office of Hearings and Appeals concluded that the applicant had merely benefited from a general increased demand and had failed to satisfy the second *Duncan* criteria include *Commerce Crossroads Service, Inc.,* Case No. DEE-2320 (Proposed Decision issued March 27, 1979); *Edward H. Wolf & Sons, Inc.,* Case No. DEE-2913 (Proposed Decision issued May 12, 1979); and *Matthews Exxon,* Case No. DEE-2456 (Proposed Decision issued May 30, 1979). In the *Matthews* case, the Office of Hearings and Appeals also found that the firm had failed to meet the first *Duncan* criteria of substantially increased purchase and sales volume subsequent to the base period. The volumetric increase in the *Matthews* case amounted to only 7.84 percent.

Other cases in which the Office of Hearings and Appeals concluded that the percentage increase in sales volume was not sufficient to satisfy the first *Duncan* criteria include *B&O Shell Service,* Case No. DEE-2553 (Proposed Decision issued May 23, 1979) (increase of only 1.0 percent) and *C. M. Routh Oil Company,* Case No. DEE-2355 (Proposed Decision issued April 5, 1979) (increase of only 14.95 percent). In the *Routh* case, the Office of Hearings and Appeals observed that the firm's recent increase in sales volume was attributable to price increases implemented by its competitors who were unable to obtain the quantity of gasoline which they desired. The Office of Hearings and Appeals found that it would be particularly inappropriate to grant exception relief which would enable a retailer to benefit from the overall shortage of gasoline at the expense of its competitors.

In a number of other cases, a retail outlet requested an increased allocation so that it could continue to generally expand its business activities as it had envisioned doing before the current shortage developed. Exception relief has however been denied where a retailer's desire to continue to increase its sales volume in accordance with its prior expectations is the only factor in the case and no showing is made that the firm itself or the community it serves would be adversely affected to a significant extent by the allocation level prescribed in the regulations. *See Commerce Crossroads Service, Inc., supra; Edward H. Wolf & Sons, Inc., supra; I-275 Shell,* Case No. DEE-3124 (Proposed Decision issued May 18, 1979); *Lahser & 11 Mile Shell,* Case No. DEE-2438 (Proposed Decision issued May 18, 1979). In denying these requests, the Office of Hearings and Appeals observed that any firm could sell more petroleum products during a period in which supplies are scarce. The Office of Hearings and Appeals also observed that the business expansion expectations of a great many firms are being frustrated by the current gasoline shortage. The conclusion was reached in the cases cited above that the applicants had failed to demonstrate that the burdens they were experiencing were any different from the burdens generally being experienced by other gasoline marketers.

The conclusion that exception relief should not be granted to enable a retailer to continue a planned business expansion in a time of shortage was reinforced in a number of other Decisions. In *Elton J. Culpepper,* Case No. DEE-3270 (Proposed Decision issued May 11, 1979), the Office of Hearings and Appeals held that exception relief was not appropriate under the *Anger* standards when the firm had not yet made the investment. The Office of Hearings and Appeals observed in the *Culpepper* case that the approval of an exception under these circumstances would reward a firm for expanding its motor gasoline reselling operations precisely when other firms were

restricted to their historical levels of operation. *Greenwood Petroleum Company*, Case No. DEE-4052 (May 22, 1979) involved a firm which had made plans to convert five of its full service retail outlets to self service operations. The firm contended that these conversion plans were made after the supplier involved, Gulf, assured the firm that adequate supplies of gasoline would be available. Greenwood argued that the implementation of the new base period regulations prevented it from obtaining the supplies of gasoline which would enable it to realize the intended benefits of its planned capital investments.

In considering the Greenwood request, the Office of Hearings and Appeals noted first that the firm had failed to adequately explain the basis for its expectation in February 1979 that it would be able to substantially increase its sales of motor gasoline at the outlet which it purchased from Gulf in that month. The further conclusion was reached that Greenwood failed to provide adequate documentation for its claim that it had in fact received assurances that adequate supplies of product would be available. With regard to the other four retail outlets, the Office of Hearings and Appeals observed that Greenwood had not yet actually undertaken any capital investment project. The firm also failed to provide any data with regard to these proposed investments.

Most of the retail outlets which have requested exception relief state that they have been unable to obtain adequate supplies of gasoline to meet demand and that, as a direct result, they have been required to reduce significantly their hours of operation. In *D&D Mobil Service Center*, Case No. DEE-2668 (Proposed Decision issued May 22, 1979), the Office of Hearings and Appeals observed that an exception is not warranted merely because a firm could sell additional volumes of gasoline if it were able to obtain those volumes. In a time of shortage, virtually every retail outlet in the country could sell more gasoline if the DOE allocated additional supplies to it. As discussed earlier, however, an exception may be approved only when a showing of a serious hardship, gross inequity, or unfair distribution of burdens attributable to the DOE regulations has been made. In the *D&D* case, the Office of Hearings and Appeals concluded that the firm had not made any of the requisite showings. First, the Office of Hearings and Appeals found that, although the firm's profitability would be enhanced by the approval of an exception, the firm would be able to maintain a profitable operation at its current allocation level. The Office of Hearings and Appeals also found that the problems being experienced by the firm were in fact typical of the problems being experienced by a great many retail service stations and were not evidence of a gros inequity. Finally, the Office of Hearings and Appeals found that the residents of the community served by this form would not incur an unfair burden if an exception were not granted, since there were a total of 32 retail outlets in the relatively small town served by D&D.

The Office of Hearings and Appeals also observed in the *D&D* case that the approval of the requested exception would divert gasoline from other communities in the United States to the community served by D&D. This is of course true of any exception granted in a case of this type. Consequently, as the *D&D* Decision emphasized, a firm requesting an increased allocation in a time of shortage must demonstrate that the burden it is encountering is different from that burden being generally encountered by other similarly situated firms. *See, e.g., Kelly's Exxon*, Case No. DEE-3231 (Proposed Decision issued June 15, 1979); *Magnolia Exxon*, Case No. DEE-2861 (Proposed Decision issued June 20, 1979); *Pea Soup Anderson*, Case No. DEE-3251 (Proposed Decision issued June 20, 1979); *C&C Garage & Towing*, Case No. DEE-3362 (Proposed Decision issued June 20, 1979). Exception relief will not be approved in the absence of such a showing.

The Office of Hearings and Appeals considered a related issue in *Shoal's Creek Chevron*, Case No. DEE-2476 (Final Decision and Order issued June 15, 1979). As in the *D&D* case, the applicant stated that it was unable to obtain the amount of gasoline it desired and that it had seriously curtailed its operations as a result. In fact, the firm stated that it had sold its entire May allocation by the 23rd of the month, even while operating fewer hours, closing on Sunday, and receiving an additional state set-aside allocation. However, the applicant in the *Shoal's Creek* case also maintained that it was unable to raise its prices as a result of competitive conditions and that it would experience a serious hardship unless it were able to obtain a greater allocation. In concluding that an exception was not warranted, the Office of Hearings and Appeals found that a firm requesting exception relief could not simultaneously argue that it was unable to raise its prices and that it had nevertheless exhausted its entire allocation despite a curtailment of operations.

The Office of Hearings and Appeals has also denied several exception requests on the grounds that the firm involved had benefited to a considerable extent by the growth adjustment contained in the May 1 Rule. For example, the applicant in *Rocket Oil Co.*, Case No. DEE-5056 (Proposed Decision issued June 15, 1979) made a significant capital investment at the retail outlet which it purchased in February 1978. The Office of Hearings and Appeals concluded that the quantity of gasoline which the firm was entitled to receive under the growth adjustment of the Interim Rule is in fact representative of its current operations. An analogous situation existed in *Rozema's Standard*, Case No. DEE-3733 (Proposed Decision issued June 1, 1979). In that case, the applicant purchased a retail outlet in January 1978. As in the *Rocket* case, the Office of Hearings and Appeals concluded that the firm had an adequate opportunity to establish its operations prior to the October 1978-February 1979 period and that its allocation under the growth adjustment was representative of its normal operations.

In the *Rozema* case, the Office of Hearings and Appeals also considered the firm's argument that market conditions prevented it from realizing a per gallon margin sufficient to enable it to meet its operating costs. For the reasons set forth in the *Shoal's Creek* case, it seems unlikely that a retailer of gasoline in a period of shortage would be unable to raise its prices to maximum allowable levels to enhance its profitability. Notwithstanding this fact, the Office of Hearings and Appeals found in the *Rozema* case that the alleged difficulties being experienced by the firm as a result of competitive pressures were not the result of the DOE regulatory program. Consequently, it concluded that exception relief was not justified on this basis.

In summary, a retail outlet requesting an increased allocation must demonstrate that either the firm itself or the residents of the community which it serves will experience a gross inequity, serious hardship, or unfair distribution of burdens in the absence of the requested exception. As emphasized in the *D&D* case, the mere fact that a gasoline marketer could sell additional quantities of product if it were able to obtain them does not justify an exception. In a time of shortage, virtually every gasoline marketer in the country wishes to enhance its profitability by obtaining a greater

allocation. Exception relief will not be approved when it appears that the difficulties being experienced by the firm involved are not atypical but are in fact representative of the difficulties being experienced by all other retail outlets.

III. Cases Which Involve Important Public Interest Considerations. Over the course of the past several months, the Office of Hearings and Appeals has considered a number of exception requests which were filed in response to the nationwide gasoline shortage and which involve major policy issues. The principles enunciated in several of these cases pertain to some of the most important policy objectives enunciated by the Congress.

A. The Gasohol Cases. The Office of Hearings and Appeals has issued two Proposed Decisions with regard to exception requests filed by manufacturers of gasohol. *American Agri-Fuels Corporation,* Case No. DEE-2179 (Proposed Decision issued May 9, 1979); *Fannon Petroleum Services, Inc.,* Case No. DEE-3884 (Proposed Decision issued June 8, 1979). Gasohol is a trademark held by the State of Nebraska for a petroleum product created when unleaded gasoline and agriculturally-derived ethyl alcohol are blended in a 9 to 1 ratio. The evidence presented to the DOE indicates that gasohol may be utilized as a fuel for vehicles with conventional gasoline-powered engines without the need for any modification to the engines of the vehicles. *See Illinois Petroleum Marketers Association, et al.,* 1 DOE Par. 82,028 (1978).

In the *American* case, the firm involved stated that it intended to begin producing and marketing gasohol in May 1979. The firm also stated that, as a result of the tight supply situation, it had been unable to secure an assured source of supply of unleaded gasoline despite diligent efforts. The firm requested an exception which would result in the assignment to it of a base period allocation and supplier.

In approving this request, the Office of Hearings and Appeals found that the manufacture and use of gasohol would result in an eventual reduction in the demand for gasoline. The Office of Hearings and Appeals also observed that the President had explicitly encouraged the experimentation in the use gasohol and other alternative energy sources in order to reduce the country's dependence on foreign energy supplies. The Office of Hearings and Appeals has on a number of occasions held that exception relief is appropriate on gross inequity grounds when the application of a regulatory requirement to a particular set of facts frustrates the attainment of a statutory or regulatory objective. In view of American's inability to obtain the unleaded gasoline needed by the firm to manufacture gasohol, the Office of Hearings and Appeals held that such an inequity existed in that case. An allocation was proposed for the firm that would be sufficient to enable it to operate its gasohol manufacturing plant efficiently.

In the *Fannon* case the factual situation was slightly different. Fannon has manufactured and sold gasohol at its bulk plant since October 1977. However, the firm indicated in its Application that it was required under the provisions of the Interim Final Rule to sell virtually all of the unleaded gasoline it is able to obtain in order to satisfy its supply obligations. As a result of its inability to obtain surplus gasoline or to retain for gasohol manufacturing purposes the gasoline which it is able to obtain, Fannon indicated that it was required to restrict its gasohol manufacturing operations precisely when demand for gasohol is very strong.

In considering the Fannon submission, the Office of Hearings and Appeals again noted that the approval of an exception would further an important national policy objective by increasing the use of an alternative energy source. In line with the precedent established in the *American* case, an exception was approved in order to provide Fannon with sufficient supplies of unleaded gasoline for its gasohol manufacturing plant.

B. The Prudential Case. In *Prudential Insurance Company of America,* Case No. DEE-6080 (Proposed Decision issued June 6, 1979), the Office of Hearings and Appeals considered an exception request which pertained to a van pool program administered by the Los Angeles Office of the firm involved. Although Prudential possesses a relatively small base period allocation, the gasoline which it had obtained in the past was utilized for company vehicles other than the vans used for employee pool purposes. Prudential stated that it expected to increase in the immediate future the number of vans in its program from 24 to 42 in order to meet its employees' demand for van pools. Prudential also stated that it expected to increase to 60 the number of vans in its program by 1980. The firm requested an increased allocation which would permit its vans to obtain gasoline easily.

In issuing a Proposed Decision and Order approving this request, the Office of Hearings and Appeals observed that the continued efficient operation and the eventual expansion of the Prudential van pool program were clearly in the public interest. For example, the information submitted by Prudential indicated that the operation of a 60-van program by the firm would save a total of 636,120 gallons of gasoline in one year. Since the conservation of a valuable and depletable energy source such as gasoline is a major national energy policy objective, the Office of Hearings and Appeals concluded that an exception should be granted to Prudential which would enable it to obtain gasoline for use by its fleet of vans. As in the gasohol cases, the Office of Hearings and Appeals held that an exception is warranted on gross inequity grounds when the application of a regulatory requirement frustrates the attainment of an important energy policy objective. The Office of Hearings and Appeals also stated in the *Prudential* case that similar exception relief would be available to other firms which have implemented or wish to implement programs similar to the Prudential van pool program.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended, Pub. L. 93-511, Pub. L. 94-99, Pub. L. 94-133, Pub. L. 94-163, and Pub. L. 94-385; Federal Energy Administration Act of 1974, Pub. L. 93-275, as amended, Pub. L. 94-332, Pub. L. 94-385, Pub. L. 95-70, Pub. L. 95-91; Energy Policy and Conservation Act, Pub. L. 94-163, as amended, Pub. L. 94-385, Pub. L. 95-70; Energy Conservation and Production Act, Pub. L. 94-385, as amended, Pub. L. 95-70, Pub. L. 95-91; Department of Energy Organization Act, Pub. L. 95-91; E.O. 11790, 39 FR 23185; E.O. 12009, 42 FR 46267.)

Issued in Washington, D.C., July 3, 1979.

Melvin Goldstein,

Director, Office of Hearings and Appeals.

[FR Doc. 79-21210 Filed 7-9-79; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPP 00093; FRL 1268-8]

Advisory Opinion: Ultra Low Volume Pesticide Application

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

ACTION: Issuance of Advisory Opinion regarding Ultra Low Volume (ULV) pesticide applications.

SUMMARY: The Federal Pesticide Act of 1978, Public Law 95-396, directed EPA to undertake an investigation addressing methods of pesticide application, including the use of ULV, in cooperation with the Secretary of Agriculture and appropriate State officials. That

investigation was completed and a report was submitted to Congress, as required. EPA is today issuing an Advisory Opinion under Section 2(ee) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended [FIFRA], consistent with the findings of the investigation in terms of potential hazard to man and the environment by the use of ULV application techniques.

FOR FURTHER INFORMATION CONTACT: Mr. Richard King, Registration Division (TS-767), Office of Pesticide Programs, EPA, Room 345, East Tower, 401 M St., S.W., Washington, D.C. 20460 (Telephone 202/426-2510). Single copies of the report to Congress are available from Mr. King.

SUPPLEMENTARY INFORMATION: On November 22, 1978, the EPA published in the Federal Register (43 FR 54697) a notice announcing a scientific investigation leading to the development of a report to Congress on methods of pesticide application; interested parties were invited to submit written comments. Forty-six responses were received from Industry, Federal Agencies, State Agencies, Colleges and Universities, Trade Associations and concerned citizens, pertaining to scientific information relative to ULV application methods. A few commenters submitted information about specific regulatory issues involved in ULV pesticide application.

On March 29, 1979, EPA sent to Congress a preliminary report in which the Agency concluded that there is a potential increase in hazard which could result from the use ultra low spray volumes.

In order to accommodate both the concerns for the potential hazards of ULV and the Congress' desire for greater discretion for the pesticide user, EPA will issue two separate Advisory Opinions. This first Advisory Opinion will be in effect from today until EPA issues a second Advisory Opinion before the next growing season (March, 1980). The first Advisory Opinion requires adherence to label-approved amounts of dilution; the second Opinion, which will be issued after further consultation with the U.S. Department of Agriculture (USDA), States, and interested parties, may permit more user discretion in diluting individual pesticide products where appropriate. The Agency believes that certain ULV applications can be used without unreasonable effects, but to reach those judgments, it is necessary to review pertinent information. Presumably, this information is submitted when a label is presented for review. EPA is continuing to develop the information, along with USDA and the States, upon which a broader policy can be established.

Advisory Opinion

It is the Agency's opinion that an increased potential for hazard may result from the use of less dilution (higher concentration) than that approved on a pesticide's approved labeling from: pesticide spray drift affecting humans, nontarget plants and animals; increased pesticide residues remaining on treated or neighboring crops; and increased exposure of pesticide applicators and other field workers. Accordingly, until further notice, all persons using pesticides must follow instructions concerning amounts of dilution as specified in: (1) Federally registered pesticide product labeling; (2) State labeling issued under FIFRA Section 24(c); or (3) an emergency exemption issued under FIFRA Section 18. The use of a pesticide with any amount of dilution *less* (increased concentration) than that specified by any one of the three examples above is a violation of Section 12(a)(2)(G).

Dated: July 3, 1979.

Steven D. Jellinek,

Assistant Administrator for Toxic Substances.

[FR Doc. 79-21288 Filed 7-9-79; 8:45 am]

BILLING CODE 6560-01-M

[OPP-180318; FRL 1267-8]

Arkansas and Michigan; Issuance of Specific Exemptions To Use Mesurol on Blueberries as a Bird Repellent

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

ACTION: Issuance of specific exemptions.

SUMMARY: EPA has granted specific exemptions to the Arkansas State Plant Board and the Michigan Department of Agriculture (hereafter referred to as "Arkansas" and "Michigan" or the "Applicants") to use Mesurol as a bird repellent on 75 acres of blueberries in Arkansas and 2,600 acres in Michigan. The specific exemptions expire on September 30, 1979.

FOR FURTHER INFORMATION CONTACT: Emergency Response Section, Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M Street, S.W., Room: E-124, Washington, D.C. 20460, Telephone: 202/426-2691. It is suggested that interested persons telephone before visiting EPA Headquarters, so that the appropriate files may be made conveniently available for review purposes.

SUPPLEMENTARY INFORMATION: Starlings, grackles, robins, and blackbirds are the predominant species responsible for significant losses in blueberry production in Arkansas and Michigan. The birds begin feeding on the earliest maturing varieties as the fruit ripens and continue through maturity and harvest. The Applicants state that bird damage in the form of predation is ever-present, and current methods of control (distress baits, chemosterilants, noise devices, alarms, and netting) are not effective, or are not economically feasible.

If Mesurol is not available, Michigan estimates the loss of 879,216 pounds of blueberries (valued at $439,608), and Arkansas estimates the loss of 100,000 pounds of blueberries (valued at $60,000) due to bird damage to this year's blueberry crop.

The Applicants requested that EPA allow application of Mesurol 75% Wettable Powder, EPA Reg. No. 3125-288, which contains the active ingredient (a.i.) 3,5-dimethyl-4-(methylthio)phenyl methyl carbamate. In Arkansas, a total of 75 acres will be treated; in Michigan, a total of 2,600 acres in Allegan, Berrien, Genesee, Lapeer, Muskegon, Ottawa, Saginaw, and Van Buren Counties will be treated.

EPA has established permanent tolerances for residues of the active ingredient on fruits with similar physiological characteristics, such as cherries at 25 parts per million (ppm) and peaches at 15 ppm. A temporary tolerance of 30 ppm has been established for residues on blueberries and the proposed use should not exceed that level. This use is not expected to pose an unreasonable hazard to the environment.

After reviewing the applications and other available information, EPA has determined that (a) a pest outbreak of depredating birds has occurred or is about to occur in blueberry fields; (b) there is no pesticide presently registered and available for use to control depredating birds in Arkansas and Michigan; (c) there are no alternative means of control, taking into account the efficacy and hazard; (d) significant economic problems may result if the depredating birds are not controlled; and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, the Applicants have been granted specific exemptions to use the pesticide noted above until September 30, 1979 to the extent and in the manner set forth in the

applications. The specific exemptions are also subject to the following conditions:

1. The product Mesurol 75% Wettable Powder, EPA Reg. No. 3125-288, is authorized;

2. A maximum application rate of 2.67 pounds of formulation (2.0 pounds a.i.) per acre per application in not less than five gallons of water is authorized;

3. A maximum of three applications may be made, not to exceed 6.0 pounds of formulation (4.5 pounds a.i.) per acre per season;

4. A maximum of 337.5 pounds a.i. may be applied to the 75 acres proposed for treatment in Arkansas. A maximum of 11,700 pounds a.i. may be applied to 2,600 acres in the Michigan counties named above;

5. A seven-day interval between applications must be observed;

6. Applications may be made with ground or aerial equipment;

7. Applications shall be made by State-certified private applicators and State-licensed commercial applicators;

8. In Arkansas, a knowledgeable expert will determine that there is a need for treatment to prevent losses in the commercial production of blueberries;

9. In Arkansas, sale and distribution of Mesurol WP will be controlled by the State Cooperative Extension Service wildlife specialist;

10. Blueberries with residue levels not exceeding 30 ppm a.i. may enter interstate commerce. The Food and Drug Administration, U.S. Department of Health, Education, and Welfare, has been advised of this action;

11. Mesurol is toxic to fish. It must be used with care when applied in areas adjacent to any body of water. It may not be applied when weather conditions favor run-off or drift from treated areas;

12. All applicable precautions, directions, and restrictions on the EPA-accepted label must be adhered to;

13. The EPA must be immediately informed of any adverse effects resulting from this use of Mesurol; and

14. Arkansas and Michigan are each responsible for ensuring that all of the provisions of its specific exemption are followed and must submit a final report summarizing the results of its program by December 31, 1979.

(Section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136).)

Dated: June 29, 1979.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 79-21290 Filed 7-9-79; 8:45 am]

BILLING CODE 6560-01-M

[OPP-180305; FRL 1267-6]

Maryland Department of Agriculture; Issuance of Specific Exemption To Use Azinphos Methyl on Carrots and Moss-Curl Parsley To Control Carrot Weevil

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

ACTION: Issuance of a specific exemption.

SUMMARY: EPA has granted the Maryland Department of Agriculture (hereafter referred to as the "Applicant") a specific exemption to use azinphos methyl on 700 acres of carrots for processing and 10 acres of moss-curl parsley in Maryland to control the carrot weevil. The specific exemption expires on September 20, 1979.

FOR FURTHER INFORMATION CONTACT: Emergency Response Section, Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M Street, Room: E-124, Washington, D.C. 20460, Telephone: 202/426-2691. It is suggested that interested persons telephone before coming to EPA Headquarters, so that the appropriate files may be made conveniently available for review purposes.

SUPPLEMENTARY INFORMATION: In the larval stage, the carrot weevil is a fat, white legless grub causing irregular zigzag dark grooves over the surface, or it burrows through the roots of carrots. According to the Applicant, the carrot weevil injures seedling carrots and renders mature carrots unacceptable for marketing. When carrots are placed in cold storage, additional damage to the carrots may be caused by fungal organisms that enter through weevil feeding injuries.

The Applicant also stated that in parsley crops, the carrot weevil tunnels in the stalks and heart and destroys the tap root. Overwintering stands of moss-curl parsley are severly thinned by activity of the larvae. There are no registered pesticides for control of the carrot weevil, nor are there nonchemical methods of control available.

Without an effective means of control, the Applicant estimates an economic loss of $360,000 on carrots and a $12,000-$15,000 loss on moss-curl parsley.

The Applicant proposed to use Guthion 2S or Guthion 50WP at a rate of one-half pound active ingrediant (a.i.) per acre on processing carrots and moss-curl parsley. Data are available to indicate that azinphos methyl is efficacious in controlling the carrot weevil at this rate.

EPA has determined that residues of azinphos methyl are not expected to exceed 0.5 part per million (ppm) on processing carrots and 2 ppm on moss-curl parsley. These levels have been judged adequate to protect the public health. No unreasonable adverse effect to the environment is anticipated from this program.

After reviewing the application and other available information, EPA has determined that (a) pest outbreaks of carrot weevils have occurred, or are likely to occur; (b) there is no pesticide presently registered and available for use to control the carrot weevil in Maryland; (c) there are no alternative means of control, taking into account the efficacy and hazard; (d) significant economic problems may result if the carrot weevil is not controlled; and (e) the time avilable for action to mitigate the problems posed is insufficent for a pesticide to be registered for this use. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until September 20, 1979, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following restrictions:

1. The products Guthion 2S, EPA Reg. No. 3125-123, or Guthion 50WP, EPA Reg. No. 3125-193, are authorized for use on processing carrots. The product Guthion 2S is authorized for use on moss-curl parsley;

2. Ground or aerial applications may be made to processing carrots. Applications will be made by ground equipment on moss-curl parsley;

3. Application may be made to processing carrots at a rate of one-half pound a.i. in 30-40 gallons of water per acre by ground equipment, or in a minimum of 3 gallons of water per acre by aerial equipment. For moss-curl parsley, applications may be made at a rate of one-half pound a.i. per acre in a minimum of 40 gallons of water;

4. A maximum of 2,100 pounds of azinphos methyl may be applied to processing carrots. A maximum of 25 pounds of azinphos methyl may be applied to moss-curl parsley;

5. A maximum of six applications may be made to processing carrots;

6. A maximum of five applications may be made on moss-curl parsley;

7. A maximum of 700 acres of processing carrots may be treated;

8. A maximum of 10 acres of moss-curl parsley may be treated;

9. Applications shall be made by State-certified commerical applicators and growers;

10. Residues of azinphos methyl not exceeding 0.5 ppm in or on carrots and 2 ppm in or on moss-curl parsley may enter interstate commerce. The Food and Drug Adminstation, U.S. department of Health, Education, and Welfare has been advised of this action;

11. The use of treated carrot tops for food or feed is prohibited;

12. A 35-day pre-harvest interval shall be observed for carrots, and a 28-day pre-harvest interval shall be observed for moss-curl parsley;

13. All precautions, directions, and restrictions on the product label must be adhered to;

14. The EPA shall be immediately informed of any adverse effects resulting from this specific exemption;

15. The Applicant is responsible for ensuring that all provisions of this specific exemption are followed; and

16. A final report summarizing the results of this program must be submitted to EPA by December 31, 1979.

(Section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended in 1972, 1975, and 1978 [92 Stat. 819; 7 U.S.C. 136]).

Dated: June 29, 1979.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 79-21291 Filed 7-9-79; 8:45 am]

BILLING CODE 6560-01-M

[OPP-180309; FRL 1267-7]

Montana and South Dakota Departments of Agriculture; Issuance of Specific Exemptions To Use Propanil To Control Foxtail Grasses in Hard Red Spring Wheat

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

ACTION: Issuance of specific exemptions.

SUMMARY: EPA has granted specific exemptions to the Montana and South Dakota Departments of Agriculture (hereafter referred to as "Montana" and "South Dakota" or the "Applicants") to use propanil for the control of foxtail grasses in up to 80,000 acres of hard red spring wheat in Montana and 45,000 acres in South Dakota. The specific exemptions end on August 1, 1979.

FOR FURTHER INFORMATION CONTACT: Emergency Response Section, Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M Street, S.W., Room: E-124, Washington, D.C. 20460, Telephone: 202-426-2691. It is suggested that interested persons telephone before visiting EPA Headquarters, so that the appropriate files may be made conveniently available for review purposes.

SUPPLEMENTARY INFORMATION: Green foxtail (*Setaria viridis*) and yellow foxtail (*Setaria lutescens*) are annual grass plants commonly referred to as wild millet, pigeon grass or bottle grass. Both plants prolifically produce seeds which spread rapidly in cropping situations. Foxtails are endemic weed pests in spring wheat. Because of climatic factors and current agricultural practices, this year conditions are expected to be optimum for weed germination and growth.

A tank mix combination of Treflan E.C. and Avadex BW 4 E.C. is State-registered in Montana as a post-plant pre-emergence treatment for control of foxtail in spring wheat. However, according to Montana this tank mix cannot be used effectively when the soil is wet at time of seeding. There is no herbicide registered as a post-emergence treatment for control of foxtail in spring wheat; nor is there an alternative means of control.

Montana and South Dakota proposed to use single post-emergence applications of propanil (3', 4' dichloropropionanilde), distributed by Rohm & Haas under the trade name Stam F-34 (EPA Reg. No. 707-75). Stam F-34 is registered as a post emergence grass and weed killer in rice. Tolerances are established for the combined residues of the herbicide and its metabolites in or on raw agricultural commodities as follows: 75 parts per million (ppm) in or on rice straw; 2 ppm in or on rice; 0.1 ppm (negligible residue) in meat, fat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep; and 0.05 ppm (negilgible residue) in eggs and milk. EPA has determined that total residues of propanil and its metabolites from this use will not exceed 0.05 ppm in wheat grain, and 0.05 ppm in wheat straw, and that there will be no detectable residues (less than 0.05 ppm) in wheat milling fractions. These levels have been deemed adequate to protect the public health.

According to Montana, an increase in yield of 30% could be expected with approximately 80% weed control. This would result in a potential increase of 500,000 bushels of wheat for the 80,000 acres proposed for treatment. South Dakota estimated the potential monetary loss to be $750,000 if an effective method of control is not made available.

EPA has determined that a single ground application of propanil should not have an unreasonable adverse effect on birds, mammals, or aquatic organisms in Montana and South Dakota. The proposed use should not pose a hazard to endangered species and/or their habitats.

After reviewing the applications and other available information, EPA has determined that (a) pest outbreaks of foxtail grasses have occurred or are likely to occur; (b) there is no pesticide presently registered and available for use to control the foxtail grasses in hard red spring wheat in Montana and South Dakota; (c) there are no alternative means of control, taking into account the efficacy and hazard; (d) significant economic problems may result if the foxtails are not controlled; and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, the Applicants have been granted specific exemptions to use the pesticide noted above until August 1, 1979, to the extent and in the manner set forth in the applications. The specific exemptions are also subject to the following conditions:

1. A single post-emergence application of Stam F-34 (EPA Reg. No. 707-75) may be made at a rate of 1.5 pounds active ingredient (a.i.) per acre;

2. Application will be limited to ground equipment. Montana will use a minimum of ten gallons of water per acre. South Dakota will use a sufficient amount of water to assure uniform coverage;

3. In Montana, a maximum of 80,000 acres may be treated. In south Dakota, a maximum of 45,000 acres may be treated;

4. The specific exemptions authorize the application of a maximum of 120,000 pounds a.i. propanil in Montana, and 67,500 pounds in South Dakota;

5. All applications will be made by private and commercial applicators;

6. Propanil should be applied when the majority of foxtail seedlings are in the 2- to 4-leaf stage and the wheat is in the 2-leaf to early tillering stage. Applications shall be completed before the crop begins to head;

7. EPA has determined that residue levels of propanil and its metabolites (calculated as propanil) will not exceed 0.05 ppm in or on wheat grain and 0.5 ppm in wheat straw. Detectable residues (less than 0.05 ppm) are not expected to

occur in wheat milling fractions. The existing meat and milk tolerances will not be exceeded by this use. Wheat grain and straw with residues which are not in excess of these levels may enter interstate commerce. The Food and Drug Administration, U.S. Department of Health, Education, and Welfare, has been advised of this action;

8. The treated crop will not be grazed by livestock or cut for green chop feed;

9. Propanil will not be applied when weather conditions favor run-off or drift from treated areas;

10. Propanil will not be tank-mixed with other pesticides or fertilizers;

11. All applicable directions, restrictions, and precautions on the EPA-registered label must be followed;

12. The Applicants are each responsible for assuring that all of the provisions of its specific exemption are met and must submit a report summarizing the results of the program by February 1, 1980; and

13. The EPA shall be immediately informed of any adverse effects resulting from the use of propanil in connection with these exemptions.

(Section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136)).

Dated: June 29, 1979.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 79-21292 Filed 7-9-79; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1267-5; OPP-180300]

Oregon and Washington State Departments of Agriculture; Issuance of Specific Exemptions To Use Bayleton 50% WP To Control Rust Diseases of Perennial Ryegrass and Kentucky Bluegrass

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

ACTION: Issuance of specific exemptions.

SUMMARY: EPA has granted the Oregon and Washington State Departments of Agriculture (hereafter referred to as "Oregon" and "Washington" or the "Applicants") specific exemptions to use the fungicide Bayleton 50% WP to control rust diseases on 20,000 acres of Kentucky bluegrass and perennial ryegrass in Oregon and on 2,000 acres of perennial ryegrass in Washington, grown for seed. The specific exemptions expire on August 31, 1979.

FOR FURTHER INFORMATION CONTACT: Emergency Response Section, Registration Division (TS-757), EPA, 401 M Street, S.W., Room: E-124, Washington, D.C. 20460, Telephone: 202/426-2691. It is suggested that interested persons telephone before coming to EPA Headquarters so that the appropriate files may be made conveniently available for review purposes.

SUPPLEMENTARY INFORMATION: According to Oregon, stem rust in the primary pest of perennial rye grass in most years. Leaf rust, and stripe rust occur on Kentucky bluegrass with stripe rust being the predominant pathogen. Washington stated that only perennial ryegrass is grown in that State and that stem rust and crown rust are serious problems in the seeding process, with stem rust as the primary pest in most years.

The Applicants state that rust diseases become economically important during late spring through mid-summer. The obligate pathogens infect the host and reduce the vitality and productivity of such plants. Heavily infected hosts may not survive and, therefore, thinning of stands occurs which results in lower seed yields.

Since the late 1960's, fungicidal products containing maneb and nickel sulfate, the only pesticides registered for this purpose, either alone or in combination have been used to control rust diseases on grasses. However, Oregon stated that even with multiple applications, control of rust diseases has often been unsatisfactory. Interruptions of spray schedules because of rain, Oregon claimed, can allow rust inoculum to increase to a level where nickel-maneb sprays cannot fully control the desease pathogens and yield damage is inevitable. Washington also reported that maneb-zinc sprays have sometimes been ineffective even when multiple applications were employed. Nickel is not registered for this use in Washington. Oregon also reported that levels of nickel exceeding normal background levels were being found in soil because of the extensive use of nickel in addition to maneb for rust control.

Oregon claimed that rust diseases on Kentucky bluegrass and perennial ryegrass can cause production losses of from twenty to one hundred percent. This amounts to a possible loss of from $1.6 to $6.0 million on the 20,000 acres Oregon proposed to treat. Washington stated that heavily infected fields produce six hundred pounds of seed less than normal. This amounts to a possible loss of $480,000 on the 2,000 acres of perennial ryegrass that Washington proposed to treat.

The Applicants proposed to use Bayleton 50% WP, which contains the active ingredient (a.i.) 1-(4-chlorophenoxy)-3,3-dimethyl-1-(1-*H*-1,2,4,-triazol-1-yl)-2-butanone, manufactured by the Mobay Chemical Corporation. Oregon and Washington State Extension Service would provide directions for use of Bayleton to applicators and growers. The Applicants have chosen Bayleton as the preferred alternative to the registered pesticides, which are not giving satisfactory control, because it performed well under experimental use trails in both States in 1978. This fungicide possesses both preventative and eradicative properties while maneb-nickel/zinc sprays must be used on a preventive spray schedule and are not efficacious if the spray schedule is interrupted and infection occurs.

EPA has determined that because of the low toxicity of Bayleton to birds and mammals, a hazard to nontarget organisms is not anticipated. Because data on one metabolite have not been presented, EPA has imposed appropriate precautionary labeling.

After reviewing the application and other available information, EPA has determined that (a) pest outbreaks of rust diseases have occurred or are about to occur; (b) there is no effective pesticide presently registered and available for use to control these diseases in perennial ryegrass and Kentucky bluegrass in Oregon and Washington; (c) there are no alternative means of control, taking into account the efficacy and hazard; (d) significant economic problems may result if the rusts are not controlled; and (e) the time available for action to mitigate the problems poses is insufficient for a pesticide to be registered for this use. Accordingly, the Applicants have been granted specific exemptions to use the pesticide noted above until August 31, 1979, to the extent and in the manner set forth in the applications. The specific exemptions are also subject to the following conditions:

1. Bayleton 50% WP may be applied at a dosage rate of 0.5-1.0 pound of product (0.25-0.5 pound a.i.)/acre. A maximum of 2.0 pounds product (1.0 pound a.i.)/acre/season may be applied;

2. Applications may be made by either State-certified commercial or private applicators using either aerial equipment (5-10 gallons of water) or by ground equipment (10-50 gallons of water);

3. The Applicants will provide directions for use of Bayleton 50% WP to applicators and growers in their respective States;

4. A maximum of 20,000 pounds product (10,000 pounds a.i.) may be applied on 20,000 acres of perennial ryegrass and Kentucky bluegrass located west of the crest of the Cascade Mountains in Oregon. A maximum of 4,000 pounds product (2,000 pounds a.i.) may be applied on 2,000 acres of perennial ryegrass located west of the crest of the Cascade Mountains and the counties of Adams, Franklin, and Grant in Washington;

5. The following rotational and feeding restrictions are imposed:

a. Crops other than perennial ryegrass shall not be planted in treated fields within 18 months of application with Bayleton. All perennial ryegrass which is planted in treated fields within 18 months of application will be grown for seed only and is subject to the same restrictions as treated grass;

b. Treated grass will not be grazed or cut for use as feed;

c. Grass seed and grass screenings shall not be used as food and feed;

d. Grass stubble and waste shall be thoroughly tilled under after treatement; and

e. Precautions shall be taken to avoid spray drift to nontarget areas.

6. The following precautions must be taken when applying Bayleton:

a. It must be kept out of lakes, streams, and ponds;

b. Water must not be contaminated by the cleaning of equipment or the disposal of waste;

c. The product must be applied only as specified on the label;

d. Any of the pesticide, spray mixture, or rinsate that cannot be used or chemically reprocessed should be disposed on in a landfill approved for pesticides or buried in a safe place away from water supplies; and

e. Containers must be disposed of in an incinerator or landfill approved for pesticide containers, or buried in a safe place.

7. All unopened and unused Bayleton containers shall be returned to the manufacturer at the end of the 1979 growing season;

8. A full report which summarizes the results of its specific exemption must be submitted by Oregon and by Washington to the EPA by December 31, 1979. This report must include, but is not limited to, the economic benefits realized from use of Bayleton along with any reports of phytotoxicity, etc;

9. The EPA shall be immediately informed of any adverse effects associated with the use of Bayleton under these specific exemptions; and

10. The Applicants are responsbile for ensuring that all of the aforementioned provisions and restrictions are met in their respective States.

(Section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136).)

Dated: June 29, 1979.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 79-21303 Filed 7-9-79; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1267-4; OPP-180261A]

Texas Department of Food and Agriculture; Amendment to Specific Exemption To Use Permethrin To Control Cabbage Looper

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

ACTION: Issuance of amendment To specific exemption.

SUMMARY: EPA has issued an amendment to a specific exemption granted to the Texas Department of Food and Agriculture (hereafter referred to as the "Applicant") to use permethrin to control the cabbage looper on cabbage in Texas. The amended exemption expires on October 3, 1979.

FOR FURTHER INFORMATION CONTACT: Emergency Response Section, Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M Street, S.W., Room: E-124, Washington, D.C. 20460, Telephone: 202/426-2691. It is suggested that interested persons telephone before visiting EPA Headquarters, so that the appropriate files may be made conveniently available for review purposes.

SUPPLEMENTARY INFORMATION: On Thursday, February 1, 1979 (44 FR 6513), EPA published a notice in the Federal Register which announced the granting of a specific exemption to the Applicant to use permethrin (Ambush and Pounce) on 19,000 acres of cabbage in Texas to control the cabbage looper. Since then, the Applicant has advised EPA that cabbage producers in the Texas Panhandle plant in the spring and early summer with harvesting continuing through October. According to the Applicant, the cabbage looper will present a problem to these growers if adequate control is not available. Therefore, the Applicant requested a temporal extension of the specific exemption.

After reviewing the application, EPA has determined to issue the amendment which will not significantly change the original request. Accordingly, the Applicant may use the pesticide noted above as indicated in the specific exemption issued on December 27, 1978 until October 3, 1979. The Applicant is responsible for assuring that all provisions of the specifi exemption are met and must submit a report summarizing the results of this program by February 28, 1980. All other conditions of the original specific exemption remain in force.

(Section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136).)

Dated: June 29, 1979.

Edwin L. Johnson,

Deputy Assistant Administrator, for Pesticide Programs.

[FR Doc. 79-21302 Filed 7-9-79; 8:45 am]

BILLING CODE 6560-01-M

[OPP-180319; FRL 1268-1]

Virginia Department of Agriculture and Commerce; Issuance of Specific Exemption To Use Fenvalerate To Control Colorado Potato Beetle on Potatoes

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

ACTION: Issuance of a specific exemption.

SUMMARY: EPA has granted a specific exemption to the Virginia Department of Agriculture and Commerce (hereafter referred to as the "Applicant") to use fenvalerate (Pydrin) for the control of the Colorado potato beetle on 17,500 acres of potatoes in Virginia. The specific exemption expires on September 15, 1979.

FOR FURTHER INFORMATION CONTACT: Emergency Response Section, Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M Street, S.W., Room: E-124, Washington, D.C. 20460, Telephone: 202/426-2691. It is suggested that interested persons telephone before visiting the EPA Headquarters, so that the appropriate files may be made conveniently available for review purposes.

SUPPLEMENTARY INFORMATION: The potato beetle is perhaps the best known beetle in the United States. Both the larvae and the adults feed on leaves of potato plants. This feeding may result in defoliation of the vines which prevents development of tubers or greatly reduces yield. Although Guthion, Imidan, methoxychlor, Monitor, parathion, Furadan, and Thiodan are

registered for use on potatoes to control this pest, the Applicant claims that these pesticides are unsatisfactory for Colorado potato beetle control due to pesticidal resistance. Temik is registered for an at planting use and will only control beetles at planting and their first brood. Last year Vydate was registered for control of the beetle on potatoes; however Vydate is effective against the larvae only, not the adult, and it is not so effective as permethrin. The Applicant estimates a loss of 2.3 to 4 million dollars due to the Colorado potato beetle.

On April 18, 1979, the Applicant was granted a specific exemption for the use of permethrin on potatoes to control the Colorado potato beetle (44 FR 28723). The Applicant had requested both fenvalerate and permethrin to treat a total of 17,500 acres. This total acreage was allocated under the specific exemption to use permethrin granted to the Applicant. No fields will be treated with both fenvalerate and permethrin.

The Applicant proposed to use fenvalerate, manufactured under the trade name Pydrin, at a rate of 0.1 to 0.2 pound active ingredient (a.i.) per acre per application, using ground or air equipment, observing a 7-day pre-harvest interval. State-certified private or commercial applicators or persons under their direct supervision will make a maximum of six applications.

EPA has determined that residues of fenvalerate in or on potatoes and in milk or meat would not be expected to exceed 0.02 part per million (ppm) as a result of the proposed use. This residue level has been judged to be adequate to protect the public health. Since fenvalerate is highly toxic to bees and acquatic vertebrates and invertebrates, appropriate restrictions have been imposed. This use of fenvalerate is not expected to pose an unreasonable hazard to the environment.

After reviewing the application and other available information, EPA has determined that (a) a pest outbreak of Colorado potato beetle has occurred or is about to occur; (b) there is no effective pesticide presently registered and available for use to control the Colorado potato beetle in Virginia; (c) there are no alternative means of control, taking into account the efficacy and hazard; (d) significant economic problems may result if the Colorado potato beetle is not controlled; and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, the Applicnat has been granted a specific exemption to use the pesticide noted above until September 15, 1979, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following conditions:

1. The product Pydrin, manufactured by Shell Chemical Company, may be applied;

2. Pydrin may be applied at a rate of 0.1 to 0.2 pound a.i. per acre;

3. A maximum of six applications of fenvalerate may be made with a pre-harvest interval of seven days. No potato fields treated under the specific exemption granted for permethrin may be treated with Pydrin;

4. A maximum of 17,500 acres may be treated. This acreage is to include the specific exemption for use of permethrin as well as this exemption for Pydrin;

5. Application will be made with air or ground equipment;

6. Spray mixture volumes of 20–100 gallons of water will be applied by ground equipment, 5–10 gallons by aircraft;

7. Applications will be made by State-certified private or commercial applicators or persons under the direct supervision of a State-certified applicator;

8. Pydrin is toxic to fish, birds, and other wildlife. It must be kept out of any body of water. It may not be applied where run-off is likely to occur. It may not be applied when weather conditions favor drift from treated areas. Care must be taken to prevent contamination of water by cleaning of equipment or disposal of wastes;

9. In order to minimize spray drift, the following restrictions will be observed for applications of Pydrin:

a. Aerial applications will not be made when wind speed exceeds five miles per hour;

b. A buffer zone of 200 feet (horizontal distance) between treated areas and aquatic areas will be observed; and

c. Aerial applications should be staggered in time in areas where fish and shellfish are important resources.

10. Fenvalerate is highly toxic to bees exposed to direct treatment or residues on crops or weeds. It may not be applied or allowed to drift to weeds in bloom on which an economically significant number of bees are actively foraging. Protective information may be obtained from the State Cooperative Agricultural Extension Service;

11. Potatoes treated according to the above provisions will not have residues of fenvalerate in excess of 0.02 ppm. Residues of fenvalerate in meat and milk should not exceed 0.02 ppm. Potatoes with residues of fenvalerate which do not exceed 0.02 ppm may enter interstate commerce. The Food and Drug Administration, U.S. Department of Health, Education, and Welfare, has been advised of this action;

12. A 12-month root crop rotation restriction is imposed, and a 60-day crop rotation restriction for all other crops is imposed;

13. The EPA will be immediately informed of any adverse effects resulting from the use of fenvalerate in connection with this exemption; and

14. The Applicant is responsible for assuring that all of the provisions of this specific exemption are met and must submit a report summarizing the results of this program by February 15, 1980.

(Section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136).)

Dated: June 29, 1979.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 79-21239 Filed 7-9-79; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1268-4; Region I]

Approval of PSD Permit to Lime Products Corp.

Notice is hereby given that on June 19, 1979, the Environmental Protection Agency issued a Prevention of Significant Deterioration (PSD) permit to Lime Products Corporation for approval to construct an asphalt batch plant in Warren, Maine. This permit has been issued under EPA's Prevention of Significant Air Quality Deterioration (40 CFR Part 52.21) regulations applicable to the asphalt batch plant subject to certain conditions, including:

1. Particulate matter emission limitation shall not exceed 0.05 gr/dscf (10 lbs/hr.)

2. Retrofit with air pollution control equipment as specified in application.

3. The aggregate used to be comprised of limestone and/or dolomite (pH greater than 7).

The PSD permit is reviewable under Section 307(b)(1) of the Clean Air Act only in the First Circuit Court of Appeals. A petition for review must be filed on or before September 10, 1979.

Copies of the permit are available for public inspection upon request at the following locations:

Environmental Protection Agency, Region I, Air Branch, Room 1903, JFK Federal Building, Boston, Massachusetts 02203.

Department of Environmental Protection, Bureau of Air Quality Control, State House, Augusta, Maine 04330.

Dated: July 2, 1979.

Rebecca W. Hanmer,

Acting Regional Administrator, Region I.

[FR Doc. 79-21301 Filed 7-9-79; 8:45 am]

BILLING CODE 6560-01-M

FEDERAL COMMUNICATIONS COMMISSION

[FCC 79-390]

Commission Action on Applications Involving Commonly-Owned Same Market AM/FM Stations Pending as of June 7, 1979

June 26, 1979.

On June 7, 1979, the Commission granted applications for consent to the transfer of control of Combined Communications Corporation to the Gannett Co. subject to the condition that Gannett divest itself of either the AM or FM station in each of the six markets where it was acquiring AM/FM combinations should the Commission ultimately adopt a rule prohibiting same market AM/FM combinations. On June 8, 1979, the Commission issued a Public Notice (FCC 79-376) announcing that the grant of any application filed after Thursday, June 7, 1979, which would result in the creation, assignment or transfer of control of commonly-owned and co-located AM/FM stations, will be subject to the condition that the combinations be separated if the Commission ultimately adopts a rule prohibiting such combinations.

In that Public Notice the Commission also announced that it had instructed the staff of the Broadcast Bureau to prepare an options paper for the Commission concerning the disposition of those applications involving AM/FM combinations pending as of June 7, 1979.

The Commission has now reviewed the Bureau's recommendations and has concluded as follows:

(1) As a general rule, grants of applications pending as of June 7, 1979, will not be subject to the type of condition imposed with respect to the Combined/Gannett merger. Such applications may be acted on by the staff under existing delegated authority and approval will be without prejudice to future action the Commission may take in a rulemaking on the AM/FM issue.

(2) Grants involving major media concentrations and/or waiver(s) of Commission rules (e.g., Combined/Gannett type situations) will be referred to the Commission in order to determine whether such grants should be made subject to the condition that the combination be separated if the Commission ultimately adopts a prohibition.

Action by the Commission June 21, 1979. Commissioners Ferris (Chairman), Washburn, Fogarty, Brown and Jones, with Commissioner Quello concurring in the result and Commissioner Fogarty issuing a separate statement.

Federal Communications Commission,

William J. Tricarico,

Secretary.

Separate Statement of Commissioner Joseph R. Fogarty

In Re: Public Notice on Processing of Pending Transfer and Assignment Applications Involving AM/FM Combinations in the Same Market.

I share the concerns of structural diversity that led the Commission to grant the applications for the transfer of control of Combined Communications Corporation to the Gannett Company subject to the condition that Gannett divest itself of one station in each of the six markets where it was acquiring AM/FM combinations, should the Commission ultimately adopt a rule prohibiting same market AM/FM combinations. As I understand the Commission's action, such conditioning in essence is intended to deny grandfather status to the Gannett AM/FM same market combinations and others similarly situated in the event the Commission establishes a prohibition that is only prospective in effect. I believe it necessary to point out, however, that since approximately 4,000 of the 7,000 total existing radio stations are same market AM/FM combinations, a rulemaking which looks only to prospective divestiture of such combinations will do little to advance principles of structural diversity in the real world of broadcasting. If that is to be the end result, these exercises in pre-rulemaking conditioning may prove to be much ado about nothing.

[FR Doc. 79-21213 Filed 7-9-79; 8:45 am]

BILLING CODE 6450-01-M

FEDERAL HOME LOAN BANK BOARD

[79-363]

Privacy Act of 1974; Automation of Consumer Complaint System

Dated: June 21, 1979.

AGENCY: Federal Home Loan Bank Board.

ACTION: Proposed change in record system.

SUMMARY: The Federal Home Loan Bank Board is proposing to automate its Consumer Complaint System, in order to improve complaint processing services and to facilitate analysis of investigative problems and common consumer complaints. At present, this system is maintained manually.

DATE: Comments must be received by September 10, 1979.

ADDRESS: Send comments to Office of the Secretary, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552.

FOR FURTHER INFORMATION CONTACT: Lucy Hirshfeld Griffin, Director, Consumer Division, Office of Community Investment, Federal Home Loan Bank Board; telephone number 202-377-6237.

SUPPLEMENTARY INFORMATION: The Privacy Act of 1974 (5 U.S.C. 552a) requires agencies to publish notice of proposals to establish or alter any system of records containing information about individuals, which information is retained by the name of individual or some identifying number, symbol, or other identifying particular assigned to such individual, and to provide opportunity for interested persons to submit written data, views, or arguments to the agency.

Under the present proposal, the Bank Board would automate the information contained in its Consumer Complaint System, which currently is compiled manually. Automation of the System would allow staff to handle complaints more efficiently, promptly issue reports (such as those related to complaint status and type of complaint), and better monitor processing time. In addition, it would facilitate analysis needed to identify problems in investigation and common consumer complaints, and would expedite determination of the status of specific complaints.

The volume of consumer complaints and inquiries received by the Bank Board has steadily increased as a result of better consumer education. The Bank Board believes that automating its Consumer Complaint System will assist agency staff in responding on a timely basis to consumer and Congressional inquiries, as well as improve analytic and reporting capacity.

Accordingly, the Bank Board hereby proposes to alter its system of records designated Consumer Complaint System, as described below.

SYSTEM NAME:

Consumer Inquiry Records and Data.

SYSTEM LOCATION:

Division of Consumer Affairs, Office of Community Investment, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552.

SUBSIDIARY:

Related information may be maintained in FHLBB and FHLBB Regional Office's files.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who submit inquiries/complaints concerning savings and loans whose deposits are insured by the FSLIC.

CATEGORIES OF RECORDS IN THE SYSTEM:

Inquiries, complaints, and information on outcome.

AUTHORITY FOR MAINTENANCE OF SYSTEM:

5 U.S.C. 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information may be disclosed to officials of savings and loans in connection with investigation of inquiries and complaints. Relevant referrals may be made to appropriate law enforcement agencies or authorities in connection with investigation and/or prosecution of alleged civil, criminal and administrative violations. Disclosures may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at request of that individual. Disclosures may also be made to the Federal Reserve Board, other Federal financial regulatory agencies, and the Congress or any of its authorized committees in fulfilling reporting requirements or assessing implementation of applicable laws and requirements. (Such disclosure will be made in a nonidentifiable manner when feasible and appropriate). Referrals may also be made to other Federal and nonfederal supervisory or regulatory authorities when the subject matter of a complaint or inquiry is more properly within such other agency's jurisdiction. Other disclosures are intra-agency only.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper, computer tape.

RETRIEVABILITY:

By individual name, complaint number or system identifier; or by savings and loan association name, or by some combination thereof.

SAFEGUARDS:

Maintained in secured offices.

RETENTION AND DISPOSAL:

Records are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Consumer Affairs, as above.

NOTIFICATION PROCEDURE:

Same as above.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Inquirer or complainant (or his or her representative, which may include, e.g., a member of Congress or an attorney), savings and loan association officials, employees and members, examiners and central files on savings and loan association.

(Pub. L. 93-579, as amended; 5 U.S.C. 552a)

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 79-21300 Filed 7-9-79; 8:45 am]

BILLNG CODE 6720-01-M

FEDERAL MARITIME COMMISSION

Agreements Filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10423; or may inspect the agreements at the Field Offices located at New York, N.Y.; New Orleans, Louisiana; San Francisco, California; Chicago, Illinois; and San Juan, Puerto Rico. Interested parties may submit comments on each agreement, including request for hearings, to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before July 30, 1979. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

Agreement No.: LM-27.

Filing Party: J. Alton Boyer, Esq., Kominers, Fort, Schlefer & Boyer, 1776 F Street, N.W., Washington, D.C. 20006.

Summary: Agreement No. LM-27 consists of the By-Laws of the Tampa Maritime Association (TMA) and a Resolution of TMA's Board of Directors under which it is proposed to levy an assessment for general administrative purposes. TMA is a non-profit organization which is proposed to succeed the functions of an unincorporated association informally known as the Tampa Maritime Association. TMA's membership consists of stevedores, marine terminal operators, steamship agents and other persons actively engaged in the maritime trade in the Port of Tampa. The stated purposes of TMA are to promote and maintain good relationships between management and labor, to cooperate with public officials, other organizations and associations, who through the exercise of their authority or the conduct of their activities, govern, regulate or promote the affairs of the Port, and to make known the view of TMA and its members upon matters affecting the maritime interests of the Port of Tampa, directed to the betterment, expansion, development and prosperity of the Port of Tampa. The Resolution of TMA's Board of Directors provides for an assessment against vessels (excluding barges, fishing boats, pleasure craft and government vessels) of $7.50 per vessel call. It is the proponents' position that Agreement No. LM-27 does not require filing and approval under section 15 of the Shipping Act, 1916. If the Commission concludes that section 15 filing and approval are required, however, the proponents have requested that the agreement be accorded a "labor exemption" under section 15 or alternatively approved under that section.

Agreement No. 57-115.

Filing party: D. D. Day, Jr., Chairman, Pacific Westbound Conference, 320 California Street, San Francisco, California 94104.

Summary: Agreement No. 57-115 would amend the Appendix to the Pacific Westbound Conference Agreement and, in particular, paragraph (6) of Article 13 thereunder which sets forth, in part, the procedural rules for taking independent action as to intermodal rates. Paragraph (6) is amended to read as follows:

"(6) Except as provided by paragraph (7) below, any independent action which

reduces a rate of a member below the rate existing prior to such action must conform to the procedures for proposing and taking independent action as set forth in paragraphs (1) through (5) above."

Agreement No.: T-590-10.

Filing party: Joe H. Hamner, Jr., Attorney, Board of Commissioners of the Port of New Orleans, Post Office Box 60046, New Orleans, Louisiana 70160.

Summary: Agreement No. T-590-10, between the Board of Commissioners of the Port of New Orleans (Port) and the Public Grain Elevator of New Orleans, modifies the parties' basic agreement which provides for the lease of public grain elevator facilities at New Orleans. The purpose of the modification is to: (1) renew the lease for a five-year period with 10 percent increase in rental; (2) extend the maximum term of the lease to 30 years; and (3) increase the maximum amount of reimbursement by the Port for work to control dust emissions and to comply with other regulations from $2,000,000 to $3,200,000.

Agreements Nos.: T-2966-4 and T-2966-B-3.

Filing party: Beverly J. Strike, Secretary, Board of Harbor Commissioners, 500 North Harbor Drive, Milwaukee, Wisconsin 53202.

Summary: City of Milwaukee (City) and Domtar Industries, Inc. (Domtar) have filed a single document amending Agreements Nos. T-2996 and T-2996-B. The agreement modifies Agreement No. T-2966 between the parties, which provides for the lease of Municipal Terminal No. 1. It also modifies Agreement No. T-2966-B, which provides for the lease of 1.13 acres of land located south of East Bay Street. The purpose of the amendment is to provide a common termination date of March 31, 1985, for all leases between Domtar and City and to increase the monthly rental to $3,100 for the properties covered by the two subject agreements.

Agreement No.: T-3820.

Filing party: H. H. Wittren, Manager, Waterfront Real Estate, Port of Seattle, P.O. Box 1209, Seattle, Washington 98111.

Summary: Agreement No. T-3820 between the Port of Seattle (Port) and Pier Sixty-six Corporation (Corporation) provides for the 30-year lease by the Port to the Corporation of the Port's Bell Street Terminal. The purpose of the agreement is the renovation and development of this site for commercial offices, retail stores, vessel berthing facilities and various other commercial facilities to be administered by the Corporation.

Agreement No.: T-3822.

Filing party: David A. Schaller, Manager, Administration, Port Everglades Authority, P.O. Box 13136, Port Everglades, Florida 33316.

Summary: Agreement No. T-3822 between the Port Everglades Authority and Sea-Land Service, Inc. provides for the one-year lease of certain vacant land by the Port to Sea-Land to be used for container facilities.

Agreement No.: 9978-14.

Filing party: Howard A. Levy, Esq., Attorney at Law, 17 Battery Place, Suite 727, New York, New York 10004.

Summary: Agreement No. 9978-14 modifies the basic agreement, Cooperative Self-Policing Arrangement of the Associated North Atlantic Freight Conferences, to conform to the requirements of General Order 7, Revised.

Agreement No.: 9984-15.

Filing party: Howard A. Levy, Esq., Attorney at Law, Suite 727, 17 Battery Place, New York, New York 10004.

Summary: Agreement No. 9984-15 would amend the South Atlantic-North Europe Rate Agreement by (1) deleting language from Article III which now provides, generally, for consultation with port authorities and other port interests, exporters and importers, and for the filing of minutes, and (2) adding new language to Article IV to provide for the employment of a Chairman, Deputy Chairman and other staff personnel and the duties thereof, including, among other things, meeting with shippers, consignees and other persons and organizations; the filing of minutes; and the availability of information and statistics and the compilation thereof.

Agreement No.: 10107-7.

Filing party: Mr. Clarence Morse, Warren & Associates, P.C., 1100 Connecticut Avenue, N.W., Washington, D.C. 20036.

Summary: Agreement No. 10107 is a rate-making agreement between those members of the Trans-Pacific Freight Conference (Hong Kong) as an entity, and eleven of its non-conference carriers engaged in the transportation of cargoes from Hong Kong, Macao, and Taiwan to West Coast ports of the United States. Agreement No. 10107-7 amends Article 1 of the basic agreement by extending the scope of the service to include ports in the States of Alaska and Hawaii. The modification also deletes an obsolete reference to the non-conference carrier members.

Agreement No.: 9835-4.

Filing party: Charles F. Warren, Warren & Associates, P.C., 1100 Connecticut Avenue, N.W., Washington, D.C. 20036.

Summary: Agreement No. 9835-4, among Japan Line, Ltd., Kawasaki Kisen Kaisha, Ltd., Mitsui O.S.K. Lines, Ltd., Nippon Yusen Kaisha, Showa Line, Ltd. and Yamashita-Shinnihon Steamship Co., Ltd., amends the basic agreement which provides for a containership service in the trade between Japanese ports and ports in Washington and Oregon. The purpose of Agreement No. 9835-4 is to extend the term of the agreement for a period of three years from August 25, 1979, unless sooner terminated by mutual assent of the parties.

Agreement No.: 10138-3.

Filing party: Howard A. Levy, Esq., Attorney at Law, 17 Battery Place, Suite 727, New York, New York 10004.

Summary: Agreement No. 10138-3 amends the basic agreement of the North Atlantic Government Cargo Discussion & Self-Policing Agreement (1) by establishing self-policing procedures to conform with the requirements of the Federal Maritime Commission's General Order 7, (2) by appointing a secretary to serve as the administrator of the agreement, (3) by establishing such standing and ad hoc committees as necessary to the efficient conduct of business, and (4) by clarifying voting procedures.

By Order of the Federal Maritime Commission.

Dated: July 5, 1979.

Francis C. Hurney,

Secretary.

[FR Doc. 79-21273 Filed 7-9-79; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Federal Reserve Bank Officers and Employees—Actions and Responsibilities

SUMMARY: As a result of enactment of the Federal Reserve Reform Act of 1977, Pub. L. No. 95-188, section 205, 91 Stat. 1387, section 208 of Title 18 of the United States Code was amended to apply to officers and employees of Federal Reserve Banks and their branches. Under the amended statute, an officer or employee of a Federal Reserve Bank is prohibited from participating personally and substantially in any particular matter in which the officer or employee, the officer's or employee's spouse or minor child, or other individuals or organizations identified in the statute, have a financial interest. However, such

prohibition shall not apply, if the officer or employee has first advised the Federal Reserve Bank's board of directors of the nature and circumstances of the particular matter, has made full disclosure of the financial interest involved, and has received in advance a written determination by such board of directors that the financial interest "is not so substantial as to be deemed likely to affect the integrity of the services" which the Federal Reserve Bank may expect from such officer or employee. The statute further provides that such prohibition shall not apply if, by general rule or regulation published in the Federal Register, the financial interest has been exempted as being "too remote or too inconsequential" to affect the integrity of the services of officers and employees.

This rule has been adopted by the board of directors of each Federal Reserve Bank and is published by the Board of Governors of the Federal Reserve System on behalf of the Reserve Banks for the purpose of implementing and providing guidance concerning the recently amended statute. Specifically, the rule reflects the statutory prohibitions against participation by officers or employees in particular matters, identifies certain financial interests of officers and employees that each board of directors has exempted from coverage by the statute as being too remote or inconsequential to affect the integrity of the services of officers and employees, and sets forth procedures under which an officer or employee may obtain an ad hoc exemption pursuant to the statute. This rule is in addition to internal rules of conduct for officers and employees, such as those regarding the purchase of bank stock and receipt of loans from member banks, promulgated from time to time by Federal Reserve Banks and the Board of Governors of the Federal Reserve System.

EFFECTIVE DATE: June 30, 1979.

FOR FURTHER INFORMATION CONTACT: Mary Ellen A. Brown, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (tel.: 202-452-3608) or Counsel of the Reserve Banks who may be reached at the following numbers:

Reserve Bank and Telephone Number

Boston (617) 973-3525
New York (212) 791-6161
Philadelphia (215) 574-6390
Cleveland (216) 241-2800, ext. 217
Richmond (804) 643-1250, ext 3425
Atlanta (404) 586-8510
Chicago (312) 322-5420
St. Louis (314) 444-8525
Minneapolis (612) 340-2412
Kansas City (816) 881-2558
Dallas (214) 651-6228
San Francisco (415) 544-2247

Accordingly

Federal Reserve Bank Officers and Employees—Actions and Responsibilities

Sec.
1 Definitions.
2 Prohibition Against Participation in Particular Matters.
3 Exemption of Remote or Inconsequential Financial Interests.
4 Ad Hoc Exemptions.

Authority: 18 U.S.C. 208, as amended by the Federal Reserve Reform Act of 1977, Pub. L. No. 95-188, section 205, 91 Stat. 1367; 12 U.S.C. 341.

Sec. 1 Definitions

For purposes of this part, the following definitions shall apply:

(a) The term "Bank" means the Federal Reserve Bank by which an employee is employed.

(b) The term "board" means the head office board of directors of the Bank.

(c) The term "employee" means an officer or other employee of the Bank.

(d) The term "related person" means (1) a partner of an employee; (2) any organization in which the employee is serving as an officer, director, trustee, partner or employee; or (3) any person or organization with which the employee is negotiating or has any arrangement concerning prospective employment.

(e) The term "affected person" means, with respect to any particular matter, an individual, partnership, corporation, organization, trust or association, other than the Bank, that is party to, or the object of, the particular matter, and any corporation, organization, trust or association that is an affiliate of an affected person.

(f) The term "participate" means to act through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or as is otherwise within the meaning of the provisions of 18 U.S.C. § 208.

(g) The term "particular matter" means a judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest or other subject within the meaning of the provisions of 18 U.S.C. § 208.

Sec. 2 Prohibitions Against Participation in Particular Matters

(a) Section 208(a) of Title 18, U.S. Code provides, in part, that:

. . . whoever, being an officer or employee of the executive branch of the United States Government, of any independent agency of the United States, a Federal Reserve Bank director, officer, or employee, or of the District of Columbia, including a special Government employee, participates personally and substantially as a Government officer or employee, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, in a judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter in which, to his knowledge, he, his spouse, minor child partner, organization in which he is serving as officer, director, trustee, partner, or employee, or any person of organization with whom he is negotiating or has any arrangement concerning prospective employment, has a financial interest shall be fined not more than $10,000, or imprisoned not more than two years, or both.

Employees should be especially alert to the effect of the statute when participating in deliberations or decisions of the Bank such as (a) the purchases or sale of goods, services or intangibles, (b) any examination, inspection or investigation, or (c) any credit, under the provisions of statutes or regulations; where the employee or related persons have a financial interest—for example, as borrower, depositor or stockholder—in a person o corporation directly affected by the Bank's action.

Sec. 3 Exemption of Remote or Inconsequential Financial Interests

(a) Pursuant to the provisions of 18 U.S.C. § 208(b), certain actions of employees may be exempted from the prohibitions of 18 U.S.C. § 208(a) if by general rule or regulation published in the Federal Register the financial interest involved has been determined to be too remote or inconsequential to affect the integrity of an employee's services. Financial interests will be viewed as too remote or inconsequentia in circumstances in which:

(1) an employee's action on a matter will not directly, substantially, and predictably affect the financial interest; or

(2) an employee's independence of judgment will not be affected by the financial interest.

(b) The board has determined that th financial interests of an employee, the employee's spouse or minor child, or related persons in the following matters are too remote or inconsequential to affect the integrity of employees' services and, accordingly, the prohibitions of 18 U.S.C. 208(a) shall no apply to an employees's participation ir

(1) matters concerning or affecting a financial institution to the extent the

financial interest in such matters result from:

(i) maintenance at the financial institution of a checking or other deposit account fully covered by federal insurance;

(ii) a fiduciary relationship involving the utilization of the financial institution's trust or investment advisory services; or

(iii) the receipt from the financial institution of consumer credit, as that term is defined in Regulation Z (12 CFR 226.2(p)).

(2) matters concerning or affecting any person to the extent the financial interest in such matters results from investment or participation by an employee, the employee's spouse, minor child or related person in a diversified mutual fund, investment company, pension or retirement plan, or other similar form of investment plan whose investments may include stocks, stock options, bonds, notes or other forms of equity interest or indebtedness issued by an affected person, provided that the employee's role is that of a passive investor.

(3) matters concerning or affecting any person to the extent the financial interest results from ownership of stock, stock options, bonds, notes, or other forms of equity interest or indebtedness, the market value or which is less than five percent of the employee's annual salary from the Bank and represents less than one percent of the value of that class of stock, stock option, bond, note or other form of equity interest or indebtedness issued by an affected person.

(c) The functions of employees may include their participation in matters concerning:

(1) international, national, and regional economic and financial conditions;

(2) monetary policy;

(3) general conditions, trends or issues with respect to bank credit;

(4) establishment of rates to be charged for all advances and discounts by the Bank, subject to review and determination of the Board of Governors of the Federal Reserve System pursuant to the Federal Reserve Act;

(5) statutes and proposed or pending legislation in which the Federal Reserve System has a legitimate interest; and

(6) general standards and conditions of employment, including salary ranges and increases and fringe benefits.

The foregoing matters are not particular matters of the type described in 18 U.S.C. 206 and, therefore, that statute is not applicable to participation in such matters. However, even if the statute were held to be applicable to participation in such matters, the board has determined that the financial interests of an employee, an employee's spouse or minor child, or related persons in such matters are too remote or inconsequential to affect the integrity of employees' services and, accordingly, the prohibitions of 18 U.S.C. 208(a) shall not apply to an employee's participation in such matters.

Sec. 4 Ad Hoc Exemptions

(a) The prohibitions of 18 U.S.C. 208(a) shall not apply if the employee first advises the board or its designee of the nature and circumstances of the particular matter in which the employee wishes to participate and makes full disclosure of the financial interest involved and receives in advance a written determination made by the board, or its designee, pursuant to 18 U.S.C. 208(b), that the interest is not so substantial as to be deemed likely to affect the integrity of the services which the Bank may expect from such employee.

(b) For purposes of this section, the President or the First Vice President of the Bank is designated to receive advice and to make determinations pursuant to Subsection (a) hereof in respect of employees other than the President, the First Vice President, the General Auditor, and members of the audit staff.

Board of Governors of the Federal Reserve System, June 28, 1979.

Theodore E. Allison,

Secretary.

[FR Doc. 79-21185 Filed 7-9-79; 8:45 am]

BILLING CODE 6210-01-M

GENERAL ACCOUNTING OFFICE

Regulatory Reports Review; Receipt of Report Proposals

The following request for clearance of reports intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on July 2, 1979. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the **Federal Register** is to inform the public of such receipt.

The notice includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed CAB request are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed request, comments (in triplicate) must be received on or before July 30, 1979, and should be addressed to Mr. John M. Lovelady, Assistant Director, Regulatory Reports Review, United States General Accounting Office, Room 5106, 441 G Street, NW., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-275-3532.

Civil Aeronautics Board

The CAB requests clearance of Form 606, Certificate of Insurance, and Form 608, Amendatory Endorsement to Certificate of Insurance. These forms are filed with the Board by each supplemental air carrier that engages in air transportation, as prescribed in Part 208 of the Board's Economic Regulations, and their submission is mandatory under the Federal Aviation Act of 1958, as amended. The data furnished on these forms is used to assure the Board that no supplemental air carrier engages in air transportation unless such carrier has and maintains in effect liability insurance coverage. The CAB estimates that respondents will number approximately 11 and that reporting burden for each form will average 30 minutes per filing.

Norman F. Heyl,

Regulatory Reports, Review Officer.

[FR Doc. 79-21211 Filed 7-9-79; 8:45 am]

BILLING CODE 1610-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. 76N-0064]

Drug Products Containing Papaverine or Ethaverine and Similar or Related Drugs; Hearing

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) will hold a public hearing on August 27 and 28, 1979, before the Peripheral and CNS Drugs Advisory Committee to receive oral and written information and views from interested persons on the issue of the safety and effectiveness of papeverine, ethaverine, and similar or related drugs.

DATE: The hearing will be held on August 27 and 28, 1979.

ADDRESS: The hearing will be held at 9 a.m. in Conference Rooms G-H, 3rd

floor, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

Ronald Kartzinel, Bureau of Drugs (HFD-120), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4020, or

Tenny Neprud, Jr., Regulations Policy Staff (HFC-10), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3480.

SUPPLEMENTARY INFORMATION: In a notice published in the Federal Register of April 5, 1976 (41 FR 14405), FDA requested data on the safety, effectiveness, and legal status of drug products containing papaverine or ethaverine, and similar or related drugs. These drug products, which have been used for many years for the relief of spasm in certain blood vessels of the body, have never been evaluated in accordance with the new drug provisions of the Federal Food, Drug, and Cosmetic Act. Whether there is adequate support for the claims made for these products is questionable. In order to determine the scientific validity of the claims being made for these drugs and their legal status ("new drugs," or "not new drugs," or "grandfathered drugs"), the agency requested manufacturers to submit evidence in support of all the claims as well as evidence to support any other contention.

In the Federal Register of April 13, 1979 (44 FR 22180), the agency announced its conclusions that the data submitted in response to the April 5, 1976 notice failed to show any of the products to be safe and effective or exempt from the new drug provisions of the act. The agency further concluded that it would be in the public interest to hold a hearing before an advisory committee under the provisions of 21 CFR Part 14, to receive oral and written information and views from interested persons on the issue of the safety and effectiveness of the drug products.

In the Federal Register of May 15, 1979 (44 FR 28422), the agency announced that the public hearing scheduled for May 23, 1979, before the Peripheral and CNS Drugs Advisory Committee was postponed. It also extended until July 13, 1979, the date for filing notices or participation in the hearing, and it announced that the submission of B. F. Ascher and Co., Inc., would be reviewed in a separate Federal Register notice.

In the Federal Register of June 22, 1979 (44 FR 36479), the agency announced that Ascher's product Ethaquin (ethaverine hydrochloride) is subject to the April 13, 1979 notice of hearing, and provided Ascher until August 21, 1979 to file a notice of participation in the hearing.

Therefore, notice is given to all manufacturers who filed a notice of participation and to all other interested persons that a hearing will be held on August 27 and 28, 1979, before the Peripheral and CNS Drugs Advisory Committee at 9 a.m. in Conference Rooms G-H, 3rd floor, 5600 Fishers Lane, Rockville, MD 20857.

The April 13, 1979 and June 22, 1979 notices incorporated reviews of all labeled indications for drug products containing papaverine or ethaverine and similar or related drugs. The reviews were conducted by the Divisions of Neuropharmacological Drug Products and Cardio-Renal Drug Products of the Bureau of Drugs. In those cases where there are non-neuropharmacologic indications claimed, appropriate experts will be provided to the Advisory Committee so that an evaluation of all the other indications can be made.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 201(p), 501, 502, 505, 701, 52 Stat. 1041-1042, 1049-1053, as amended, 1055 (21 U.S.C. 321(p), 351, 352, 355, 371)), 21 CFR Part 14, and under authority delegated to the Commissioner of Food and Drugs (21 CFR Part 5).

Dated: July 3, 1979

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-21194 Filed 7-9-79; 8:45 am]

BILLING CODE 4110-03-M

Office of Education

Notice of Data Acquisition Activities

AGENCY: Office of the Assistant Secretary for Education, Department of Health, Education, and Welfare.

ACTION: Notice of Data Acquisition Activities Involving Educational Agencies and Institutions.

SUMMARY: The paperwork control requirements in section 400A of the General Education Provisions Act, added by Pub. L. 95-561, require public announcement of certain data requests that Federal agencies address to educational agencies and institutions. The Education Division proposes to collect the data described below from educational agencies or institutions during school year 1979-80.

FOR FURTHER INFORMATION CONTACT: Mrs. Elizabeth M. Proctor, FEDAC Staff, 400 Maryland Avenue SW., Washington, D.C. 20202, Phone (202) 245-1022.

SUPPLEMENTARY INFORMATION: Under the Paperwork Control Amendments of 1978, section 400A of the General Education Provisions Act, the Secretary of Health, Education, and Welfare is responsible for reviewing and approving collection of information and data acquisition activities of all Federal agencies

(1) Whenever the respondents are primarily educational agencies or institutions; and

(2) Whenever the purpose of the activities is to request information needed for the management of, or the formulation of, policy related to Federal education programs or research or evaluation studies related to the implementation of Federal education programs. The Secretary has delegated authority to the Assistant Secretary for Education.

One requirement is that "no information or data will be requested of any educational agency or institution unless that request has been approved and publicly announced by the February 15 immediately preceding the beginning of the new school year, unless there is an urgent need for this information or a very unusual circumstance exists regarding it." Since this requirement was only enacted in November 1978, Federal agencies could not have complied with it for data to be collected in School Year 1978-79 (the plan would have had to be announced by February, 1978, nine months before enactment of this legislation). However, if those requirements did apply, I would determine an unusual circumstance exists because of the recent enactment of new review requirements.

The Federal Education Data Acquisition Council (FEDAC) is currently in the process of reviewing interim procedures which of necessity may not be final until early in School Year 1979-80. In an effort to comply with the spirit and intent of the law, descriptions of proposed data acquisition activities for School Year 1979-80 are being published for comment. These data acquisition activities were also listed in the Federal Register of February 15, 1979.

Each agency or institution subject to the request for the data and its representative organizations may comment on the proposed data acquisition activity. The Federal Education Data Acquisition Council Staff accepts comments at the above address. Comments should refer to the specific sponsoring agency and form number and they must be received on or before August 9, 1979.

I ask the affected educational agencies and institutions to cooperate in the following data collection activities that are being reviewed by the Federal Education Data Acquisition Council (FEDAC) staff.

Dated: July 3, 1979.

Mary F. Berry,

Assistant Secretary for Education.

The proposed data collection activities are:

Description of a Proposed Collection of Information and Data Acquisition Activity

1. TITLE OF PROPOSED ACTIVITY: Museum Program Survey.

2. AGENCY/BUREAU/OFFICE: National Center for Education Statistics/Division of Multilevel Education Statistics/Learning Resources Branch.

3. AGENCY FORM NUMBER: NCES 2424.

4. LEGISLATIVE AUTHORITY FOR THIS ACTIVITY: "Sec. 202 . . . to encourage and assist museums in their educational role, in conjunction with formal systems of elementary, secondary, and post-secondary education and with programs of nonformal education for all age groups; to assist museums in modernizing their methods and facilities so that they may be better able to conserve our cultural, historic, and scientific heritage; and to ease the financial burden borne by museums as a result of their increasing use by the public."

(Pub. L. 94-462; 20 U.S.C. 961)

Section 406(b). The Center shall: . . . (1) collect, collate, and from time to time, report full and complete statistics on the conditions of education in the United States; (2) conduct and publish reports on specialized analyses of the meaning and significance of such statistics."

(Pub. L. 93-380; 20 U.S.C. 1221c)

5. VOLUNTARY/OBLIGATORY NATURE OF RESPONSE: Voluntary.

6. HOW INFORMATION COLLECTED WILL BE USED.

Program Management

Current characteristics of museums will be used to assist the National Museum Services Board in carrying out their responsibility of establishing general policies for the Institute of Museum Services. The information will also be used by the Director of the Institute to develop policies that would be of encouragement and assistance to museums in their educational role; in conjunction with formal education systems or nonformal education programs; modernization of methods and facilities; better conservation of our cultural, historic and scientific heritage; and easing the financial burden borne by museums as a result of increased use by the public.

National Center for Education Statistics

The data will also be used by the National Center for Education Statistics as an integral part of the Condition of Education report.

7. DATA ACQUISITION PLAN:

a. METHOD OF COLLECTION: Mail and telephone follow-up where necessary.

b. TIME OF COLLECTION: Summer-Fall 1979.

c. FREQUENCY: Triennially.

8. RESPONDENTS:

a. TYPE: Museum Directors

b. NUMBER: 1700 (sample)

c. ESTIMATED AVERAGE MAN-HOURS PER RESPONDENT: 1 hour

9. INFORMATION TO BE COLLECTED: The purpose of the museum as chartered; type of governing authority; extent of utilization of areas available for exhibition purposes; type of objects in the collection; conservation and preservation activities and conservation training; estimated number and type of participants by type of museum program; programs offered for special population groups; distance from public transportation; admission fees; yearly attendance since 1975; full and part-time staff by function; sex and race of professionals; number of all employees by salary range; annual operating income by source; expenditures by purpose; size of endowment; use of an alarm system and of security guards; operation of auxiliary facilities; size of library collection and degree of accessibility to outsiders.

10. NAME AND ADDRESS OF INDIVIDUAL OR OFFICE FROM WHICH COPIES OF THE DATA INSTRUMENT(S) MAY BE OBTAINED:

Nicholas Osso, U.S. Office of Education, Room 3151, FOB-6, 400 Maryland Avenue SW., Washington, D.C. 20202.

Summary of the Data Activity Plan

(a) TITLE OF PROPOSED ACTIVITY: Application for Nonprofit Organization and State Educational Agency Grants Under the Emergency School Aid Act.

(b) AGENCY/BUREAU/OFFICE: U.S. Office of Education/Bureau of Elementary and Secondary Education/ Equal Educational Opportunity Programs.

(c) AGENCY FORM NUMBER: OE Form 116

(d) LEGISLATIVE AUTHORITY FOR THE ACTIVITY:

(1) *Nonprofit Organization Grants* ". . . the Assistant Secretary . . . may assist by grant or contract any public or private nonprofit agency, institution, or organization (other than a local educational agency) in any State to carry out programs or projects designed to support the development or implementation of a plan described in section 606(a)."

(Pub. L. 95-561, section 608(b)); (20 U.S.C. 3198); (45 CFR 185.110)

(2) *State Agency Grants* ". . . the Assistant Secretary shall carry out a program of making grants to State educational agencies, or other State agencies involved in or responsible for the desegregation of public elementary and secondary schools, to pay a portion of the cost of State activities related to—

"(A) planning (i) for the implementation of voluntary plans to eliminate or reduce minority group isolation in those schools, and (ii) to assess future needs, and to develop further strategies to meet those needs;

"(B) providing technical assistance to encourage local educational agencies or groups of those agencies to develop or implement voluntary plans to eliminate or reduce minority group isolation in those schools; and

"(C) providing training for educational personnel involved in developing or carrying out a voluntary plan to eliminate or reduce minority group isolation in those schools."

(Pub. L. 95-561, section 608(c)(1)); (20 U.S.C. 3198); (45 CFR 185.120)

(e) CONCISE DESCRIPTION OF THE PROPOSED ACTIVITY:

(1) *Nonprofit Organizations.*—(i) Activities designed to encourage parental and/or community involvement in matters relating to plan implementation, such as conducting information programs or training programs for parents and community members on plan contents, and methods through which participants might help schools and students overcome problems posed by the plan;

(ii) Direct school and community service activities related to plan implementation such as: (A) mediating disputes which may arise between various members of the community, as between community organizations and the schools; (B) providing assistance to local educational agencies on problems related to student reassignment or disciplinary situations which may arise during plan implementation; (C)

assisting the local educational agency in monitoring the success of plan implementation (provided no other external organization, such as a court-appointed monitoring commission is engaged in a similar activity) and reporting results of the monitoring to the local educational agency and the public. Activities may not include those normally provided by the LEA, such as inservice training for LEA staff members.

(iii) Direct student service activities, such as: (A) Innovative extracurricular activities designed to promote interracial and intercultural understanding among students attending schools affected by a qualifying plan; and (B) Activities to bring about student understanding of and support for the qualifying plan. These activities may not include services normally provided by the local educational agency, such as compensatory education programs, tutoring or alternative school programs.

(2) *State Educational Agencies.*—These activities include:

(i) Planning for the implementation of voluntary plans to eliminate or reduce minority group isolation in public elementary and secondary schools.

(ii) Assessing future needs for those plans, and developing strategies to meet those needs.

(iii) Providing technical assistance to encourage LEAs or groups of LEAs to develop or implement those plans.

(iv) Providing training for educational personnel involved in developing or carrying out those plans.

(f) VOLUNTARY OBLIGATORY NATURE OF RESPONSE: Required to obtain benefits.

(g) JUSTIFICATION OF HOW INFORMATION COLLECTED WILL BE USED:

(1) *Nonprofit organizations.*—Each application for a nonprofit organization grant under the Emergency School Aid Act will be subject ot the following reviews:

(i) *Statistical Data Review.*—The statistical data regarding the enrollment and isolation of minority group students will be taken from the application and used to compute the extent of reduction of minority group isolation in the local educational agency or agencies whose plan(s) the applicant proposes to support.

(ii) *Eligibility/Assurances Review.*—The Office for Civil Rights (OCR) has the delegated authority to validate those assurances which determine if districts are eligible to apply for and receive financial assistance. In addition, OCR determines if the document submitted as a desegregation plan is actually a plan which requires the elimination, reduction or prevention of minority group isolation. The remaining ESAA assurances are verified by program personnel responsible for administering the Emergency School Aid Act.

(iii) *Educational Quality Review.*—The educational quality score of each application will be determined by a panel of qualified persons. The listing of prominent milestones outlined by the applicant will be used by OE personnel to track the relative progress of the project.

(2) *State Educational Agencies.*—Each application for a State educational agency grant under the Emergency School Aid Act will be reviewed to determine:

(i) Eligibility

(ii) The amount of the grant

(h) DATA ACQUISITION PLAN:

(1) Method of collection: Mail

(2) Time of Collection: January

(3) Frequency: Annually

(4) Method(s) of analysis: Not applicable

(i) TIMETABLE FOR DISSEMINATION OF THE COLLECTED DATA: Not applicable

(j) RESPONDENTS:

(1) *Nonprofit Organizations.*—(i) TYPE: Public and private nonprofit agencies, institutions, or organizations

(ii) Estimated Number: Sample 300

(iii) Estimated average person-hours per respondent: 35 hours

(2) *State Educational Agencies.*—(i) TYPE: State educational agencies or other State agencies

(ii) Estimated number: Sample 55

(iii) Estimated average person-hours per respondent: 35 hours

(k) COST TO THE RESPONDENT IN DOLLARS:

(1) *Nonprofit Organizations.*—*$157,500.*

(2) *State Educational Agencies.*—$28,875.

(l) COST TO THE FEDERAL AGENCY TO COLLECT, PROCESS AND ANALYZE THE DATA: Not applicable

(m) A LIST OF THE SPECIFIC DATA TO BE COLLECTED:

(1) *Nonprofit organization applicants* are required to submit the following information:

(i) *Documentation.*—(A) A copy of the charter, articles of incorporation, bylaws, or other legal documents indicating the nature and purpose of the application, including evidence of nonprofit status.

(B) A copy or description of the plan being implemented by the appropriate local educational agency, except where the LEA has also applied for assistance.

(C) A description of the provisions which have been made for effective notification of the LEA with regard to operation of the proposed project.

(ii) *Data items.*—(A) The current enrollment of minority group students in all schools of the LEA, and the total number of schools currently operated by the local educational agency and the total number of schools which have been affected by the desegregation plan under which the LEA is operating.

Note.—Items (B) and (C) apply only if the LEA is not applying for Emergency School Aid Assistance.

(B) By names of schools affected by the LEA's desegregation plan and by number of schools not affected by the plan, provide the total enrollment of the school district and the number of minority group students enrolled in such schools.

(C) By names of schools predicted to be affected by the LEA's qualifying plan, and by number of schools predicted not to be affected by the plan, provide the total enrollment and the number of minority group students predicted to be enrolled in such schools.

(iii) *A program narrative* presented in the following manner:

(A) The needs assessment with each need ranked in order of priority and presented separately. Under each need component, the objectives and activities associated with the particular need, the plans for evaluation of those activities and the management of resources. Key project staff positions should be discussed.

(B) A statement of past activities, etc.

(C) A statment of the extent to which other public or private nonprofit agencies or organizations in the affected school districts have been consulted in the preparation of the application and the provisions made for coordination with such organizations which have applied for or received Emergency School Aid Act (ESAA) assistance.

(D) Procedures by which the proposed ESAA program, project or activity will be coordinated with projects conducted pursuant to Titles I, III, and VII of the Elementary and Secondary Education Act of 1965 and Title IV of the Civil Rights Act of 1964.

(2) *State educational agency* applicants are required to submit the following information:

(i) *Documentation.*—(A) The written comments of the advisory committee concerning the application.

(B) An assurance that it has met and will meet applicable requirements of the Act.

(C) A description of the procedures that will be employed by the applicant to prevent duplication of services and to coordinate activities (where applicable) with any assistance received under Title IV of the Civil Rights Act of 1964.

(D) A letter from each local educational agency with which the applicant proposes to conduct activities indicating that the local educational agency has reviewed the proposed project and the application and has agreed to participate in the program activities, if funded.

(E) A statement, signed by an authorized official of each local educational agency with which the applicant proposes to conduct activities, that such local educational agency is in compliance with the requirements.

(ii) *Data items.*—(A) The amount of State funds spent for activities authorized for SEA grants in the Federal fiscal year just prior to the Federal fiscal year for which funds for the grant are appropriated.

(B) Data regarding the establishment of the advisory committee including date established, date application was submitted to advisory committee for review and comment and the date the names of the advisory committee members and purpose of such committee were published in a newspaper.

(C) Data regarding the composition of the advisory committee including names of committee members, race or ethnic group, and community organization represented. Applicant must also indicate if the advisory committee member is a parent of student(s) affected by the ESAA plan or project, a classroom teacher or secondary school student.

(D) The current enrollment of minority group students in all schools in the State.

(iii) *A program narrative* describing the proposed project and such policies and procedures as will ensure that the applicant will use funds received for the authorized activities.

(n) NAME AND ADDRESS OF INDIVIDUAL OR OFFICE FROM WHICH COPIES OF THE DATA INSTRUMENT(S) MAY BE OBTAINED: Marilyn C. Galvin, Chief, Program Services Branch, Room 2006, Equal Educational Opportunity Programs, U.S. Office of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

Summary of the Data Activity Plan

(a) TITLE OF PROPOSED ACTIVITY: Application for Grants under the Emergency School Aid Act for Local Educational Agencies and Other Public Agencies or Organizations.

(b) AGENCY/BUREAU/OFFICE: U.S. Office of Education, Bureau of Elementary and Secondary Education, Equal Educational Opportunity Programs.

(c) AGENCY FORM NUMBER: OE Form 116-1A and 116-1B.

(d) LEGISLATIVE AUTHORITY FOR THE ACTIVITY:

(1) *Basic Grants.*—"The Assistant Secretary is authorized to make a grant to, or a contract with, a local educational agency—

"(A) which is implementing a plan—

"(i) which has been undertaken pursuant to a final order issued by a court of the United States, or a court of any State, or any other State agency or official of competent jurisdiction, and which requires the desegregation of minority group segregated children or faculty in the elementary and secondary schools of such agency, or otherwise requires the elimination or reduction of minority group isolation in such schools, and which may, in addition, require educational activities in minority group isolated schools not affected by the reassignment of children or faculty under the plan in order to remedy the effects of illegal segregation; or

"(ii) which has been approved by the Secretary as adequate under Title VI of the Civil Rights Act of 964 for the desegregation of minority group segregated children or faculty in such schools; or

"(B) which, without having been required to do so, has adopted and is implementing, or will, if assistance is made available to it under this title, adopt and implement, a plan for the complete elimination of minority group isolation in all the minority group isolated schools of such agency; or

"(C) which has adopted and is implementing, or will, if assistance is made available to it under this Act, adopt and implement a plan—

"(i) to eliminate or reduce minority group isolation in one or more of the minority group isolated schools of such agency.

"(ii) to reduce the total number of minority group children who are in minority group isolated schools of such agency, or

"(iii) to prevent minority group isolation reasonably likely to occur (in the absence of assistance under this title) in any school in such district in which school at least 20 per centum, but not more than 50 per centum, of the enrollment consists of such children, or

"(D) which, without having been required to do so, has adopted and is implementing, or will, if assistance is made available to it under this title, adopt and implement a plan to enroll and educate in the schools of such agency children who should not otherwise be eligible for enrollment because of nonresidence in the school district of such agency, where such enrollment would make a significant contribution toward reducing minority group isolation in one or more of the school district;"

(Pub. L. 95-561, section 606(a)(1) (A), (B), (C) and (D)); (20 U.S.C. 3196); 42 U.S.C. 2000d); (45 CFR 185.30)

(2) *Special Projects Grants*

(i) *Planning Grants*

"The Assistant Secretary is authorized to make a grant to, or a contract with, a local educational agency—

* * * which is developing a plan of desegregation—

"(i) issued by a court of the United States or a court of any State, or any other State agency or official of competent jurisdiction, or

"(ii) undertaken by such agency voluntarily, and which plan will require the desegregation of minority group segregated children or faculty in the elementary and secondary schools of such agency, or otherwise will require the elimination or reduction of minority group isolation in such schools, or which has been approved by the Secretary as adequate under Title VI of the Civil Rights Act of 1964 for the desegregation of minority group segregated children or faculty in such schools, and the period for such planning does not exceed two years."

(Pub. L. 95-561, section 606(a)(1)(E)); (42 U.S.C. 2000d); (45 CFR 185.40)

(ii) *Transitional Grants*

(A) *Preimplementation Assistance Grants;*

(B) *Out-of-Cycle Assistance Grants;* and

(C) *Special Discretionary Grants;* and

(iii) *Grants for the Arts*

"* * * the Assistant Secretary is authorized to make grants to, and contracts with, State and local educational agencies, and other public and private nonprofit agencies and organizations (or a combination of such agencies and organizations) for the purpose of carrying out activities which the Assistant Secretary determines will make substantial progress toward achieving the purposes of this title . . ."

(P.L. 95-561, section 608(a)); (20 U.S.C. 3198); (45 CFR 185.50)

(iv) *Metropolitan Area Projects*

"(a) Sums available to the Assistant Secretary . . . shall be available for . . .

"(1) A program of grants to, and contracts with local educational agencies . . . to assist them in establishing and maintaining integrated schools . . . [and]

"(2) A program of grants to groups of local educational agencies located in a Standard Metropolitan Statistical Area for the joint development of a plan to reduce and eliminate minority group isolation . . . in the public elementary and secondary schools in the Standard Metropolitan Statistical Area . . ..."

(Pub. L. 95-561, section 609(a); (20 U.S.C. 3199); (45 CFR 185.40)

(3) *Magnet Schools, University/Business Cooperation and Neutral Site Planning Grants*

". . .the Assistant Secretary is authorized to make grants to, and contracts with, State and local educational agencies, and other public and private nonprofit agencies and organizations (or a combination of such agencies and organizations) for the purpose of carrying out activities which the Assistant Secretary determines will make substantial progress toward achieving the purposes of this title, including, but not limited to—

"(1) the planning for, design of, and conduct of programs in magnet schools;

"(2) the pairing of schools and programs with institutions of higher education and with businesses;

"(3) the development of plans for neutral site schools;"

(Pub. L. 95-561, section 608(a)); (20 U.S.C. 3198); (45 CFR 185.90).

(4) *Compensatory Service Grants*

"There are further authorized to be appropriated for the purpose of this title $7,250,000 and such additional sums as may be necessary for fiscal year 1980 and for each of the three succeeding fiscal years for providing compensatory services to students who had previously received such services funded in whole or in part under Title I of this Act, but who are no longer receiving such services as a result of attendance area or enrollment changes under a plan implemented or ordered after August 21, 1974, if the plan meets the requirements of section 606(a)(1)(A), (B), (C), or (D) for eligibility for assistance under this title."

(Pub. L. 95-561, section 604(c)(1); (20 U.S.C. 3194); (45 CFR 185.100)

(e) CONCISE DESCRIPTION OF THE PROPOSED ACTIVITY:

(1) *Basic Grants.* Basic Grants to local educational agencies may include, but are not limited to, the following activities:

"(1) the training of school staff and local educational agency staff in the handling of problems incident to the implementation of a qualifying plan;

"(2) the provision of additional staff members (including teacher aides) to assist in meeting educational needs that arise from the implementation of the plan;

"(3) the development or acquisition of new curricula, methods, practices, techniques, or materials to support a program of instruction for children from all racial, ethnic, and economic backgrounds, including instruction in the language and cultural heritage of minority groups;

"(4) innovative educational activities, including extracurricular activities, which involve the joint participation of minority group children and other children;

"(5) community relations activities, including public information efforts, in support of the implementation of a qualifying plan;

"(6) planning, evaluation, dissemination, and other administrative activities directly related and necessary to other activities in the program or project;

"(7) repair or minor remodeling or alteration of existing school facilities (including the acquisition, installation, modernization, or replacement of instructional equipment) and the lease or purchase of mobile classroom units or other mobile education facilities, where necessary to carry out other activities in the program or project;

"(8) the provision of compensatory services to children who have received such services under Title I but who are no longer eligible to receive those services as a result of attendance area changes under a qualifying plan;

"(9) activities to prevent or eliminate recurring or continuing problems resulting from the implementation of a qualifying plan;

"(10) planning to implement or carry out a plan of desegregation issued by a court of the United States, or a court of any State, or any other State agency or official of competent jurisdiction, and which requires the desegregation of minority group segregated children or faculty in the elementary and secondary schools of such agency, or otherwise requires the elimination or reduction of minority group isolation in such schools or which has been approved by the Secretary as adequate under Title VI of the Civil Rights Act of 1964 for the desegregation of minority group segregated children or faculty in such schools; and

"(11) in the case of an applicant implementing a court-ordered desegregation plan under section 606(a)(1)(A)(i), the conduct of educational activities in one or more minority group isolated schools which are not affected by the reassignment of children or faculty under the plan, where the activities have been required by the court to remedy the effects of illegal segregation."

(2) *Special Projects Grants.*

(i) *Planning Grants.*

". . . Recommended activities for planning grants include, but are not limited to, those which are designed to achieve the following:

- Identification of goals;
- Diagnosis of the current situation;
- Development of a plan and/or alternative plans;
- Feasibility test of plans; and
- Development of an implementation plan."

(ii) *Transitional Grants.*

(A) *Preimplementation Assistance Grants;*

(B) *Out-of-Cycle Assistance Grants:* and

(C) *Special Discretionary Grants.*

These activities are the same as for Basic Grants.

(iii) *Grants for the Arts.* These activities include, but are not limited to:

(A) Activities designed to encourage interracial and intercultural communication and understanding through direct contact with professional artists-in-residence from various arts disciplines and with various racial and ethnic backgrounds;

(B) Activities designed to accommodate individual artistic interests and talents and to respond to the needs in each individual group; and

(C) Activities which provide opportunities for students, parents and teachers to view each other as individuals rather than conflicting interest groups.

(iv) *Metropolitan Area Project.* A grant may be made to establish or maintain one or more integrated schools or to support the joint development of a plan to reduce or eliminate minority group isolation in public schools within a Standard Metropolitan Statistical Area (SMSA).

(A) *Integrated Schools.* These activities may include:

- activities listed under Basic Grants;
- the net cost, if any, to the recipient of enrolling and educating in its schools students from the cooperating LEA.

(B) *Area-Wide Plans.* These activities may include:

Any activity reasonably necessary to the joint development of a Metropolitan Area project or an integrated schools project.

(3) *Magnet Schools, University/Business Cooperation, and Neutral Site Planning Grants.*

(i) *Magnet Schools.*

(A) Funds may be used for the following three activities:

• The planning and design of one or more magnet schools;

• The conduct of educational programs in one or more magnet schools where these programs are a part of, or directly related and necessary to, the special curriculum of a magnet school; and

• The repair and minor remodeling or alteration of existing school facilities in connection with the conduct of educational programs directly related and necessary to the special curriculum of a magnet school.

(B) The planning and design of a magnet school includes, but is not limited to, the following activities:

• Planning and design of educational programs for the school;

• Architectural design of new or modified facilities to house the school;

• Surveys and studies relating to the establishment or improvement of the school; and

• Recruitment of students and staff for the school.

(ii) *University/Business Cooperation.* Funds may be used for the conduct of educational programs by the applicant, in cooperation with one or more institutions of higher education or businesses, for the benefit of students enrolled, or staff employed, in—

(A) A magnet school assisted under this subpart; or

(B) A school affected by a qualifying plan, or

(C) The repair and minor remodeling or alteration of facilities activities in connection with the conduct of these educational programs.

(iii) *Neutral Site Planning.* Funds may be used for the development of plans for one or more neutral site schools, including but not limited to, the following activities:

(A) Surveys and studies to determine the location of the school;

(B) Planning educational programs for the school;

(C) Architectural design of facilities to house the school; and

(D) The repair and minor remodeling or alteration of facilities in connection with the development of plans for the school.

(4) *Compensatory Service Grants.* These activities may include:

Any educational services authorized under Title I to meet the special educational needs of educationally deprived children.

(f) VOLUNTARY/OBLIGATORY NATURE OF RESPONSE: Required to obtain benefits.

(g) JUSTIFICATION OF HOW INFORMATION COLLECTED WILL BE USED: Each application for a LEA grant under the Emergency School Aid Act will be subject to the following reviews:

(1) *Statistical Data Review.* The statistical data regarding the enrollment and isolation of minority group students will be taken from the application and used to compute the extent of projected reduction of minority group isolation, an eligibility criterion.

(2) *Eligibility/Assurances Review.* The Office for Civil Rights (OCR) has been delegated authority to determine if districts are eligible to apply for and receive assistance under P.L. 95–561. The Office of Education is responsible for determining if the applicant has met the requirements for all other assurances.

(3) *Educational Quality Review.* The educational quality score of each application will be determined by a panel of qualifed persons using the criteria outlined in the regulations. The listing of prominent milestones outlined by the applicant will be used by OE personnel to track the progress of the project.

(h) DATA ACQUISITION PLAN:

(1) Method of collection: Mail.

(2) Time of collection: January.

(3) Frequency: Annually.

(4) Method(s) of analyses: Not applicable.

(i) TIMETABLE FOR DISSEMINATION OF THE COLLECTED DATA: Not applicable.

(j) RESPONDENTS:

(1) Type: Local educational agencies and other public agencies or organizations.

(2) Estimated number: Sample—930.

(3) Estimated average person-hours per respondent: 34 hours.

(k) COST TO THE RESPONDENT IN DOLLARS: $558,000.

(l) COST TO THE FEDERAL AGENCY TO COLLECT, PROCESS AND ANALYZE THE DATA: Not applicable.

(m) A LIST OF THE SPECIFIC DATA TO BE COLLECTED: Applicants for local educational agency (LEA) grants, including basic grants, planning grants, preimplementation assistance grants, out-of-cycle assistance grants, special discretionary assistance grants, grants for the arts, metropolitan area grants, magnet school and university/business cooperation, and neutral site planning grants, and compensatory service grants are required to submit the following information:

(1) A copy of the desegregation plan including attachments to document assurances. (Applicants for magnet schools and university/business cooperation projects, neutral site planning projects and planning grants are not required to have a desegregation plan.)

(2) Budget information.

(3) A program narrative presented in the following manner: *Needs Assessment* should be broken down into individual needs, and each need should be ranked in order of priority and presented separately. Under each component, discuss the *objectives and activities* associated with the particular need, the plans for *evaluation* of those activities, and the *management of resources.* In discussing staffing, present a biographical sketch of the program director which includes his or her name, address, telephone number, background and other qualifying experience for the project. Applicants for grants to the arts must also state the prior experience in education, the arts, and interracial/intercultural relations of the State director to be employed, and the name and relevant experience of other key personnel to be involved in the project.

(4) A description of the procedures proposed for the coordination of this proposed program or project with projects, when applicable, of Title I, III, and VII of the Elementary and Secondary Education Act of 1965 and Title IV of the Civil Rights Act of 1964 and other laws of the United States.

(5) A description of how nonpublic school children and staff are expected to participate in the proposed project and of the procedure by which the applicant consulted with representatives of nonpublic schools in the development of the application, and procedures for effective liaison with such persons after the receipt of the funds requested.

(6) Enrollment data showing the number of schools currently operated by the LEA, total number of schools affected by the qualifying plan and, if applicable, the total number of minority group isolated schools to be supported that are not affected by the qualifying plan, and the total number of magnet schools to be supported.

(7) Current enrollment data showing the total number of students in each specified minority group and the total number of nonminority students.

(8) (For Basic, Transitional, Magnet School and University/Business Cooperation Projects only.) Names of schools to be affected by the plan, where applicable, as well as the total enrollment, and total number of minority

group students enrolled in such schools for:

(i) School year immediately preceding the initiation of a LEAs current desegregation plan;

(ii) School year for which funds are being requested or the next most recent school term for which such data are available.

(9) Total number of students enrolled in schools not affected by the qualifying plan. (Basic and Transitional Projects only.)

(10) Names of schools predicted to be enrolled and participate in the project and the total number of minority students enrolled, minority participants, nonminority participants, and total student enrollment. (Basic, Transitional, Magnet School and University/Business Cooperation Projects only.)

(11) Number of minority and nonminority students who are expected to participate in each school, by type of project. (Special Arts and Neutral Site Planning Projects only.)

(12) A list by race of the number of principals, full-time classroom teachers, and head athletic coaches employed by the district for the academic year immediately preceding implementation of any portion of the district plan and for the current year.

(13) Total number of schools with all minority or all nonminority classes in the district, the number of such classes, if applicable, and an educational justification of such assignments.

(14) The total number of minority staff and students in each school who will participate, and who will not participate, and the total number of staff and students, (including nonminority) who will participate and who will not participate, for each nonpublic school which enrolls students or employs staff who will participate in the proposed ESAA project.

(15) A list of the district's transactions with nonpublic schools since June 23, 1972, including gifts, leases, loans, sales or other transactions of property or service, by name and address of nonpublic school, date of transaction and description of property or services.

(16) The district's fiscal effort per student for the fiscal year for which it seeks assistance under the Act and for the second preceding fiscal year; *OR* the district's aggregate expenditure for the fiscal year for which it seeks assistance under the Act and for the second preceding fiscal year.

(17) Data for advisory committees, including date established, date application submitted to committee for review, date the names of members and purpose were published in a newspaper and a copy of the minutes of the hearing, and a copy of the written comments of the advisory committee.

(18) A copy of the letter to the State Educational Agency requesting SEA comments on the application.

(19) Applicants for compensatory service grants only, provide:

(i) A precise description of attendance area changes under the desegregation plan;

(ii) The number of students eligible to receive compensatory services under this division, and a description of how the applicants determined their eligibility;

(iii) A description of the compensatory services for which the applicant seeks assistance; and

(iv) A detailed budget which shows the additional cost of providing the compensatory services in the most economical way.

(20) Applicants for planning grants only, provide:

(i) A copy of the final order; or

(ii) A copy of the Secretary's finding of illegal separation of minority group children or faculty that requires a plan; or

(iii) The names of the schools in which minority group isolation will be eliminated, reduced or prevented; or the names of the school districts from which nonresident children will come under the plan.

(21) Applicants for planning grants only must include in their applications evidence that the plan will be implemented at the end of the proposed project.

(n) NAME AND ADDRESS OF INDIVIDUAL OR OFFICE FROM WHICH COPIES OF THE DATA INSTRUMENT(S) MAY BE OBTAINED: Ms. Marilyn Galvin, Chief, Program Services Branch, Equal Educational Opportunity Programs, 400 Maryland Avenue, S.W., Room 2006, Washington, D.C. 20202.

Description of a Proposed Collection of Information and Data Acquisition Activity

1. TITLE OF PROPOSED ACTIVITY: Veteran Student Enrollment Verification.

2. AGENCY/BUREAU/OFFICE: Office of Education, Bureau of Higher and Continuing Education, Division of Student Services and Veterans Programs, Veterans' Cost-of-Instruction Program Branch.

3. AGENCY FORM NUMBER: OE Form 269-3.

4. LEGISLATIVE AUTHORITY FOR THIS ACTIVITY: Section 420(d)(1), Pub. L. 89-329, Higher Education Act of 1965, as amended. ". . . . Payments under this subsection shall be made in not less than three installments during each academic year and shall be based on the actual number of persons on behalf of whom such payments are made in attendance at the institution at the time of the payment." Section 189.3(2)(b) of the Regulations specifies that "A cost-of-instruction payment for a given academic year shall . . . . be based on the number of students in attendance on April 16 of the preceding academic year and October 16 and February 16 of the given year . . . . subject to the availability of funds . . . ."

5. VOLUNTARY/OBLIGATORY NATURE OF RESPONSE: Required to obtain or maintain benefits.

6. HOW INFORMATION COLLECTED WILL BE USED: This information will be used to verify continued funding from the initial award made on the basis of the number of undergraduate veterans in attendance at institutions of higher education on April 16.

7. DATA ACQUISITION PLAN:

a. Method of collection: Mail.

b. Time of collection: October and February.

c. Frequency: Semi-annually.

8. RESPONDENTS:

a. Type: Institutions of higher education.

b. Number: 1,200.

c. Estimated average man-hours per respondent: 1.

9. INFORMATION TO BE COLLECTED:

1. Undergradute student enrollment or April 16; October 16; and February 16;

2. Eligible veteran undergraduate veteran enrollment on April 16; October 16; and February 16;

3. Full-time equivalent number of undergraduate veterans on April 16, October 16, and February 16, receiving vocational rehabilitation subsistence or general education assistance benefits under Chapters 31 and 34, Title 38, U.S.C.

4. Full-time equivalent number of undergraduate veterans on April 16 currently receiving or who had ever received tutorial assistance benefits (§ 1692) or who has ever received remediation or preparatory benefits (§§ 1691, 1696) under subchapters V and VI, Chapter 34, Title 38, U.S.C.

5. A full accounting of variances of data submitted in original application.

10. NAME AND ADDRESS OF INDIVIDUAL OR OFFICE FROM WHICH COPIES OF THE DATA INSTRUMENT(S) MAY BE OBTAINED: Dorothy Parker, U.S. Office of Education, Room 3514, ROB-3, 400

Maryland Avenue, S.W., Washington, D.C. 20202.

Description of a Proposed Collection of Information and Data Acquisition Activity

1. TITLE OF PROPOSED ACTIVITY: Indian Student Enrollment Certification—Individual/Total.

2. AGENCY/BUREAU/OFFICE: U.S. Office of Education, Office of Indian Education.

3. AGENCY FORM NUMBER: OE 506.

4. LEGISLATIVE AUTHORITY FOR THIS ACTIVITY: Sec. 1148. Section 453 of the Indian Education Act is amended by * * *

"(c) In establishing a child's eligibility for entitlement under Part A of this Act, the Commissioner shall request at least the following information on the student eligibility form: * * *

(Pub. L. 95-561, 20 U.S.C. 122h)

5. VOLUNTARY OBLIGATORY NATURE OF RESPONSE: Required to obtain benefits.

6. HOW INFORMATION COLLECTED WILL BE USED: The information collected by this form will be used to determine eligibility for Indian students that are entitled to entitlement grants under the Indian Education Act of 1972 as amended by Pub. L. 95-561, section 1148 (c). The amendments direct the Commissioner to gather this information which is pertinent for the funding of this program.

7. DATA ACQUISITION PLAN:

(a) Method of collection: The OIE will send the proposed forms 506 to the LEAs. The LEAs will gather the information on 506 forms completed by Indian parents or grandparents: These individual forms will be tabulated by the LEAs. The LEAs will provide individual forms for inspection to the Office of Indian Education staff on request.

(b) Time of collection: November 15.

(c) Frequency: Once a year.

8. RESPONDENTS:

(a) Type: Parents.

(b) Number: 300,000.

(c) Estimated average man-hours per respondent: ¼ hour.

9. INFORMATION TO BE COLLECTED:

"(1) The name of the tribe, band or other organized group of Indians with which the applicant claims membership, along with the enrollment number establishing membership (where applicable), and the name and address of the organization which has updated an accurate membership data for such tribe, band or other organized group of Indians; or, if the child is not a member of a tribe, band or other organized group of Indians, the student eligibility form shall bear the name, the enrollment number (where applicable) and the organization (and address thereof) responsible for maintaining updated and accurate membership roles of any of the applicant's parents or grandparents, from whom the applicant claims eligibility;

"(2) Whether the tirbe, band or other organized group of Indians with which the applicant, his parents, or grandparents claim membership are federally recognized;

"(3) The name and address of the parent or legal guardian;

"(4) The signature of the parent or legal guardian verifying the accuracy of the information supplied; and

"(5) Any other information which the Secretary deems necessary to provide an accurate program profile."

10. NAME AND ADDRESS OF INDIVIDUAL OR OFFICE FROM WHICH COPIES OF THE DATA INSTRUMENT(S) MAY BE OBTAINED: Dr. Gerald E. Gipp, Office of Indian Education, Room 2177, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

Description of a Proposed Collection of Information and Data Acquisition Activity

(a) TITLE OF PROPOSED ACTIVITY: Institutional Fiscal Operations Report (1978-1779 Award Period)/Application to Participate (1980-1981 Award Period)—National Direct Student Loan, Supplemental Educational Opportunity Grants and College Work-Study Programs.

(b) AGENCY/BUREAU/OFFICE: Office of Education—Bureau of Student Financial Assistance—Division Program Operations.

(c) AGENCY FORM NUMBER: OE Form 646.

(d) LEGISLATIVE AUTHORITY FOR THE ACTIVITY:

(1) "include such other provisions as may be necessary to protect the financial interested of the United States and promote the purposes of this part as are agreed to be the Commissioner and the institution." (Pub. L. 92-318, 20 U.S.C. 1087 cc Section 137(b), CFR, Section 144.18) National Direct Student Loan Program; "include such other provisions as may be necessary to protect the financial interest of the United States and promote the purposes of this subpart." (Pub. L. 92-318, 20 U.S.C. 1070b-2, Section 131(b), CFR Section 176.23) Supplemental Educational Opportunity Grants Program; "include such other provisions as the commissioner shall deem necessary or appropriate to carry out the purposes of this part." (Pub. L. 89-329, 42 U.S.C. 2754, Section 444(8), CFR Section 175.29) College Work-Study Program.

(2) "Any institution of higher education disiring to receive payments of Federal capital contributions from the apportionment of the State in which it is located for any fiscal year shall make an agreement under Section 463 and shall submit an application therefore to the Commissioner, in accordance with provisions of this part. The Commissioner shall, from time to time, set dates before which such institutions must file applications under this section."(Pub. L. 92-318, Section 137(b), 20 U.S.C. 1087bb, CFR 144.5) National Direct Student Loan Program; "The Commissioner shall, from time to time set dates before which institutions in any State must file applications for allocation, to such institutions, of supplemental grant funds from the apportionment to that State for any fiscal year pursuant to subsection (a)(1)." (Pub. L. 92-318, Section 131 (b), 20 U.S.C. 1070b-3, CFR 176.5) Supplemental Educational Opportunity Grants Program; "include such other provisions as the Commissioner shall deem necessary or appropriate to carry out the purposes of this part" (Pub. L. 89-329, Section 444 (8), 42 U.S.C. 2754, CFR Section 175.5, 6, 7) College Work-Study Program.

(e) CONCISE DESCRIPTION OF THE PROPOSED ACTIVITY: The purpose of the Tri-program Fiscal-Operations Report/Application is to collect, on an annual basis, auditable and verifiable information which is used to both monitor the operation of these programs by institutions receiving awards, and to drive the computerized funding process adopted by the Office of Education to distribute among applicant institutions funds allocated for continued support of campus-based student financial assistance.

(f) VOLUNTARY/OBLIGATORY NATURE OF RESPONSE: "Required to obtain or maintain benefits".

(g)JUSTIFICATION OF HOW INFORMATION COLLECTED WILL BE USED:

Program Management; The data contained in the fiscal reports serve to monitor each institution's program performance regarding funds awarded and the expenditure of those funds in areas of activity in accordance with statutory and regulatory requirements. Specific program data, as reported by each institution, are elements of the formulas used to compute awards to applicant institutions. They are also

used as a basis for the control and accountability of funds under the Office of Education's Financial Management System, as well as the Departmental Federal assistance Financing System. Data collected from the application portion of the form are used in the funding formulas to create a standard measure of relative institutional need from which levels of institutional funding are objectively determined for applicant institutions by program. The data are collected to provide information on student financial needs and resources on an aggregate State-by-State and national basis by type of institution.

Evaluation: (1) Determination of the correctiness of expenditures by program (2) transfer of monies between CWS and SEOG within statutory limitation (3) payment and withdrawal of funds for expenses to carry out information dissemination and program administration activities within limitations specified by statute (4) determination that reported expenditures do not exceed funds allocated (5) recovery of unexpended funds from institutional cash accounts (6) institutional need for student financial assistance under the campus-based programs (7) impact of fund distribution by formulas (8) evaluate future funding alternatives using a nationwide data base.

Research: The data are used to promote detailed studies by various educational organizations and the Office of Education to determine: (1) the gross amounts expended by institutions in complying with Federal laws (2) estimates of future program costs (3) the sources and uses of the funds expended (4) analysis of expenditures by income category (5) budgetary information (6) use of standard measurements of need in determining institutional awards.

Condition of Education: (1) Conducting program reviews—to ascertain institutional responsibility and accountability of program administration (2) statistical data for various publications, e.g., Bureau of Student Financial Assistance Fact Book (3) summaries of categorical information for organizations associated with the educational community (4) response to Congressional inquiries (5) budget planning (6) audit clearances and final close out-reconcilement of any deficiencies disclosed by auditing institutional accounting records (7) issuance of checks to institutions representing reimbursement of amounts cancelled for teaching/military service on the basis of data contained in the report (8) producing awards to institutions by program (9) development of a data information system to provide statistics on student financial needs and resources.

(h) DATA ACQUISITION PLAN:

1. Method of collection: Mail.

2. Time of collection: Fall—Close of award period (June 30, of each year).

3. Frequency: Annually.

4. Automated data processing.

(i) TIMETABLE FOR DISSEMINATION OF THE COLLECTED DATA: No specific publications of the data are made. The data will be tabulated by data processing techniques and made available to various offices in DHEW, Members of Congress, and interested outside parties.

(j) RESPONDENTS:

(1) Type:

A) Colleges and Universities;

B) Vocational/Technical postsecondary institutions;

C) Proprietary.

(2) Estimated number: 4,400.

(3) Estimated average person-hours per respondent: 30.

(k) COST TO THE RESPONDENT IN DOLLARS: NA.

(l) COST OF THE FEDERAL AGENCY TO COLLECT, PROCESS, AND ANALYZE THE DATA: NA.

(m) LIST OF THE SPECIFIC DATA TO BE COLLECTED:

(1) General Information (a) institutional listing by control and level (b) total expenditures by program and income category;

(2) Fiscal information, all programs for the award period ending June 30, 1979;

(3) Institutional requests to operate programs during 1980–1981 Award Period;

(4) Base year data (auditable) (a) enrollment—Undergraduate/Graduate (b) resources;

(5) Number of Undergraduate/Graduate aid applicants during 1978–1979 Award Period by income category;

(6) Special CWS funds requested for students residing in but attending institutions outside of American Samoa or Trust Territories of the Pacific Islands.

(n) NAME AND ADDRESS OF INDIVIDUAL OR OFFICE FROM WHICH COPIES OF THE DATA INSTRUMENT(S) MAY BE OBTAINED: U.S. Office of Education, Bureau of Student Financial Assistance, Division of Program Operations, Campus and State Grants Branch, ROB #3—Room 4621, Washington, D.C. 20202.

Summary of the Data Activity Plan

(a) TITLE OF PROPOSED ACTIVITY: A Descriptive Study of Vocational-Education Programs in Nine State Correctional Institutions for Women.

(b) AGENCY/BUREAU/OFFICE: Office of Education, Bureau of Occupational and Adult Education, Division of Research and Demonstration.

(c) AGENCY FORM NUMBER: OE Form 650.

(d) LEGISLATIVE AUTHORITY FOR THE ACTIVITY: "Section 171(a). Funds reserved to the Commissioner . . . shall be used . . . for contracts . . . for—

(1) activities authorized by sections 131 (applied research and development in vocational education) . . ."

(Pub. L. 94–482, Title II, Section 202; 20 U.S.C. 2401.)

(e) CONCISE DESCRIPTION OF THE PROPOSED ACTIVITY: The purpose of this study is to describe the vocational education programs and their components at nine correctional institutions for women. A case study approach will be used. The descriptions of these programs will be included in a Monograph which will describe examples of successful vocational education programs and the features of the training at each site in summary form.

This project has been undertaken because of the lack of information on vocational education programs in State institutions for women and because of the recognition of the value of such training for the individuals following release. The significance of vocational education training was highlighted in a General Accounting Office report submitted to the Congress on February 6, 1979, which states:

"Before entering or after leaving prison, most offenders are not prepared to obtained and maintain legitimate employment . . . they need basic education, marketable vocational skills, social skills, and job placement assistance."

This report entitled "Correctional Institutions can do more to improve the Employability of Offenders" discusses inadequacies in education and training programs in both Federal and State correctional institutions. The major finding of the study was that program effectiveness is unknown.

"Criteria to assess program performance including the success or failure of programs to improve offender employability have not been formulated. Also, no system has been established to collect all relevant information for evaluation of program management and impact.

Other nationally recognized groups have supported the need to improve vocational education opportunities in prisons. A recent report by the National

Advisory Commission on Criminal Justice Standards and Goals suggested that correctional educators should develop vocational programs based on "determination of needs, establishment of program objectives, and assimilation into the labor force." The Commission states in its report that "the role, quality, and relevance of educational programs in major institutions have not kept pace with the social economic, political and technological changes and expectations of society." In order to improve such programs at State institutions, vocational educators and correctional administrators must know which approaches and training models are most successful. The Monograph which will be completed under this project will provide that information. It will cover such areas as:

(1) Administration and Staffing;

(2) Vocational Education Expenditures;

(3) Types of Vocational Education Programs;

(4) Methods of Instruction;

(5) Assessment and Selection of Students;

(6) Placement and Follow-Up;

(7) Recidivism.

(f) VOLUNTARY/OBLIGATORY NATURE OF RESPONSE: Voluntary.

(g) JUSTIFICATION OF HOW INFORMATION COLLECTED WILL BE USED: Data is essential for the development of a monograph that provides descriptions of successful vocational education programs that will be useful to prison administrators and vocational educators by describing the elements of vocational education programs and factors which make them successful.

(h) DATA ACQUISITION PLAN:

(1) Method of collection: Interview.

(2) Time of collection: July and August 1979.

(3) Frequency: Single Time.

(4) Method(s) of analysis: Data on each institution will be analyzed separately in conjunction with the success criteria to determine those models, components or approaches that should be included in the Monograph.

(i) TIMETABLE FOR DISSEMINATION OF THE COLLECTED DATA: It is anticipated that four regional workshops will be held in late January and February 1980 to disseminate to prison administrators and vocational educators.

(j) RESPONDENTS:

(1) Type: Women prison administrators and vocational education instructors.

(2) Estimated number: 50.

(3) Estimated average person-hours per respondent: 3.0.

(1) Type: Incarcerated women enrolled in vocational programs.

(2) Estimated number: 750.

(3) Estimated average person-hours per respondent: 2.0.

(k) COST TO THE RESPONDENT IN DOLLARS: $18.75.

(l) COST TO THE FEDERAL AGENCY TO COLLECT, PROCESS AND ANALYZE THE DATA: $26,215.37.

(m) A LIST OF THE SPECIFIC DATA TO BE COLLECTED: *Instrument 1:* Name of Institution, Name of Chief Administrator, Address of Institution, Number of Inmates as of June 30, 1979, Number of Inmates in Vocational Education, the total number of Vocational education staff and any special qualifications, training or orientation given to teachers to prepare them for the prison setting, Vocational Education Expenditures, Types of Vocational Education Programs, Methods of Instruction, Assessment and Selection of Students, Placement and Follow-Up, Recividism and Factors affecting success in Vocational Education Programs.

Instrument 2: Personal Background, Education and Training before Incarceration, Employment before incarceration, Experiences while incarcerated and plans after release.

(n) NAME AND ADDRESS OF THE OFFICE FROM WHICH COPIES OF THE DATA INSTRUMENTS MAY BE OBTAINED: Velma Brawner, U.S. Office of Education, Room 5018, ROB-3, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

Description of a Proposed Collection of Information and Data Acquisition Activity

1. TITLE OF PROPOSED ACTIVITY: An investigation of the Correlates of Placement in Vocational Education.

2. AGENCY/BUREAU/OFFICE: Office of Education, Bureau of Occupational and Adult Education.

3. AGENCY FORM NUMBER: OE Form 698.

4. LEGISLATIVE AUTHORITY FOR THIS ACTIVITY: "Section 171(a). Funds reserved to the Commissioner . . . shall be used primarily for contracts . . . for . . . (2) support of a national center for research in vocational education . . . which center shall . . . (F) work with States, local education agencies, and other public agencies in developing methods of evaluating programs . . . so that these agencies can offer job training programs which are more closely related to the types of jobs available in their communities, regions, and States." (Pub. L. 94-482, Title II, Section 202; 20 U.S.C. 2401).

5. VOLUNTARY/OBLIGATORY NATURE OF RESPONSE: Voluntary.

6. HOW INFORMATION TO BE COLLECTED WILL BE USED: The information collected will be used to identify those variables which tend to be associated with placement rates for former students of vocational education and to formulate research hypotheses concerning those variables. By expanding the knowledge base concerning the factors influencing placement rates among former vocational students, this study can contribute greatly to the information needed in evaluating program performance and in formulating recommendations for program improvement.

7. DATA ACQUISITION PLAN:

a. Method of collection: Personal interview.

b. Time of collection: October through November, 1979.

c. Frequency: Single time.

8. RESPONDENTS:

a. Type: Local education agencies (LEA's) (Directors of Vocational Education, Vocational Education Program Supervisors, etc.).

b. Number: 216 (Sample).

c. Estimated average man-hours per respondent: 0.50 hours.

a. Type: State education agencies (SEA's) (State Vocational Education Directors, State Vocational Education Evaluators, etc.).

b. Number: 48 (Sample).

c. Estimated average man-hours per respondent: 0.50 hours.

a. Type: Employers (EMP).

b. Number: 144 (Sample).

c. Estimated average man-hours per respondent: 0.50 hours.

a. Type: Individuals (IND) (Former vocational education students).

b. Number: 180 (Sample).

c. Estimated average man-hours per respondent: 0.50 hours.

a. Type: Organizations other than schools or education agencies (OOS) (Representatives of Chambers of Commerce, Labor Department, Employment Security Offices, Vocational Education Advisory Councils, etc.).

b. Number: 284 (Sample).

c. Estimated average man-hours per respondent: 0.50 hours.

a. Type: Public elementary/secondary schools (PES) (Teachers, Directors of Vocational Education Services, Principals, Guidance Counselors, etc.).

b. Number: 288 (Sample).

c. Estimated average man-hours per respondent: 0.50 hours.

a. Type: Students, public elementary/secondary schools (SES).

b. Number: 108 (Sample).

c. Estimated average man-hours per respondent: 0.50 hours.

9. INFORMATION TO BE COLLECTED: Information to be collected will include information from extant data bases, existing economic and demographic data, and data from the interview process. Prior to visiting each site, the project staff will review relevant documents from the site to secure information about the community and the vocational program. A case study methodology will be utilized in five sites in each of seven states for conducting interviews. A pilot study to evaluate the proposed interview process will be conducted outside the states selected to participate in the study.

The interview process will focus on an in-depth examination of those factors in a local school district and community or labor market area which contribute to higher placement rates for vocational education programs. Persons interviewed will be responsible for, knowledgeable about, and affected by the local vocational program. Project staff will use an open-ended "interview protocol" which identifies the key issue areas and questions relating to the placement process so the interviewee can structure the content of the interview. The key issue areas are:

a. Economic, social, and political context (such as socio-economic characteristics of the population, economic conditions, political conditions, etc.).

b. National and state vocational education policy-making and administration (such as content and application of statutes and regulations regarding policy standards related to vocational education, funding mechanisms regarding allocation of resources related to vocational education placement, advisory councils for vocational education and vocational education placement, etc.).

c. Local district vocational education policy-making and administration (such as local funding mechanisms regarding allocation of resources related to vocational education placement, local education policies and practices related to vocational education placement, etc.).

d. School level vocational education inputs (such as general characteristics of key participants in school level vocational education decision-making: school building administrators, teachers, students, etc.).

e. School level vocational education processes (such as mode of instruction, program components, guidance and placement services provided, target groups, provision for work experience/cooperative education, etc.).

f. School level vocational education outputs (such as educational attainment, skill and competency attainment, occupational training or work experience attainment, etc.).

10. NAME AND ADDRESS OF INDIVIDUAL OR OFFICE FROM WHICH COPIES OF THE DATA INSTRUMENT(S) MAY BE OBTAINED: Paul Manchak, U.S. Office of Education, Room 5018, ROB-3, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

Description of a Proposed Collection of Information and Data Acquisition Activity

1. TITLE OF PROPOSED ACTIVITY: Study of Vocational Education R&D Information and Products.

2. AGENCY/BUREAU/OFFICE: Office of Education, Bureau of Occupational and Adult Education.

3. AGENCY FORM NUMBER: OE Form 700.

4. LEGISLATIVE AUTHORITY FOR THIS ACTIVITY: "Section 171(a). Funds reserved to the Commissioner . . . shall be used primarily for contracts . . . for (2) support of a national center for research in vocational education . . . which Center shall . . . (A) conduct applied research and development on problems of national significance in vocational education . . ." (Pub. L. 94-482, Title II, Section 202; (20 U.S.C. 2401)).

5. VOLUNTARY/OBLIGATORY NATURE OF RESPONSE: Voluntary.

6. HOW INFORMATION COLLECTED WILL BE USED: This study responds to the criticism of vocational education research and development (R&D) by the Committee on Vacational Education Research and Development (COVERD) ". . . that vocational education research and development shares with educational research and development a lack of both demonstrated impact on students and methods for rigorously measuring impact". The measurement instruments developed by this study will be used to determine the impact of research and development based information and products in vocational education. It was necssary to develop seven different instruments focusing on the following areas:

a. Distribution—One instrument aimed at tracking product distribution.

b. Utilization—Two instruments (a short form and a long form) designed to follow-up a sample of products. The long form will be used selectively to determine more precise levels of product use.

c. Impact—Four instruments to be administered to product developers, students teachers, and administrators to assess perceived impact of vocational education R&D. No respondents will receive more than one instrument.

The results of this study will be used by research administrators in the U.S. Office of Education and in State Education Agencies as a basis for planning R&D projects and the distribution of products to user groups. The study will build on extant data in SEA files and on results from related studies such as the COVERD report and the Study of Vocational Education being conducted by the National Institute of Education (NIE 193-C). A series of meetings were held with vocational education representatives of SEAs during 1978 to design a study which minimizes respondent burdens.

This design was reviewed by scholars consulting with the project. Indicators of impact used to generate items for the instruments were reviewed by the National Center Advisory Committee. The most sensitive and consistent items were included in the instruments. Cooperative arrangements with states for data collection are planned. This underscores the voluntary nature of participation in this study.

The study is planned as a five-year activity with a phased data collection and reporting schedule.

The data acquisition plan (item 7), the respondents (item 8) and the information to be collected (item 9) are presented below separately for each of the seven instruments.

Instrument Title: Product Distribution Form

7. DATA ACQUISITION PLAN:

a. Method of Collection: Mailed survey form and some telephone interviews.

b. Time of Collection: September 1979 through December 1982.

c. Frequency: Single Time.

8. RESPONDENTS:

a. Type: Product Developers and Distributors.

b. Number: 140.

c. Estimated Average Man-Hours per Respondent: 0.25 hours.

9. INFORMATION TO BE COLLECTED: The number and type of R&D products distributed to target audiences will be collected from projects funded with vocational education research and development federal dollars. The type of agency

distributing the products, e.g. state university, or state education agency, will be indicated as well as demographics e.g., sex, ethnic background, and rural/urban location on the intended recipients of the products.

Instrument Title: Questionnaire for Teachers and Administrators (Short Form)

a. Method of Collection: Mailed Survey Form.
b. Time of Collection: September 1979 through December 1982.
c. Frequency: Single Time.
8. RESPONDENTS:
a. Type: School Administrators and Teachers.
b. Number: 1,080.
c. Estimated Average Man-Hours Per Respondent: 0.25 hours.
9. INFORMATION TO BE COLLECTED: This short form of the utilization questionnaire will ask for quantitive information on the extent of product use. Questions on the number of products used, the purpose(s) of use and the reasons for nonuse are included. Demographic data of the type indicated earlier will be collected on the respondent.

Instrument Title: Questionnaire for Teachers and Administrators (Long Form)

7. DATA ACQUISITION PLAN:
a. Method of Collection: Mailed Survey Form.
b. Time of Collection: September 1979 through December 1982.
c. Frequency: Single Time.
8. RESPONDENTS:
a. Type: School Administrators and Teachers.
b. Number: 700.
c. Estimated Average Man-Hours Per Respondent: 0.5 hours.
9. INFORMATION TO BE COLLECTED: This long form of the utilization questionnaire will examine qualitiative reasons why the R&D product was used at a particularly high or low level, e.g., a low degree of knowledge about how to use the product. Information on the conditions of use will be collected, e.g., the elapsed time since the respondent began using the product. Demographic data of the type indicated earlier will be collected.

Instrument Title: Administrative Impact Questionnaire

7. DATA ACQUISITION PLAN
a. Method of Collection: Mailed Survey Form.
b. Time of Collection: September 1979 through December 1982.
c. Frequency: Single Time.
8. RESPONDENTS:
a. Type: School Administrators and Supervisors.
b. Number: 305.
c. Estimated Average Man-Hours Per Respondent: 0.25 hours.
9. INFORMATION TO BE COLLECTED: School administrators and supervisors will be asked to estimate the effects of product use in the areas of cost, extra staff requirements, modifications necessary for product use, and its effect on the motivation of teachers, among other variables. Demographic data of the type indicted earlier will be collected on the respondents.

Instrument Title: Teacher Impact Questionnaire

7. DATA ACQUISITION PLAN:
a. Method of Collection: Mailed Survey Form.
b. Time of Collection: September 1979 through December 1982.
c. Frequency: Single Time.
8. RESPONDENTS:
a. Type: Vocational Education Teachers.
b. Number: 525.
c. Estimated Average Man-Hours Per Respondent: 0.25 hours.
9. INFORMATION TO BE COLLECTED: Vocational educator teachers will be asked to estimate the effects of product use on variables such as the following: teaching time, student motivation, student learning objectives, and the completeness of the subject taught. Demographic data of the type indicated earlier will be collected on the respondents.

Instrument Title: Student Impact Questionnaire

7. DATA ACQUISITION PLAN:
a. Method of Collection: Mailed Survey Form.
b. Time of Collection: September 1979 through December 1982.
c. Frequency: Single Time.
8. RESPONDENTS:
a. Type: Vocational Education Students.
b. Number: 1,120.
c. Estimated Average Man-Hours Per Respondent: 0.25 hours.
9. INFORMATION TO BE COLLECTED: Students will be asked to rate the quality of the product. This rating will include aspects of the product such as knowledge gained, value of the information presented, and opportunity to exchange ideas about the product. Demographic data of the type indicated earlier will be collected on the respondents.

Instrument Title: Interview Schedule

7. DATA ACQUISITION PLAN:
a. Method of Collection: Personal Interviews.
b. Time of Collection: September 1979 through December 1982.
c. Frequency: Single Time.
8. RESPONDENTS:
a. Type: Product Developers, Administrators, Supervisors, Teachers, and Students.
b. Number: 960.
c. Estimated Average Man-Hours per Respondent: 0.25 hours.
9. INFORMATION TO BE COLLECTED:
Vocational education teachers, students, supervisors, administrators and product developers will be asked to respond to separate sections of a personal interview schedule. The schedule contains questions on how staff work together to select and use an R&D product, e.g., using school-based committees. Lines of communication between administrators, supervisors, and teachers will be identified; reasons for effective product use will be solicited. Open-ended items in this interview schedule are expected to identify unanticipated events in the distribution and use of products which explain product impact, e.g., the display of a product at a teachers' conference in a state adjacent to the developer's state, are not expected to be part of most state or local records. Demographic data of the type indicated earlier will be collected on these case study respondents.
10. NAME AND ADDRESS OF INDIVIDUAL OR OFFICE FROM WHICH COPIES OF THE DATA INSTRUMENT(S) MAY BE OBTAINED:
Paul Manchak, U.S. Office of Education, Room 5018, ROB-3, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

Description of a Proposed Collection of Information and Data Acquisition Activity

1. TITLE OF PROPOSED ACTIVITY:
Career Education Program: Financial Status and Performance Reports (Career Education Incentive Act, P.L. 95-207, Discretionary Grants).
2. AGENCY/BUREAU/OFFICE:
U.S. Office of Education, Office of Career Education.
3. AGENCY FORM NUMBER:
OE 703.
4. LEGISLATIVE AUTHORITY FOR THIS ACTIVITY:
"Sec. 13(a)(1) The Office of Career Education created pursuant to section 406 of the Education Amendments of

1974 shall be the administering agency within the Office of Education for review of the State plans, applications and reports pursuant to this Act . . ." (Pub. L. 95-207; 20 U.S.C. 2612)

"(a) *Form*—Recipients shall use the Standard Financial Status Report prescribed by Attachment H of OMB Circular A-102 (HEW Form 601T) to report the status of funds for all nonconstruction projects . . ."

"(c) *Frequency*—For research project grants and contracts, reports shall be submitted annually, and a final report shall be submitted upon completion or termination of Federal support. For all other types of grants and contracts, the Commissioner will prescribe the frequency of the report, considering the size and complexity of the particular program. However, the report will not be required more frequently than quarterly, or less frequently than annually, and a final report is required upon completion or termination of Federal support." (45 CFR Part 100a.403)

"(b) Except as provided in paragraph (a) of this section, grantees shall submit a performance report with each Financial Status Report (or other financial report equivalent thereto) in the frequency established by Subpart P of this part . . .(100a.403)" (45 CFR Part 100a.432)

5. VOLUNTARY/OBLIGATORY NATURE OF RESPONSE:

Required to obtain or maintain benefits.

6. HOW INFORMATION COLLECTED WILL BE USED:

Program Management: To monitor grantee's compliance with planned project expenditures and to assess grantee's success in achieving project goals.

7. DATA ACQUISITION PLAN;

a. Method of collection: Mail.

b. Time of collection: 90 days after expiration of grant award.

c. Frequency: Annually.

8. RESPONDENTS:

a. Type: State education agencies, local education agencies, institutions of higher education, non-profit organizations.

b. Number: 100.

c. Estimated average man-hours per respondent: 32.

9. INFORMATION TO BE COLLECTED:

I. Financial Status—

A. Identifiers—grantee and project name, identification number, etc.

B. Report of Status of Funds—by category;

Indirect Expense—type of rate

C. Certification

II. Participant Summary—Breakdown of project participants by race/ethnicity, special needs, and sex.

III. Performance Report

A. Project Identifiers;

B. Major Activities;

C. Evaluation;

D. Changes or Problems;

E. Dissemination Activities;

F. Special Activities;

G. Report Abstract.

10. NAME AND ADDRESS OF INDIVIDUAL OR OFFICE FROM WICH COPIES OF THE DATA INSTRUMENT(S) MAY BE OBTAINED:

Dr. Sidney High, U.S. Office of Education, Room 3108-A, ROB-3, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

Description of a Proposed Collection of Information and Data Acquistion Activity

1. TITLE OF PROPOSED ACTIVITY:

Career Education State Allotment Program: Financial Status and Annual Performance Reports (Career Education Incentive Act, Pub. L. 95-207).

2. AGENCY/BUREAU/OFFICE:

U.S. Office of Education, Office of Career Education.

3. AGENCY FORM NUMBER:

OE 704.

4. LEGISLATIVE AUTHORITY FOR THIS ACTIVITY:

"(a) *Form.* State agencies shall use the standard Financial Status Report prescribed by Attachment H of OMB Circular No. A-102 to report the status of funds for all non-construction grant programs. . . ." (45 CFR 100b.403)

"Sec. 13(a)(1) The Office of Career Education created pursuant to Section 406 of the Education Amendments of 1974 shall be the administering agency within the Office of Education for the review of the State plans, applications, and reports submitted pursuant to this Act. . . ." (Pub. L. 95-207) (20 U.S.C. 2612)

"Sec. 14(a) Unless the Commissioner finds the requirements of this subsection unnecessary, not later than December 31 of each fiscal year each State receiving funds under this Act shall submit to the Commissioner a report evaluating the programs assisted with funds provided under this Act for the preceding fiscal year. Such report shall include—

(1) an analysis of the extent to which the objectives set out in the State plan submitted pursuant to section 6 have been fulfilled during that preceding fiscal year;

(2) a description of the extent to which the State and local educational agencies within the State are using State and local resources to implement these objectives and a description of the extent to which funds received under this Act have been used to achieve these objectives; and

(3) a description of the exemplary programs funded within the State, including an analysis of the reasons for their success, and a description of the programs which were not successful within the State, including an analysis of the reasons for their failure."

(Pub. L. 95-207) (20 U.S.C. 2613)

5. VOLUNTARY/OBLIGATORY NATURE OF RESPONSE:

Required to obtain or maintain benefits.

6. HOW INFORMATION COLLECTED WILL BE USED:

Program Management: To monitor a State's compliance with State Plan objectives and planned expenditures, and Federal requirements under Pub. L. 95-207.

7. DATA ACQUISITION PLAN:

a. Method of collection: Mail.

b. Time of collection: December 31.

c. Frequency: Annually.

8. RESPONDENTS:

a. Type: State educational agencies, and insular areas education agencies.

b. Number: 57.

c. Estimated average man-hours per respondent: 80.

9. INFORMATION TO BE COLLECTED:

I. Financial Status—

A. Identifiers—grantee name, grant number, etc.

B. Status of funds—programs/functions/activities

1. Outlays to date—non-Federal share

2. Indirect Expense

C. Certification

II. State Annual Performance Report—an evaluation of programs funded, to include:

A. Analysis of extent to which State plan objectives for the preceding fiscal year have been achieved.

B. Description of extent to which State and local agencies have used (a) State and local funds and (b) Federal funds under Pub. L. 95-207 to implement these objectives.

C. Description of programs funded, including an analysis of the reasons for their successes and/or failures.

10. NAME AND ADDRESS OF INDIVIDUAL OR OFFICE FROM WHICH COPIES OF THE DATA INSTRUMENT(S) MAY BE OBTAINED:

Dr. Sidney High, U.S. Office of Education, Room 3108-A, ROB-3, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

Description of a Proposed Collection of Information and Data Acquisition Activity

1. TITLE OF PROPOSED ACTIVITY:

Upward Bound Financial Status and Performance Report.

2. AGENCY/BUREAU/OFFICE:

Office of Education, Bureau of Higher and Continuing Education.

3. AGENCY FORM NUMBER:

OE 712.

4. LEGISLATIVE AUTHORITY FOR THIS ACTIVITY:

SEC. 417A. (a) The Commissioner shall, in accordance with the provisions of this subpart, carry out a program designed to identify qualified students from low-income families, to prepare them for a program of postsecondary education, and to provide special services for such students who are pursuing programs of postsecondary education.

(b) For the purpose of enabling the Commissioner to carry out this subpart, there are authorized to be appropriated $100,000,000 for the fiscal year ending June 30, 1973, and for each of the succeeding fiscal years ending prior to July 1, 1975, and $200,000,000 for each of the fiscal years ending prior to October 1, 1979.

(20 U.S.C. 1070d) Enacted June 23, 1972, P.L. 92–318 sec. 131(b)(1), 86 Stat. 258.

Authorized Activities

SEC. 417B. (a) The Commissioner is authorized (without regard to section 3709 of the Revised Statutes (41 U.S.C. 5)) to make grants to, and contracts with, institutions of higher education, including institutions with vocational and career education programs, combinations of such institutions, public and private agencies and organizations (including professional and scholarly associations), and, in exceptional cases, secondary schools and secondary vocational schools, for planning, developing, or carrying out within the States one or more of the services described in subsection (b) of this section.

(b) Services provided through grants and contracts under this subpart shall be specifically designed to assist in enabling youths from low-income families who have academic potential, but who may lack adequate secondary school preparation, who may be physically handicapped, or who may be disadvantaged because of severe rural isolation, to enter, continue, or resume programs of postsecondary education, including:

(2) programs, to be known as "Upward Bound", (A) which are designed to generate skills and motivation necessary for success in education beyond high school and (B) in which enrollees from low-income backgrounds and with inadequate secondary-school preparation participate on a substantially full-time basis during all or part of the program;

(h) It is the intention of the Congress to encourage, whenever feasible, the development of individualized programs for disadvantaged students assisted under this subpart.

(20 U.S.C. 1070d–1) Enacted June 23, 1972, Pub. L. 92–318, sec. 131(b)(1), 86 Stat. 258, 259, amended August 21, 1974, Pub. L. 93–380, sec. 833, 88 Stat. 603, 604, amended October 12, 1976, Pub. L. 94–482, sec. 124.

5. VOLUNTARY/OBLIGATORY NATURE OF RESPONSE:

Required to obtain or maintain benefits.

6. HOW INFORMATION TO BE COLLECTED WILL BE USED:

Program Management: Used to assess accomplishments of projects; compliance enforcement; assessment of program effectiveness; accountability of funds expended.

7. DATA ACQUISITION PLAN:

a. Method of collection: by mail.

b. Time of collection: 11/30 and end of project's budget year.

c. Frequency: Semi-Annual.

8. a. Type: Upward Bound Project Directors.

b. Number: 380.

c. Estimated average man-hours per respondent: 4 hours.

9. INFORMATION TO BE COLLECTED:

a. Project Financial Status;

b. Project Goals and Accomplishments;

c. Students participating in Summer Component; Project Staffing.

10. NAME AND ADDRESS OF INDIVIDUAL OR OFFICE FROM WHICH COPIES OF THE DATA INSTRUMENT(S) MAY BE OBTAINED:

Esther Swick or Stanley Gaver, U.S. Office of Education, Room 3319–C, 400 Maryland Avenue, SW., Washington, D.C. 20202.

Description of a Proposed Collection of Information and Data Acquisition Activity

1. TITLE OF PROPOSED ACTIVITY:

Equipment list for construction, reconstruction and renovation projects.

2. AGENCY/BUREAU/OFFICE:

U.S. Office of Education/Bureau of Higher and Continuing Education/ Division of Training and Facilities, Academic Facilities Branch.

3. AGENCY FORM NUMBER:

OE–1136–1.

4. LEGISLATIVE AUTHORITY FOR THIS ACTIVITY:

"The term 'development cost', with respect to an academic facility, means the amount found by the Commissioner to be the cost, to the applicant for a grant or loan under this title, of the construction, reconstruction, or renovation involved . . . to permit its uses for such facility." (Section 782(3)(A) of Title VII of the Higher Education Act of 1965, as amended). (20 U.S.C. 1132e–1) Pub. L. 92–318.

"'Equipment' means manufactured items which have an extened useful life and are not consumed in use and which have an identity and function which are not lost through incorporation into a different or more complex unit or substance." (Paragraph 170.1, Part 170 of Title 45 of the Code of Federal Regulations). Sec. 782. (2)(A)(B), (20 U.S.C. 1132e–1) Pub. L. 92–318.

"'Initial equipment' means all items of equipment other than built-in equipment, which are necessary and appropriate for the initial functioning of a particular academic facility for its specific purpose. No equipment shall be considered as initial equipment unless it has been acquired or contracted for prior to the date on which the facility is first used for education of students." (Paragraph 170.1, Part 170 of Title 45 of the Code of Federal Regulations). Sec. 782. (2(A)(B), (20 U.S.C. 1132e–1) Pub. L. 92–318.

5. VOLUNTARY/OBLIGATORY NATURE OF RESPONSE:

Required to obtain or maintain benefits.

6. HOW INFORMATION COLLECTED WILL BE USED:

The equipment list will be used by the Commissioner to ascertain that Federal funds are expended only for initial equipment meeting the regulatory requirements.

7. DATA ACQUISITIONPLAN:

a. Method of collection: Mail.

b. Time of collection: The equipment list must be submitted to the Office of Education before the project closeout.

c. Frequency: A Title VII grant or loan recipient will be required to submit an itemized equipment list only once and in connection with the project closeout. However, some Title VII recipients may want to seek equipment list approval from the Office of Education several times during the life of a project, to make sure eligible items are being purchased..

8. RESPONDENTS:

a. Type: Colleges and Universities.

b. Number: Sample (approximately 300).

c. Estimated Average: Man-Hours per Respondent: 1.5.

9. INFORMATION TO BE COLLECTED:

Information sufficient to identify the institution and the project, and the Title VII grant or loan recipient will be requested to indicate if the list constitutes an inventory of items already purchased, or if the items on the list have not been purchased. Also, information is requested to indicate if the list is a complete or partial listing of all initial equipment items for the project. In addition, specific information is requested with regard to the description of the items, the purchase dates, quantities, unit prices, and total costs. The Title VII grant or loan recipient will be requested to certify that the equipment in the list will be housed and used in the Title VII supported facilities.

10. NAME AND ADDRESS OF INDIVIDUAL OR OFFICE FROM WHICH COPIES OF THE DATA INSTRUMENT(S) MAY BE OBTAINED:

Thomas McAnallen, U.S. Office of Education, Room 3716, ROB-3, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

Description of a Proposed Collection of Information and Data Acquisition Activity

1. TITLE OF PROPOSED ACTIVITY:

Cooperative Education Program Application Form.

2. AGENCY/BUREAU/OFFICE:

U.S. Office of Education/Bureau of Higher and Continuing Education/ Division of Training and Facilities.

3. AGENCY FORM NUMBER:

OE 1193.

4. LEGISLATIVE AUTHORITY FOR THIS ACTIVITY:

"Section 801 . . . "to enable the Commissioner to make grants pursuant to Section 802 to institutions of higher education, or to combinations of such institutions, for the planning, establishment, expansion, or carrying out by such institutions or combinations of programs of Cooperative Education. Such programs shall provide alternating periods of academic study and of public or private employment, the latter affording students not only the opportunity to earn the funds necessary for continuing and completing their education but, so far as practicable, giving them work experience related to their academic or occupational objectives."

Section 803 . . . "the Commissioner is authorized, for training of persons in the planning, establishment, administration, or coordination of programs of cooperative education, for projects demonstrating or exploring the feasibility or value of innovative methods of cooperative education, or for research into methods of improving, developing, or promoting the use of cooperative education programs in institutions of higher education to—"

(1) "make grants to or contracts with institutions of higher education, or combinations of such institutions, and

(2) "make grants to or contracts with other public or private nonprofit agencies or organizations, when such grants or contracts will make an especially significant contribution to attaining the objectives of this section."

(Pub. L. 89-329, as amended; 20 U.S.C. 1133-1133b)

5.VOLUNTARY/OBLIGATORY NATURE OF RESPONSE:

Required to obtain benefits.

6. HOW INFORMATION TO BE COLLECTED WILL BE USED:

Determination of grant eligibility.

7. DATA ACQUISITION PLAN:

a) Method of collection: Mail.

b) Time of collection: Winter.

c) Frequency: Annually.

8. RESPONDENTS:

a) Type: Colleges and Universities.

b) Number: Estimate 597.

c) Estimated average man-hours per respondent: 10.2.

a) Type: Public and private nonprofit agencies or organizations.

b) Number: Estimate 3.

c) Estimated average man-hours per respondent: 10.2.

9. INFORMATION TO BE COLLECTED:

Information to be collected applies to both types of respondents.

a. Information required on Standard Form 424.

b. Need for the program.

c. Nature and scope of the program.

d. Program objectives.

e. Program procedures.

f. Research plan.

g. Evaluation plan.

h. Institution's commitment to program.

i. Student enrollment and placement data.

j. Proposed budget.

10. NAME AND ADDRESS OF INDIVIDUAL OR OFFICE FROM WHICH COPIES OF THE DATA INSTRUMENT(S) MAY BE OBTAINED:

Betty Slany, U.S. Office of Education, Room 3053, ROB-3, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

Description of a Proposed Collection of Information and Data Acquisition Activity

1. TITLE OF PROPOSED ACTIVITY:

Upward Bound Data Collection.

2. AGENCY/BUREAU/OFFICE:

Office of Education, Bureau of Higher and Continuing Education.

3. AGENCY FORM NUMBER:

OE 1196.

4. LEGISLATIVE AUTHORITY FOR THIS ACTIVITY:

SEC. 417A. (a) "The Commissioner shall, in accordance with the provisions of this subpart, carry out a program designed to identify qualified students from low-income families, to prepare them for a program of postsecondary education, and to provide special services for such students who are pursuing programs of postsecondary education."

(b) "For the purpose of enabling the Commissioner to carry out this subpart, there are authorized to be appropriated $100,000,000 for the fiscal year ending June 30, 1973, and for each of the succeeding fiscal years ending prior to July 1, 1975, and $200,000,000 for each of the fiscal years ending prior to October 1, 1979."

(20 U.S.C. 1070d) Enacted June 23, 1972, Pub. L. 92-318, sec. 131(b)(1), 86 Stat. 258.

Authorized Activities

Sec. 417B. (a) "The Commissioner is authorized (without regard to section 3709 of the Revised Statutes (41 U.S.C. 5)) to make grants to, and contracts with, institutions of higher education, including institutions with vocational and career education programs, combinations of such institutions, public and private agencies and organizations (including professional and scholarly associations), and, in exceptional cases, secondary schools and secondary vocational schools, for planning, developing, or carrying out within the States one or more of the services described in subsection (b) of this section."

(b) "Services provided through grants and contracts under this subpart shall be specifically designed to assist in enabling youths from low-income families who have academic potential, but who may lack adequate secondary school preparation, who may be physically handicapped, or who may be disadvantaged because of severe rural isolation, to enter, continue, or resume programs of postsecondary education, including

(2) "programs, to be known as 'Upward Bound', (A) which are designed

to generate skills and motivation necessary for success in education beyond high school and (B) in which enrollees from low-income backgrounds and with inadequate secondary school preparation participate on a substantially full-time basis during all or part of the program;"

(h) "It is the intention of the Congress to encourage, whenever feasible, the development of individualized programs for disadvantaged students assisted under this subpart."

(20 U.S.C. 1070d-1) Enacted June 23, 1972, Pub. L. 92-318, sec. 131(b)(1), 86 Stat. 258, 259, amended August 21, 1974, Pub. L. 93-380, sec. 833, 88 Stat. 602, 604, amended October 12, 1976, Pub. L. 94-482, Sec. 124.

5. VOLUNTARY/OBLIGATORY NATURE OF RESPONSE:

Required to obtain or maintain benefits.

6. HOW INFORMATION TO BE COLLECTED WILL BE USED:

Program Management: Data from these individual student reports will be collapsed into summary reports for both regional and national program managers. These reports will be used as the basis for judging the effectiveness of individual projects as well as the effectiveness of the Upward Bound program as a whole. Regional program officers will use these reports to monitor a grantee's performance of individual grant terms and conditions. National program managers will use these reports to substantiate their effective stewardship of and accountability for the program.

Other: Data from these reports also will be used to respond to various ad hoc inquiries concerning the program, its participants, and its achievements.

7. DATA ACQUISITION PLAN:

a. Method of collection: By mail.

b. Time for collection: Throughout the year.

c. Frequency: Once for approximately 40 new students each year.

8. RESPONDENTS:

a. Type: Upward Bound Project Directors.

b. Number: 400 Upward Bound Project Directors.

c. Estimated average man-hours per respondent: .20 per submittal.

9. INFORMATION TO BE COLLECTED:

a. Demographic information on each participant (sex, age, ethno-racial characteristics, veteran status, enrollment status).

b. Eligibility criteria on each participant (family income, family size, grade point average).

c. Services to be provided to the participant.

d. Educational background.

10. NAME AND ADDRESS OF INDIVIDUAL OR OFFICE FROM WHICH COPIES OF THE DATA INSTRUMENT(S) MAY BE OBTAINED:

Esther Swick, U.S. Office of Education, Room 3319C, ROB-3, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

Description of a Proposed Collection of Information and Data Acquisition Activity

1. TITLE OF PROPOSED ACTIVITY:

Report on Former Upward Bound Student.

2. AGENCY/BUREAU/OFFICE:

Office of Education, Bureau of Higher and Continuing Education.

3. AGENCY FORM NUMBER:

OE 1197.

4. LEGISLATIVE AUTHORITY FOR THIS ACTIVITY:

SEC. 417A. (a) The Commissioner shall, in accordance with the provisions of this subpart, carry out a program designed to identify qualified students from low-income families, to prepare them for a program of postsecondary education, and to provide special services for such students who are pursuing programs of postsecondary education.

(b) For the purpose of enabling the Commissioner to carry out this subpart, there are authorized to be appropriated $100,000,000 for the fiscal year ending June 30, 1973, and for each of the succeeding fiscal years ending prior to July 1, 1975, and $200,000,000 for each of the fiscal years ending prior to October 1, 1979.

(20 U.S.C. 1070d) Enacted June 23, 1972, P.L. 92-318 sec. 131(b)(1), 86 Stat. 258.

Authorized Activities

SEC. 417B. (a) The Commissioner is authorized (without regard to section 3709 of the Revised Statutes (41 U.S.C. 5)) to make grants to, and contracts with, institutions of higher education, including institutions with vocational and career education programs, combinations of such institutions, public and private agencies and organizations (including professional and scholarly associations), and, in exceptional cases, secondary schools and secondary vocational schools, for planning, developing, or carrying out within the States one or more of the services described in subsection (b) of this section.

(b) Services provided through grants and contracts under this subpart shall be specifically designed to assist in enabling youths from low-income families who have academic potential, but who may lack adequate secondary school preparation, who may be physically handicapped, or who may be disadvantaged because of severe rural isolation, to enter, continue, or resume programs of postsecondary education, including

(2) programs, to be known as "Upward Bound", (A) which are designed to generate skills and motivation necessary for success in education beyond high school and (B) in which enrollees from low-income backgrounds and with inadequate secondary-school preparation participate on a substantially full-time basis during all or part of the program;

(h) It is the intention of the Congress to encourage, whenever feasible, the development of individualized programs for disadvantaged students assisted under this subpart.

(20 U.S.C. 1070d-1) Enacted June 23, 1972, P. L. 92-318, sec. 131 (b)(1) 86 Stat. 258, 259, amended August 21, 1974, P. L. 93-380, sec. 833, 88 Stat. 603, 604, amended October 12, 1976, P. L. 94-482, sec. 124.

5. VOLUNTARY/OBLIGATORY NATURE OF RESPONSE: Required to obtain or maintain benefits.

6. HOW INFORMATION TO BE COLLECTED WILL BE USED: Program Management: accomplishments of projects; compliance enforcement; assessment of program effectiveness; accountability of funds expended. Also provides a data base from which to respond to Congressional, Office of Management and Budget, Department of Health, Education, and Welfare, and other requests for program information.

7. DATA ACQUISITION PLAN:

a. Method of collection: By mail.

b. Time of collection: As students leave program.

c. Frequency: On a flow basis.

8. a. Type: Upward Bound Project Directors.

b. Number: 400.

c. Estimated average man-hours per respondent: .25 Hours.

9. INFORMATION TO BE COLLECTED:

a. Circumstances and date of leaving project.

b. Planned educational status.

c. SAT/ACT scores

d. Name and location of college entered.

e. Date enrolled and course of study.

f. Admission basis and type of enrollment.

10. NAME AND ADDRESS OF INDIVIDUAL OR OFFICE FROM

WHICH COPIES OF THE DATA INSTRUMENT(S) MAY BE OBTAINED: Esther Swick or Stanley Gaver, U.S. Office of Education, Room 3319–C, 400 Maryland Avenue SW., Washington, D.C. 20202.

Description of a Proposed Collection of Information and Data Acquisition Activity

1. TITLE OF PROPOSED ACTIVITY: Report on College Retention of Former Upward Bound Students.

2. AGENCY/BUREAU/OFFICE: Office of Education, Bureau of Higher and Continuing Education.

3. AGENCY FORM NUMBER: OE 1225.

4. LEGISLATIVE AUTHORITY FOR THIS ACTIVITY:

SEC. 417A. (a) "The Commissioner shall, in accordance with the provisions of this subpart, carry out a program designed to identify qualified students from low-income families, to prepare them for a program of postsecondary education, and to provide special services for such students who are pursuing programs of postsecondary education."

(b) "For the purpose of enabling the Commissioner to carry out this subpart, there are authorized to be appropriated $100,000,000 for the fiscal year ending June 30, 1973, and for each of the succeeding fiscal years ending prior to July 1, 1975, and $200,000,000 for each of the fiscal years ending prior to October 1, 1979."

(20 U.S.C. 1070d) Enacted June 23, 1972, Pub. L. 92–318, sec. 131(b)(1), 86 Stat. 258.

Authorized Activities

Sec. 417B. (a) "The Commissioner is authorized (without regard to section 3709 of the Revised Statutes (41 U.S.C. 5)) to make grants to, and contracts with, institutions of higher education, including institutions with vocational and career education programs, combinations of such institutions, public and private agencies and organizations (including professional and scholarly associations), and, in exceptional cases, secondary schools and secondary vocational schools, for planning, developing, or carrying out within the States one or more of the services described in subsection (b) of this section."

(b) "Services provided through grants and contracts under this subpart shall be specifically designed to assist in enabling youths from low-income families who have academic potential, but who may lack adequate secondary school preparation, who may be physically handicapped, or who may be disadvantaged because of severe rural isolation, to enter, continue, or resume programs of postsecondary education, including

(2) "programs, to be known as "Upward Bound", (A) which are designed to generate skills and motivation necessary for success in education beyond high school and (B) in which enrollees from low-income backgrounds and with inadequate secondary-school preparation participate on a substantially full-time basis during all or part of the program;"

(h) "It is the intention of the Congress to encourage, whenever feasible, the development of individualized programs for disadvantaged students assisted under this subpart."

(20 U.S.C. 1070d–1) Enacted June 23, 1972, Pub. L. 92–318, sec. 131(b)(1), 86 Stat. 258, 259, amended August 21, 1974, Pub. L. 93–380, sec. 833, 88 Stat. 602, 604, amended October 12, 1976, Pub. L. 94–482, Sec. 124.

5. VOLUNTARY/OBLIGATORY NATURE OF RESPONSE: Voluntary, by Institutions of Higher Learning.

6. HOW INFORMATION TO BE COLLECTED WILL BE USED: *Program Management:* Accomplishments of projects; assessment of program effectiveness; information on college admission and retention of former Upward Bound students. Also provides a data base from which to respond to Congressional, Office of Management and Budget, Department of Health, Education, and Welfare, and other requests for program information.

7. DATA ACQUISITION PLAN:

a. Method collection: by mail.

b. Time of collection: Fall.

c. Frequency: Annually.

8. a. Type: College Registrars.

b. Number: 1800.

c. Estimated average man-hours per respondent: .25 Hours.

9. INFORMATION TO BE COLLECTED:

a. Confirmation and date of enrollment.

b. Date and circumstances of former Upward Bound students leaving.

c. Student transfer information.

10. NAME AND ADDRESS OF INDIVIDUAL OR OFFICE FROM WHICH COPIES OF THE DATA INSTRUMENT(S) MAY BE OBTAINED: Esther Swick, U.S. Office of Education, Room 3319C, ROB–3, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

Description of a Proposed Collection of Information and Data Acquistion Activity

1. TITLE OF PROPOSED ACTIVITY: Annual Survey of Children in Institutions, Operated or Supported by a State Agency, for Neglected or Delinquent Children, or Children in Adult Correctional Institutions, ESEA, Title I.

2. AGENCY/BUREAU/OFFICE: Office of Education, Bureau of Elementary and Secondary Education, Division of Education for the Disadvantaged.

3. AGENCY FORM NUMBER: OE Form 4376–1.

4. LEGISLATIVE AUTHORITY FOR THIS ACTIVITY: "A State agency which is directly responsible for providing free public education for children in institutions for neglected or delinquent children or in adult correctional institutions shall be entitled to receive a grant under this section . . . ."

". . . . the grant which such an agency shall be eligible to receive shall be . . . . multiplied by the number of such children in average daily attendance, as determined by the Commissioner, at schools for such children . . . ." (Elementary and Secondary Education Act, as Amended. Sec. 123. (a)(b)(2). (20 U.S.C. 241c–3) Pub. L. 93–380.

5. VOLUNTARY/OBLIGATORY NATURE OF RESPONSE: Agencies are obligated to respond. Failure to submit this report will result in loss of Title I funds.

6. HOW INFORMATION COLLECTED WILL BE USED: *Program Management:* The average daily attendance data will be used to compute Title I allocations for State agencies responsible for providing free public education for institutionalized neglected or delinquent children.

7. DATA ACQUISITION PLAN:

a. Method of Collection: Mail.

b. Time of Collection: Fall.

c. Frequency: Annually.

8. RESPONDENTS:

a. Type: State agencies responsible for providing education for institutionalized neglected or delinquent children and local institutions which are not State-operated.

b. Number: 1,600.

c. Estimated average man-hours per respondent: 1.

9. INFORMATION TO BE COLLECTED: State agencies will furnish the names and types of institutions and the average daily attendance data for institutionalized neglected or delinquent children in State-operated or supported schools. Local institutions will furnish October caseload data for children aged 5–17.

10. NAME AND ADDRESS OF INDIVIDUAL OR OFFICE FROM WHICH COPIES OF THE DATA INSTRUMENT(S) MAY BE OBTAINED:

Carolyn Horner, U.S. Office of Education, Room 3642, ROB-3, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

Description of a Proposed Collection of Information and Data Acquisition Activity

1. TITLE OF PROPOSED ACTIVITY: FY-1979 Financial Status and Performance Report for Part B of the Education of the Handicapped Act, as amended by Pub. L. 94-142 and Pub. L. 89-313.

2. AGENCY/BUREAU/OFFICE: U.S. Office of Education/Bureau of Education for the Handicapped/Division of Assistance to States.

3. AGENCY FORM NUMBER: OE 9039-1;-2.

4. LEGISLATIVE AUTHORITY FOR THIS ACTIVITY:

a. ". . . Each State agency shall report outlays and program income on the same accounting basis . . . the report will not be required more frequently than quarterly or less frequently than annually . . ." Code of Federal Regulations, Title 45, Section 100b.403.

b. ". . . State agencies shall submit a performance report with each Financial Status Report (or other financial report equivalent thereto) . . ." Code of Federal Regulations, Title 45, Section 100b.432.

c. ". . . Not later than one hundred twenty days after the close of each fiscal year, the Commissioner shall transmit to the appropriate committee of each House of Congress a report on the progress being made toward the provision of free appropriate public education to all handicapped children, including a detailed description of all evaluation activities conducted . . ." Section 618(d)(1), (20 U.S.C. 1418), Pub. L. 94-142.

5. VOLUNTARY/OBLIGATORY/ NATURE OF RESPONSE: Required to obtain or maintain benefits.

6. HOW INFORMATION COLLECTED WILL BE USED: Program management: These reports basically provide accountability for funds generated by the SEA's application for participation in the grant program established under Part B of the Education of the Handicapped Act, as amended by Pub. L. 94-142 and Pub. L. 89-313. Performance data provides an indication of program effectiveness. The performance data also becomes an integral part of the Bureau's annual report to Congress on the general condition of special education.

7. DATA ACQUISITION PLAN:

a. Method of Collection: Mail.

b. Time of Collection: January.

c. Frequency: Annual.

8. RESPONDENTS:

a. Type: State Education Agencies.

b. Number: 58.

c. Estimated average man-hours per respondent: 6.

9. INFORMATION TO BE COLLECTED:

Financially, each State will be asked to report by the 11 categories of handicap, the Federal share of program outlays, the Federal share of unpaid obligations, as well as the unobligated balance of Federal funds, if applicable. Such a reporting is also required for the Federal share of SEA administrative expenditures.

On the performance report, reporting is required by the 11 handicapping conditions across 4 different age groupings: 0-2, 3-5, 6-17, and 18-21.

Similarly, data is required on the number and type of project personnel paid from Part B funds or trained with Federal funds.

In addition, 3 supplemental tables are required for the P.L. 94-142 program reports. Table 1 requires a report of personnel employed in the 1978-1979 school year broken out according to their profession (e.g., psychologists, speech pathologists etc.) by 9 disability conditions which describe the children they work with.

Table 2 requires the States to provide the number of handicapped children receiving an education which meets all educational needs, broken out by 9 handicapping conditions in 3 age range categories: 3-5, 6-17, and 18-21. On this table, States are also required to report the number of handicapped children not receiving an education or needing additional services broken down in 9 disability categories by 3 age categories.

Table 3 requires a report of handicapped children served in a continuum of educational settings broken out in 9 disability categories by 3 age categories. Only a total is required for the number of children needing services in each placement setting.

10. NAME AND ADDRESS OF INDIVIDUAL OR OFFICE FROM WHICH COPIES OF THE DATA INSTRUMENT(S) MAY BE OBTAINED: William Tyrrell, U.S. Office of Education, Room 4920, Donohoe Bldg., 400 Maryland Avenue, S.W., Washington, D.C. 20202.

[FR Doc. 79-21149 Filed 7-9-79; 8:45 am]
BILLING CODE 4110-89-M

Office of Human Development Services

Administration for Children, Youth, and Families; Statement of Organization, Functions, and Delegations of Authority

This notice amends Part D of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare, Office of Human Development Services, to reflect added responsibilities for the Adoption Opportunities Program. Chapter DC "Administration for Children, Youth and Families," (44 FR 25701-02, 5/2/79) is amended by inserting at the end of section DC.20 G 1 (Children's Bureau) the following new paragraph:

Administers and manages the Adoption Opportunities Program (Title II Pub. L. 95-266) to facilitate the elimination of barriers to adoption and provide permanent homes for children who would benefit by adoption, particularly those with special needs. Develops model adoption legislation and procedures and provides training and technical assistance in their use by States; develops and manages a national adoption information exchange system, including the operation of a national adoption exchange; develops, manages and monitors a training and technical assistance program to promote quality standards and services in the adoption of children with special needs.

Dated: June 29, 1979.

Frederick M. Bohen,

Assistant Secretary for Management and Budget.

[FR Doc. 79-21241 Filed 7-9-79; 8:45 am]
BILLING CODE 4110-92-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Grand Junction District; Grazing Advisory Board Meeting

Notice is hereby given in accordance with Pub. L. 92-463 that a meeting of the Grand Junction District Grazing Advisory Board will be held August 14, 1979.

The meeting will begin at 1:00 p.m. in the conference room of the Bureau of Land Management Glenwood Springs Area Office, 50629 Highways 6 and 24, Glenwood Springs, Colorado 81601.

The agenda for the meeting will include: (1) Progress report on approved range betterment projects, (2) review and approval of fiscal year 1980 range betterment and advisory board funded

projects, (3) discussion of project billing and payment procedures, and (4) progress report on advisory board election procedures and dates.

The meeting is open to the public. Interested persons may make oral statements to the board between 1:15 and 1:30 on August 14, or file written statements for the board's consideration. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, 764 Horizon Drive, Grand Junction, Colorado 81501, by August 6. Depending upon the number of persons wishing to make oral statements, a per person time limit may be established by the District Manager.

Summary minutes of the board meeting are maintained in the District Office. They are available for public inspection and reproduction (during regular business hours) within 30 days following the meeting.

David A. Jones,

District Manager.

Agenda

Time and Discussion Leader

1:00–1:05—Call to order and opening remarks, Dale Albertson.
1:05–1:10—Welcome and introduction, Dave Jones.
1:10–1:15—Approval of minutes of previous meeting, Dale Albertson.
1:15–1:30—Public presentations, Dale Albertson.
1:30–2:00—Progress report on approved projects, Gus Juarez.
2:00–2:15—Break.
2:15–2:45—Fiscal year 1980 projects, Mac Berta/Al Wright.
2:45–3:15—Billing and payment procedures, Gus Juarez.
3:15–4:00—Advisory Board election procedures, Lee Lauritzen.
4:00—Adjournment, Dale Albertson.

[FR Doc. 79-21148 Filed 7-9-79; 8:45 am]

BILLING CODE 4310-84-M

[Tentative Sales Nos. A66 and 66]

Gulf of Mexico; Call for Nominations of and Comments on Areas for Oil and Gas Leasing

Correction

In FR Doc. 79-20277, published at page 37991, on Friday, June 29, 1979, on page 37992, in the chart "OCS Leasing Maps", in the first column the following corrections should be made:

1. Under "South Texas set":

a. "2. North Padre Padre Island Area" is corrected to read "2 North Padre Island Area";

b. "2A North Padre Padre Island Area East Addition" is corrected to read "2A North Padre Island Area East Addition";

c. "3. Mustang Padre Island Area" is corrected to read "3 Mustang Island Area";

d. "3A Mustang Padre Island Area East Addition" is corrected to read "3A Mustang Island Area East Addition";

e. "4 Matagorda Padre Island Area" is corrected to read "4 Matagorda Island Area".

2. Under "East Texas Set":

a. "7 High Padre Island Area" is corrected to read "7 High Island Area";

b. "7C High Padre Island Area East Addition South Extension" is corrected to read "7C High Island Area East Addition South Extension".

BILLING CODE 1505-01-M

[Colorado 018969]

Pipeline Application Rocky Mountain Natural Gas Co., Inc.

June 27, 1979.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 U.S.C. 185), Rocky Mountain Natural Gas Company, Inc., 1600 Sherman Street, Denver, Colorado 80203, has applied for an amended right-of-way for 3.5-inch o.d. natural gas looping distribution pipeline totaling approximately 1.98 linear miles across the following public lands:

Sixth Principal Meridian, Colorado

T. 9 N., R. 79 W.
Sections 2, 10, 11, and 15, all in Jackson County.

The primary purpose for construction of the proposed additional pipeline capacity is to enable the applicant to convey natural gas from the Canadian River Natural Gas Field by way of the Rocky Mountain Natural Gas Transmission Line to meet the increased natural gas requirements of its customers in Walden, Colorado.

The purposes of this notice are: to inform the public that the Bureau of Land Management will be proceeding with the preparation of environmental and other analyses necessary for determining whether the application should be approved and, if so, under what terms and conditions; to allow interested parties to comment on the application; and to allow any persons asserting a claim to the lands or having bona fide objections to the proposed natural gas pipeline right-of-way to file their objections in this office.

Any person asserting a claim to the lands or having bona fide objections must include evidence that a copy thereof has been served on the applicant.

Any comment, claim, or objections must be filed with the Chief, Branch of Adjudication, Bureau of Land Management, Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202, as promptly as possible after publication of this notice.

John R. Bernick,

Acting Leader, Craig Team, Branch of Adjudication.

[FR Doc. 79-21228 Filed 7-9-79; 8:45 am]

BILLING CODE 4310-84-M

[NM 37494]

New Mexico; Application

July 2, 1979.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Petroleum Development Corporation has applied for one 3-inch natural gas pipeline right-of-way across the following land:

New Mexico Principal Meridian, New Mexico

T. 19 S., R. 32 E.,
Sec. 9, W½SE¼.

This pipeline will convey natural gas across 0.310 of a mile of public land in Lea County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

Fred E. Padilla,

Chief, Branch of Lands and Minerals Operation.

[FR Doc. 79-21229 Filed 7-9-79; 8:45 am]

BILLING CODE 4310-84-M

Wyoming; Decision on Initial Wilderness Inventory

Authority

This decision is issued under the Authority of Section 603 of the Federal Land Policy and Management Act of October 21, 1976 and under the guidelines provided in Step 3 of the "Wilderness Inventory Handbook" of September 27, 1978 issued by the U.S. Department of the Interior, Bureau of Land Management.

Background

The intent of the initial inventory as outlined in Steps 2 and 3 of the "Wilderness Inventory Handbook" is to identify those lands which clearly and obviously do not meet the criteria for wilderness study areas and release these lands from further consideration and from the constraints of interim management as prescribed by Section 603c of the Federal Land Policy and Management Act. A more intensive inventory will now be conducted on those lands which may possess wilderness characteristics.

The initial wilderness inventory of public lands in Wyoming was officially begun by announcement in the Federal Register on November 16, 1978. Substantial data on the existence of roads and other man made features had been collected prior to that time by BLM. All public lands in Wyoming were reviewed and those areas of 5,000 acres or more that appeared to be roadless were identified. An analysis (situation evaluation) was prepared for each such area (inventory unit). Each area was tentatively placed into one of two categories using the criteria as set forth in Section 2c of the Wilderness Act of 1964. These categories were:

1. Areas that may possibly meet the criteria and should receive further analysis.

2. Areas that clearly and obviously do not meet the criteria for identification as wilderness study areas (WSAs).

The initial inventory was completed and announced in the Federal Register for public review and comment on February 7, 1979. This publication initiated a 90 day public comment period which ended on May 15, 1979. During this period 11 informal open houses and 12 public meetings were held to inform the public of the wilderness inventory process and obtain input to be used in arriving at this decision.

During this period over 2,000 comments were received. This is an excellent public response to a vital public land management issue.

Comments from the public open houses and meetings as well as written comments which provided information regarding wilderness characteristics or lack of characteristics for specific inventory units were used in reaching the decisions outlined below.

This notice completes the initial wilderness inventory (Step 3 of the Wilderness Inventory Handbook) in Wyoming.

Decision

After careful analysis of public comments and review of initial inventory findings it is determined that the public lands (private and state lands excluded from acreages) of Wyoming shall be placed into two categories as follows:

1. *Public Lands that clearly and obviously do not meet the criteria for identification as wilderness study areas.* Included are:

a. Public lands which are determined to be either too small in size for consideration or are roaded and were not included in an inventory unit (Refer to transparent overlay no. 1, revised June 1979): The Steamboat Mountain Area of the Rock Springs District is one such area which received public comment. The initial inventory determined that this area did not have a roadless tract of 5,000 acres or more. Public comments suggested that there were areas of 5,000 acres or more without roads. Upon further field examination it was determined that the area does not contain roadless areas of 5,000 acres or more and should not be included in the intensive inventory.

b. Specific inventory units that clearly and obviously do not meet the criteria for identification as wilderness study areas and which were proposed in the February 7, 1979 Federal Register notice to be dropped from further consideration.

These units are:

Unit	Location	Acres
Worland District:		
WY-010-101	Red Canyon Creek	8,475
WY-010-104d	Owl Creek	12,290
WY-010-105	Putney Flats	8,270
WY-010-106	Hamilton Dome	7,840
WY-010-107	Padlock Rim	16,560
WY-010-108	Coal Draw	6,775
WY-010-109	Gebo	35,000
WY-010-110	Sand Draw	13,580
WY-010-111	Juniper	21,180
WY-010-113	Prospect Creek	41,280
WY-010-114	Twentyone Creek	21,560
WY-010-116	Raspberry Draw	6,340
WY-010-118	Soapy Dale	18,720
WY-010-119	Left Hand Creek	7,200
WY-010-122	Grass Creek Basin	9,390
WY-010-124	Blue Mesa	89,840
WY-010-125	Fifteenmile Creek	50,140

Unit	Location	Acres
WY-010-126b	Big Draw	100,500
WY-010-127	Hillberry Rim	21,450
WY-010-128	Little Buffalo Basin	14,950
WY-010-129	Iron Creek	10,520
WY-010-130b	Sheep Draw	93,360
WY-010-131b	Red Butte	193,030
WY-010-202	Wildhorse Butte	47,630
WY-010-203	Kirby Creek	11,630
WY-010-207	Battle Mountain	8,410
WY-010-212	Split Rock	5,620
WY-010-213	Mahogany Butte	7,350
WY-010-219	Otter Creek	6,000
WY-010-220b	Bud Kimball Creek	80,850
WY-010-221b	Honeycombs	112,250
WY-010-222c	Cedar Mountain	52,100
WY-010-223	Neiber Dome	12,710
WY-010-224	Wild Horse Creek	7,725
WY-010-225	Rome Hill	7,230
WY-010-226	Woods Gulch	6,080
WY-010-231	Brokenback	34,790
WY-010-232	Flat Land	8,260
WY-010-233	Sand Creek	106,900
WY-010-234	Bobcat Gulch	19,330
WY-010-235	Ziesman Canyon	5,350
WY-010-236b	Luman Creek	13,180
WY-010-239b	Paint Rock	11,720
WY-010-240b	Medicine Lodge	19,700
WY-010-241d	Potato Ridge	103,000
WY-010-310	Carter Mountain	15,300
WY-010-313	Oregon Coulee	44,200
WY-010-314	Elk Butte	8,950
WY-010-315	Trout Creek	4,960
WY-010-316	Oregon Basin	17,050
WY-010-317	Sulpher Creek	15,260
WY-010-319	Sheep Mountain	19,420
WY-010-325	Rattlesnake	23,860
WY-010-326	Y U Bench	53,800
WY-010-327	Table Mountain	37,120
WY-010-328	Horse Creek	7,530
WY-010-329	Red Gulch	13,740
WY-010-330	Bear Creek	104,000
WY-010-331	Salt Creek	23,850
WY-010-332	Little Dry Creek	15,510
WY-010-333	Spence Dome	12,250
WY-010-334b	Emblem Draw	4,060
WY-010-335b	McCollough Pk	154,600
WY-010-336	Alkali Creek	42,310
WY-010-338	Clark's Fork	10,660
WY-010-340	Pat O'Hara	8,230
WY-010-341	Badland Hills	27,050
WY-010-342	Sand Coulee	39,040
WY-010-343	Polecat	9,850
WY-010-344	Garland	11,500
WY-010-345	Byron	11,240
WY-010-346c	Foster Gulch	56,230
WY-010-347	Sand Draw	9,570
WY-010-348	Little Sheep Mountain	27,060
WY-010-349	Five Springs	17,270
WY-010-350	Cottonwood Creek	24,220
WY-010-351	Little Mountain	30,570
WY-010-353	Lovell	20,210
WY-010-355	Cowley	17,050
WY-010-359	Elk Basin	6,040
Rawlins District:		
WY-030-102	Wind River Unit	1,100
WY-030-103	do	480
WY-030-104	do	2,500
WY-030-105	do	4,100
WY-030-124-133	Lander Area	204,500
WY-030-135-145	do	
WY-030-402	Sandstone Divide	800
WY-030-403	Green Ridge	1,300
WY-030-404	Dexter Peak	560
WY-030-406	Stewart Creek	51,000
WY-030-408	Wild Horse Basin	375,000
WY-030-409	Seven Lakes	400,000
Rock Springs District:		
WY-040-108	Muddy Creek	5,000
WY-040-112	Names Hill Island	40
WY-040-113	Sublette Island	20
WY-040-117	Long Island	80
WY-040-118	Reardon Draw	6,280
WY-040-119	Mileson Draw	6,350
WY-040-120	Buckhorn Draw	6,000
WY-040-121	Alkali Creek	5,280
WY-040-122	Granite Wash	19,000
WY-040-123	Cutoff Springs	6,450
WY-040-124	Mesa	7,800
WY-040-127	Antelope Draw	5,300
WY-040-128	Billy Canyon	6,550
WY-040-129	Soap holes	5,720
WY-040-201	Hickory Mountain	9,000
WY-040-202	do	10,000
WY-040-203	Crooked Canyon	12,915
WY-040-204	Hank Hollow	10,000

Unit	Location	Acres
WY-040-205	Bear River Divide	13,400
WY-040-206	do	5,600
WY-040-207	do	12,000
WY-040-208	do	9,000
WY-040-209	do	3,300
WY-040-210	do	6,500
WY-040-211	do	5,700
WY-040-212	do	5,700
WY-040-213	do	6,000
WY-040-214	do	6,500
WY-040-215	do	4,500
WY-040-216	Rock Creek Ridge	5,100
WY-040-217	Watercress Canyon	7,380
WY-040-218	North Fork	4,500
WY-040-219	Pomeroy	6,100
WY-040-220	Slate Creek	6,000
WY-040-224	Trespass Creek	4,342
WY-040-225	Broom Hollow	5,592
WY-040-226	Sawmill Creek	1,600
WY-040-227	North Chappel Creek	800
WY-040-228	Chappel Creek	1,300
WY-040-229	Sliderock Creek	4,847
WY-040-230	West Fork	700
WY-040-231	Carl Creek	1,300
WY-040-232	East Fork	2,300
WY-040-233	Commissary Ridge	9,228
WY-040-234	Mud Lakes	11,500
WY-040-235	Slate Creek Ridge	4,500
WY-040-236	Grove	9,600
WY-040-237	Willow Creek	7,700
WY-040-238	Sheep Creek	12,000
WY-040-239	Minnehaha Creek	200
WY-040-301	Four Mile Gulch	8,205
WY-040-302	Simpson's Gulch	6,150
WY-040-303	Sublette's Flat	6,579
WY-040-304	West Jonah Gulch	7,155
WY-040-305	Little	7,853
WY-040-308	Dry Sandy	7,663
WY-040-309	Monument Ridge	8,102
WY-040-320	Buffalo Hump Basin	23,142
WY-040-321	Reservoir	11,738
WY-040-322	Bear Creek	11,892
WY-040-328	Waterhole Draw	8,262
WY-040-409	Waggener	58
Casper District:		
WY-060-102	Sand Dunes	17,640
WY-060-103	Cottonwood	28,040
WY-060-104	Hacket	17,280
WY-060-105	Eagle	25,390
WY-060-106	Redwall	13,120
WY-060-107	Composite of Islands	108
WY-060-201b	Gardner Mountain	26,560
WY-060-203	Face of the Big Horns	9,224

c. Specific inventory units identified in the February 7, 1979 Federal Register notice as possibly having wilderness characteristics but where public comments assert and BLM has validated that they clearly and obviously do not have such characteristics. These units are:

Unit	Location	Acres
Worland District:		
WY-010-206	Buffalo Springs Creek	54,490
Rawlins District:		
WY-030-112	Copper Mountain	5,500
WY-030-118	Goat Mountain	11,500
WY-030-119	Sweetwater Rocks	5,760
WY-030-302	Bennett Peak	7,680
WY-030-405	Cyclone Rim	31,000
WY-030-410 [1]	Antelope Springs Draw	4,000
Rock Springs District:		
WY-040-102 [1]	New Fork Lake	80
WY-040-103	Soda Lake	700
WY-040-107	Irish Canyon	760
WY-040-310	South Parnell Creek	8,890
WY-040-329 [1]	Muddy Ridge	1,101
WY-040-330	do	205
WY-040-331	Dutch Joe	2,675
WY-040-332	Squaw Creek	2,329
WY-040-333	East Tie Creek	704
WY-040-334	do	422
WY-040-336	East Fork Sweetwater	928

[1] Released as a result of adjacent National Forest lands being recommended for non-wilderness uses.

All lands identified in paragraphs a, b, and c above are hereby dropped from further consideration in the wilderness inventory and are hereby released from the constraints of interim management under Section 603c of the Federal Land Policy

and Management Act. This decision will become effective August 9, 1979. These lands aggregate approximately 16,649,600 acres and constitute 93.3% of the public lands in Wyoming.

2. *Lands that may possibly meet the wilderness criteria and should receive more intensive inventory.* Included are:

a. Specific inventory units that may possibly meet the criteria for identification as wilderness study areas and which were proposed in the February 7, 1979 Federal Register notice to receive more intensive inventory. These units are:

Unit	Location	Acres
Worland District:		
WY-010-104a, b&c	Owl Creek	750
WY-010-126a	Big Draw	30,700
WY-010-130a	Sheep Mountain	28,530
WY-010-131a	Red Butte	11,500
WY-010-221a	Honeycombs	65,500
WY-010-222a&b	Cedar Mountain	33,300
WY-010-242	Trapper Creek	7,600
Rawlins District:		
WY-030-101	Sweetwater Canyon	7,700
WY-030-106	Whiskey Mountain	1,600
WY-030-107	do	470
WY-030-108	do	360
WY-030-109	Dubois Badlands	4,900
WY-030-110	Whiskey Mountain	400
WY-030-111	Copper Mountain	5,700
WY-030-113	Lysite Mountain	5,700
WY-030-114	Copper Mountain	7,000
WY-030-115	Lysite Badlands	11,000
WY-030-116	Moneta Sand Dunes	5,100
WY-030-117	do	8,000
WY-030-120	Sweetwater Rocks	5,120
WY-030-121	do	8,320
WY-030-122	do	12,830
WY-030-123a,b	do	19,900
WY-030-301	Encampment River Canyon	6,640
WY-030-303	Prospect Mountain	5,760
WY-030-304	Bennett Mountains	8,320
WY-030-305	Pedro Mountains	10,460
WY-030-401 [1]	Adobetown	55,000
WY-030-407	Ferris Mountains	25,000
Rock Springs District:		
WY-040-101 [2]	Scab Creek	9,400
WY-040-104	South Soda Lake	40
WY-040-105	Cottonwood Creek	3,560
WY-040-106	East Fork	4,120
WY-040-109	Cabin Creek	4,880
WY-040-110	Lake Mountain	15,960
WY-040-111	Beaver Creek	4,000
WY-040-114, 115, 116	LeBarge Islands	220
WY-040-125	New Fork Island	60
WY-040-126	Red Canyon	5,300
WY-040-221	Raymond Mountain	33,236
WY-040-222	IGO Speedway	6,648
WY-040-306	Buffalo Hump	9,024
WY-040-307	Sand Dunes	32,064
WY-040-311	Alakli Draw	6,150
WY-040-312	Bush Rim	11,600
WY-040-313	South Pinnacles	11,236
WY-040-314	The Pinnacles	7,941
WY-040-315	Big Empty	6,138
WY-040-316	Alkali Basin	33,037
WY-040-317	East Sand Dunes	11,514
WY-040-318	Red Lake	10,000
WY-040-319	Bush Creek	16,070
WY-040-323	Honeycombs Buttes	72,781
WY-040-324	Oregon Buttes	5,600
WY-040-325	Whitehorse Creek	5,950
WY-040-326	Harris Slough	13,402
WY-040-327	Elk Mountain	9,741
WY-040-335	Mill Creek	1,914
WY-040-401	Devil's Playground	16,704
WY-040-402	Twin Buttes	9,901
WY-040-405	Wildhorse Basin	5,002
WY-040-406	Red Creek Badlands (N)	12,064
WY-040-407	Red Creek Badlands (S)	9,558
WY-040-408 [3]	Adobetown	59,878
WY-040-410	Teepee Mountain	3,572
	(UT-060—106)	2,009
Casper District:		
WY-060-201a	Gardner Mountain	18,440
WY-060-202	North Fork	15,000

[1] Combined with WY-040-408 for intensive inventory.
[2] Instant Study Area—Report and EIS being prepared.
[3] Combined with WY-030-401 for intensive inventory.

b. Specific inventory units proposed in the February 7, 1979 Federal Register notice to be dropped from the inventory but public comment provided information which suggests that the unit may have wilderness characteristics, thus requiring intensive inventory. These units are:

Unit	Location	Acres
Worland District:		
WY010-220a	Bud Kimball Creek	27,300
WY010-236a [5]	Luman Creek	660
WY010-239a [5]	Paint Rock	2,770
WY010-240a [5]	Medicine Lodge	10,800
WY010-241a,b&c	Potato Ridge	56,000
WY010-334a	Emblem Draw	48,300
WY010-335a	McCullough Peak	11,000
WY010-346a&b	Foster Gulch	33,200
Rawlins District: WY030-134	Agate Flats	20,500
Rock Springs District:		
WY040-223	Coal Creek	13,174
WY040-403	Anvil Wash	10,157
WY040-404	Butte Wash	12,403
Casper District:		
WY060-101	La Bonte	3,800
WY060-204	Fortification Creek	33,280

[5] Added due to change made by the President in the USFS RARE II recommendations.

All units identified under paragraphs a and b above, are therefore, placed in the intensive wilderness inventory and retained in interim management under Section 603 of the Federal Land Policy and Management Act. This decision will become effective August 9, 1979. These lands aggregate approximately 1,186,400 acres and constitute approximately 6.7% of the public lands in Wyoming.

These units are being or will be evaluated under the procedures set forth in Step 4, intensive inventory of the "Wilderness Inventory Handbook" (including Appendices 5 and 6). Persons wishing to participate in this inventory and accompany BLM personnel doing the field work may contact the appropriate District or Resource Area office at the addresses listed below.

State Director, Bureau of Land Management, 2515 Warren Avenue, P.O. Box 1828, Cheyenne, WY 82001, 307-778-2220, ext. 2413.

Worland District Office, District Manager, P.O. Box 119, 1700 Robertson Avenue, Worland, WY 82401, 307-347-6151.

Grass Creek Resource Area.[1]

Washakie Resource Area.[1]

Cody Resource Area, Area Manager, P.O. Box 528, Federal Building, 1131 13th, Cody, WY 82414, 307-587-2216.

Rawlins District Office, District Manager, P.O. Box 670, 1300 Third Street, Rawlins, WY 82301, 307-324-7171.

Divide Resource Area.[1]

Medicine Bow Resource Area.[1]

Lander Resource Area, Area Manager, P.O. Box 589, Lander, WY 82520, 307-332-4220.

Rock Springs District Office, District Manager, P.O. Box 1869, Highway 187 N, Rock Springs, WY 82901, 307-382-5350.

Green River Resource Area.[1]

Salt Wells Resource Area.[1]

Pinedale Resource Area, Area Manager, Molyneux Building, Pinedale, WY 82941, 307-467-4358.

Kemmerer Resource Area, Area Manager, P.O. Box 632, Kemmerer, WY 83101, 307-887-3933.

Casper District Office, District Manager, 951 Union Blvd., Casper, WY 82601, 307-265-5550, ext. 5101.

Platte River Resource Area.[1]

Buffalo Resource Area, Area Manager, P.O. Box 670, Buffalo, WY 82834, 307-684-5586.

Newcastle Resource Area, Area Manager, Highway 16 Bypass, Newcastle, WY 82701, 307-746-4453.

Additional Information

More detailed information including a small scale map displaying the decisions contained herein will be available at no cost about mid July 1979. This material may be obtained from any of the BLM offices listed above.

The decisions contained herein are also displayed on a transparent overlay (Transparent overlay No. 1 revised June 1979) to the 1:500,000 scale colored status map of Wyoming which is available at all BLM offices in the state for public review and inspection. This map and overlay which are the official record and may be printed individually upon request. These are available for purchase from the Wyoming State Office of BLM at the above address as follows:

1:500,000 scale colored status map ..... $5.00 ea. copy

Transparent overlay No. 1 revised June 1979 ..... $4.00 ea. copy

Paper copy overlay No. 1 revised ..... $2.50 ea. copy

[1] Located at District Office.

Daniel P. Baker,

State Director.

[FR Doc. 79-20758 Filed 7-9-79; 8:45 am]

BILLING CODE 4310-84-M

Fish and Wildlife Service

Endangered Species Permit; Receipt of Application, William G. Mattox

Applicant: Dr. William G. Mattox, Ohio Dept. of Natural Resources, Fountain Square, Bldg. E., Columbus, Ohio 43224.

The applicant requests a permit to import up to ten (10) infertile peregrine falcon (*Falco peregrinus anatum*, or *F. p. tundrius*) eggs or parts thereof from Greenland for scientific research.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-4400. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before August 9, 1979. Please refer to the file number when submitting comments.

Dated: June 29, 1979.

Larry LaRochelle,

Acting Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 79-21144 Filed 7-9-79; 8:45 am]

BILLING CODE 4310-55-M

Endangered Species Permit; Receipt of Application, Barbara Tata

Applicant: Barbara Tata, P.O. Box 264, Seagoville, Texas 75159.

The applicant requests a permit to export and re-import one female Asian elephant (*Elephas maximus*) in order to accompany a performing male elephant that has mounted her and may again do so in the future. This action is sought in order to preserve the pair bond between the two animals.

Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601 1000 N.

Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-4341. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before August 9, 1979. Please refer to the file number when submitting comments.

Dated: June 29, 1979.

Larry LaRochelle,

Acting Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 79-21145 Filed 7-9-79; 8:45 am]

BILLING CODE 4310-55-M

Heritage Conservation and Recreation Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the Heritage Conservation and Recreation Service before June 29, 1979. Pursuant to § 60.13(a) of 36 CFR Part 60, published in final form on January 9, 1976, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the Keeper of the National Register, Office of Archeology and Historic Preservation, U.S. Department of the Interior, Washington, D.C. 20240. Written comments or a request for additional time to prepare comments should be submitted by July 20, 1979.

Charles A. Herrington,

Acting Keeper of the National Register.

ALASKA

Ketchikan Division

Saxman, *Saxman Totem Park*, S. Tongass Hwy.

CONNECTICUT

Hartford County

East Hartford, *Brewer, Selden, House*, 137 High St. (proposed move).

FLORIDA

Dade County

Miami, *Freedom Tower*, 600 Biscayne Blvd.

GEORGIA

Richmond County

Augusta, *Greene Street Historic District*, Greene St. from Gordon Hwy. to Augusta Canal.

KENTUCKY

Green County

Greensburg, *Greensburg Bank Building*, E. Court St.

MASSACHUSETTS

Essex County

Lynn, *Lynn Masonic Hall*, 64-68 Market St.
Lynn, *Lynn Public Library*, 5 N. Common St.

Suffolk County

Boston, *Bedford Building*, 89-103 Bedford St.

MICHIGAN

Calhoun County

Homer, *Cortright-Van Patten Mill*, 109 Byron St.
Marshall, *Emporium*, 154 and 156 W. Michigan Ave.

Ionia County

Ionia, *Ionia County Courthouse*, E. Main St.

Jackson County

Jackson, *Michigan State Prison*, Armory Ct. and Cooper St.

Kalamazoo County

Kalamazoo, *Desenberg Building*, 251 E. Michigan Ave.
Kalamazoo, *South Street Historic District*, South St. between Oakland Dr. and Westnedge Ave.
Kalamazoo vicinity, *DeLano, William S., House*, N of Kalamazoo at 555 W. E. Ave.

Newaygo County

Croton, *Croton Hydroelectric Plant*, Croton Dam Rd.

Oakland County

Waterford, *Waterford Village Historic District*, Dubay and Pontiff Sts., Steffens, Andersonville and Airport Rds.

Van Buren County

Paw Paw, *Van Buren County Courthouse Complex*, Paw Paw St.

Wayne County

Detroit, *Trombly, Charles, House*, 553 E. Jefferson Ave.

NEW HAMPSHIRE

Rockingham County

Portsmouth, *South Parish*, 292 State St.

NEW JERSEY

Hudson County

Jersey City, *Van Vorst Park Historic District*, roughly bounded by Railroad Ave., Henderson, Grand, Bright and Monmouth Sts.

NEW YORK

Kings County

Brookly, *Flatlands Dutch Reformed Church*, Kings Hwy. and E. 40th St.

Oneida County

Boonville, *Boonville Historic District*, Schuyler, Post, W. Main and Summit Sts.

Orleans County

Albion, *Orleans County Courthouse Historic District*, Courthouse Sq. and environs.

Rensselaer County

Troy, *Willard, Emma, School*, Pawling and Elmgrove Aves.

Westchester County

White Plains, *Purdy, Jacob, House*, 60 Park Ave.

NORTH CAROLINA

Alleghany County

Laurel Springs, *Doughton, Robert L., House*, NC 18.

Transylvania County

Brevard vicinity, *Morgan's Mill*, SW of Brevard on SR 1331.
Pisgah Forest vicinity, *Deaver, William, House*, N of Pisgah Forest on NC 280.

Watauga County

Blowing Rock vicinity, *Westglow (Elliott Daingerfield House*, W of Blowing Rock on U.S. 221.

NORTH DAKOTA

Cass County

Fargo, *Masonic Block*, 11 S. 8th St.

Grand Forks County

Grand Forks, *Campbell House*, 2400 Belmont Rd.

Walsh County

Warsaw, *St. Stanislaus Church Historic District*, off I-29.

OHIO

Ohio and Erie Canal Thematic Resources, various locations in Cuyahoga and Summit Counties.

Columbiana County

Lisbon, *Lisbon Historic District*, U.S. 30 and OH 45.

Cuyahoga County

Cleveland, *League Park*, Lexington and 66th Sts.
Warrensville Heights vicinity, *Cooley Farms*, N of Warrensville Heights off OH 175.

Hamilton County

Cincinnati, *Gwynne Building*, 6th and Main Sts.

Montgomery County

Dayton, *Gilbert, Philip E., Houses*, 1012 Huffman Ave. and 18-30 Belpre Pl.

Morrow County

Chesterville, *Chesterville Multiple Resource Area (Partial Inventory)* OH 95 and OH 314.

Pickaway County

Circleville, *Morris House*, 149 W. Union St.

Stark County

North Canton vicinity, *Hoover Farm*, S of North Canton on Easton St.

Warren County

Springboro, *Wright, Dr. Aaron, House,* 155 W. Central Ave.

Waynesville, *Waynesville Greek Revival Houses,* 5303 and 5323 Wilkerson Lane.

OREGON

Multnomah County

Portland, *Honeyman, James D., House,* 834 SW. St. Clair Ave.

Portland, *Smithson and McKay Brothers Blocks,* 943 and 927 N. Russell St.

SOUTH DAKOTA

Turner County

Parker, *Thielman-Stoddard House,* 132 1st St.

Yankton County

Yankton, *Gurney, Charles, Hotel,* 3rd and Capital Sts.

UTAH

San Juan County

Blanding vicinity, *Westwater Canyon Archeological District,* SW of Blanding.

Uintah County

Jensen vicinity, *Cockleburr Wash Petroglyphs (42 Un 146)* E of Jensen off U.S. 40.

Wasatch County

Heber City, *Wave Publishing Company Building,* 55 W. Center St.

WASHINGTON

Kittitas County

Easton vicinity, *Cabin Creek Historic District,* W of Easton.

Thurston County

Olympia, *Bigelow, Daniel R., House,* 918 Glass St.

WEST VIRGINIA

Braxton County

Sutton, *Old Sutton High School,* N. Hill Rd.

Fayette County

Fayetteville, *Altamont Hotel,* 110 Fayette Ave.

Hardy County

Moorefield, Maslin, Thomas, House (Gamble, Mortimer, House) 131 Main St.

Jackson County

Ravenswood, *Old Ravenswood School,* Henry St.

Jefferson County

Summit Point vicinity, *White House Farm, E of Summit Point on SR 13.*

Marion County

Fairmont, *Fleming, Thomas, W., House,* 300 1st St.

Mason County

Point Pleasant, *Lewis-Capehart-Roseberry House,* 1 Roseberry Lane.

McDowell County

Welch, *McDowell County Courthouse,* Wyoming St.

Ohio County

Wheeling, *Oglebay Mansion Museum,* Oglebay Park.

Pocahontas County

Marlinton, *Marlinton Chesapeake and Ohio Railroad Station,* 8th and 4th Ave.

Randolph County

Elkins, *Albert and Liberal Arts Halls,* Davis and Elkins College campus.

Tucker County

Thomas, *Cottrill Opera House (Sutton's Opera House)* East Ave.

Wood County

Parkersburg, *Wood County Courthouse,* Court Sq.

WISCONSIN

Barron County

Rice Lake, *Rice Lake Mounds (47 Bn-90).*

Brown County

Green Bay, *Astor Historic District,* WI 57.

Buffalo County

Alma, *Sherman House,* 301 S. Main St.

Crawford County

Prairie du Chien, *Powers, Strange, House,* 338 N. Main St.

Grant County

Platteville, *Beebe House,* 390 W. Adams St.

Iron County

Hurley vicinity, *Annala Round Barn,* S of Hurley.

LaCrosse County

West Salem and vicinity, *Palmer Brothers' Octagons,* 358 N. Leonard St. and WI 16.

Marinette County

Marinette, *Lauerman, F. J., House,* 383 State St.

Oconto County

Oconto, *Beyer Home Museum,* 917 Park Ave.

Rusk County

Ladysmith vicinity, *Flambeau Mission Church,* W of Ladysmith.

Sawyer County

Ojibwa vicinity, *Hall-Raynor Stopping Place,* N of Ojibwa on WI G.

Walworth County

Lake Geneva, *Younglands,* 880 Lake Shore Dr.

Washington County

Kewaskum vicinity, *St. John of God Roman Catholic Church, Convent, and School,* E of Kewaskum at 1488 Highland Dr.

Winnebago County

Oshkosh, *Oviatt House,* 842 Algoma Blvd., Winneconne vicinity, *Lasley's Point Site (47 Wn 96).*

WYOMING

Laramie County

Cheyenne, *Keefe Row,* E. 22nd St. and Evans Ave.

[FR Doc. 79-20966 Filed 7-9-79; 8:45 am]

BILLING CODE 4310-03-M

Office of the Secretary

[516 DM 1-6]

National Environmental Policy Act Revised Implementing Procedures

AGENCY: Department of the Interior.

ACTION: Notice of proposed revised procedures.

SUMMARY: This notice proposes revised Departmental policies and procedures for compliance with the National Environmental Policy Act (NEPA), as amended, Executive Order 11514, as amended, and the Council on Environmental Quality's regulations. When adopted these procedures will be published in Part 516 of the Departmental Manual. The proposed procedures adopt the CEQ regulations, provide supplementary instructions, and reflect the Secretary's decisions concerning the issuance of NEPA procedures, the delegation of the preparation of environmental impact statements (EIS), and the role of the Assistant Secretary—Policy, Budget and Administration.

DATE: Comments due August 10, 1979.

ADDRESS: Comments to: Larry E. Meierotto, Assistant Secretary—Policy, Budget and Administration, Department of the Interior, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Bruce Blanchard, Director, Office of Enviromental Project Review, Office of the Secretary, Department of the Interior, Washington, D.C. 20240, Telephone (202) 343-3891.

SUPPLEMENTARY INFORMATION: Part 516 of the Departmental Manual, including Chapter 1 (September 17, 1970), Chapter 2 (September 27, 1971), and Chapter 3 (April 15, 1972) was issued to establish Departmental procedures for implementing the National Environmental Policy Act (NEPA) and Executive Order 11514. Executive Order 11991 and the Council on Environmental Quality (CEQ) regulations necessitate revisions in those procedures. These proposed revised procedures address policy as well as procedure in order to

assure compliance with the spirit and intent of NEPA.

It is the intent of these procedures to set forth one set of broad Departmental directives, including Bureau appendices, to provide policy and procedural instructions to all elements of the Department in complying with the mandates of NEPA and the CEQ regulations. Bureaus will prepare a handbook(s) or other technical guidance on how to apply this Part to principal programs.

In addition, the procedures reflect the Secretary's decision to delegate the approval of environmental impact statements (EIS) to program Assistant Secretaries (with further delegation to Bureaus allowed) in those cases where the responsibility for the decision for which the EIS has been prepared rests with the Assistant Secretary or below. The authority for approval of an EIS where the decision will occur above an individual program Assistant Secretary rests with the Assistant Secretary—Policy, Budget and Administration.

They also set forth the role of the Assistant Secretary—Policy, Budget and Administration and delegate certain functions to the Director, Office of Environmental Project Review, with regard to NEPA matters.

This notice omits Appendices 1–3 of Chapter 1 (NEPA, Executive Order 11514 and the CEQ regulations) and Appendices 2–10 of Chapter 6 (Bureau appendices). The proposed Bureau appendices will be published as notices during the next few weeks for 30-day public comment. Chapter 7 (Review of other agency EISs) and Chapter 8 (Environmental effects abroad) are reserved and will be proposed at a later date.

Comments on these proposed revised procedures are invited. To be considered in the preparation of the final procedures, comments must be received by August 10, 1979.

Dated: July 5, 1979.

Larry E. Meierotto,

Assistant Secretary of the Interior.

Part 516—National Environmental Policy Act of 1969

Chapter 1—Protection and Enhancement of Environmental Quality

516.1.1

1.1 *Purpose.* This chapter establishes the Department's policies for complying with Title 1 of the National Environmental Policy Act of 1969, as amended [42 U.S.C. 4321–4347], hereinafter NEPA [Appendix 1]; Section 2 of Executive Order 11514, Protection and Enhancement of Environmental Quality, as amended by Executive Order 11991 (Appendix 2); and the regulations of the Council on Environmental Quality, hereinafter CEQ, implementing the procedural provisions of NEPA (40 CFR Parts 1500–1508) (Appendix 3).

1.2 *Policy.* It is the policy of the department:

A. To provide leadership in protecting and enhancing those aspects of the quality of the Nation's environment which relate to or may be affected by the Department's policies, goals, programs, plans, or functions in furtherance of national environmental policy;

B. To use all practicable means, consistent with other essential considerations of national policy, to improve, coordinate, and direct its policies, plans, functions, programs, and resources in furtherance of national environmental goals;

C. To interpret and administer, to the fullest extent possible, the policies, regulations, and public laws of the United States administered by the Department in accordance with the policies of NEPA;

D. To consider and give important weight to environmental factors, along with other essential considerations, in developing proposals and making decisions in order to achieve a proper balance between the development and utilization of natural, cultural, and human resources and the protection and enhancement of environmental quality;

E. To consult, coordinate, and cooperate with other Federal agencies and state, local, and Indian tribal governments in the development and implementation of the Department's plans and programs affecting environmental quality and, in turn, to provide to the fullest extent practicable, these entities with information concerning the environmental impacts of their own plans and programs;

F. To provide, to the fullest extent practicable, timely information to the public to better assist in understanding Departmental plans and programs affecting environmental quality and to facilitate their involvement in the development of such plans and programs; and

G. To cooperate with and assist the CEQ.

1.3 *General Responsibilities.* The following responsibilities reflect the Secretary's decision on delegation (516 DM 6.3D) that the officials responsible for making program decisions are also responsible for taking the requirements of NEPA into account in those decisions and will be held accountable for that responsibility:

A. *Assistant Secretary—Policy, Budget and Administration.*

(1) Shall be responsible for overseeing the Department's implementation of NEPA.

(2) Shall be the department's principal contact with the CEQ.

(3) Delegates to the Director, Office of Environmental Project Review, the responsibilities outlined for that Office in this Part.

B. *Solicitor.* Shall be responsible for providing legal advice in the Department's compliance with NEPA.

C. *Assistant Secretaries.*

(1) Shall be responsible for compliance with NEPA, E.O. 11514, as amended, the CEQ regulations, and this part for bureaus and offices under their jurisdiction.

(2) Shall insure that, to the fullest extent possible, the policies, regulations, and public laws of the United States administered under their jurisdiction are interpreted and administered in accordance with the policies of NEPA.

D. *Heads of Bureaus and Offices.* (1) Shall comply with the provisions of NEPA, E.O. 11514, as amended, the CEQ regulations and this part.

(2) Shall interpret and administer, to the fullest extent possible, the policies, regulations, and public laws of the United States administered under their jurisdiction in accordance with the policies of NEPA.

(3) Shall continue to review their statutory authorities, administrative regulations, policies, programs, and procedures, including those related to loans, grants, contracts, leases, licenses, or permits, in order to identify any deficiencies or inconsistencies therein which prohibit or limit full compliance with the intent, purpose, and provisions of NEPA and, in consultation with the Solicitor and the Legislative Counsel, shall take or recommend, as appropriate, corrective actions as may be necessary to bring these authorities and policies into conformance with the intent, purpose, and procedures of NEPA.

(4) Shall monitor, evaluate, and control on a continuing basis their bureau's or office's activities so as to protect and enhance the quality of the environment. Such activities shall include those directed to controlling pollution and enhancing the environment and designed to accomplish other program objectives which may affect the quality of the environment. They shall develop programs and measures to protect and enhance environmental quality and shall assess progress in meeting the specific objectives of such activities as

they affect the quality of the environment.

1.4 *Consideration of Environmental Values.*—A. *In Departmental Management.* (1) In the management of the natural, cultural, and human resources under its jurisdiction, the Department must consider and balance a wide range of economic, environmental, and social objectives at the local, regional, national, and international levels, not all of which are quantifiable in comparable terms. In considering and balancing these objectives, Departmental plans, proposals, and decisions often require recognition of complements and resolution of conflicts among interrelated uses of these natural, cultural, and human resources within technological, budgetary, and legal constraints.

(2) Accordingly, Departmental project reports, program proposals, issue papers, and other decision documents must carefully analyze these various objectives, resources, and constraints, and comprehensively and objectively evaluate the advantages and disadvantages of the proposed actions and their reasonable alternatives. Where appropriate, these documents shall utilize and reference supporting and underlying economic, environmental, and other analyses.

(3) The underlying environmental analyses shall factually, objectively, and comprehensively analyze the environmental effects of proposed actions and their reasonable alternatives. They shall systematically analyze the environmental impacts of alternatives, and particularly those alternatives and measures which would reduce, mitigate, or prevent adverse environmental impacts or which would enhance environmental quality. However, these environmental analyses are not, in and of themselves, program proposals or decision documents, shall not be justifications of proposals and shall not support or deprecate the overall merits of a proposal or its various alternatives.

B. *In Internally Initiated Proposals.* Officials responsible for development or conduct of planning and decisionmaking systems within the Department shall incorporate to the maximum extent necessary and practicable environmental planning as an integral part of these systems in order to ensure that environmental values and impacts are fully considered and in order to facilitate any necessary documentation of those considerations.

C. *In Externally Initiated Proposals.* Officials responsible for development or conduct of loan, grant, contract, lease, license, permit, or other externally initiated activities shall require applicants, to the extent necessary and practicable, to provide environmental information, analyses, and reports as an integral part of their applications in order to encourage applicants to incorporate environmental considerations into their planning processes and in order to provide the Department with necessary information to meet its own environmental responsibilities.

1.5 *Consultation, Coordination, and Cooperation with Other Agencies and Organizations.*—A. *Departmental Plans and Programs.* (1) Officials responsible for planning or implementing Departmental plans and programs shall develop and utilize procedures to consult, coordinate, and cooperate with relevant State, local, and Indian tribal governments; sister bureaus and other Federal agencies; and public and private organizations and individuals concerning the environmental effects of these plans and programs on their jurisdictions or interests.

(2) Bureaus and offices shall utilize, to the maximum extent possible, existing notification, coordination and review mechanisms established by the Office of Management and Budget, the Water Resources Council, and CEQ. However, use of these mechanisms shall not be a substitute for early and positive consultation, coordination and cooperation with others, especially State, local, and Indian tribal governments.

B. *Other Departmental Activities.* (1) Technical assistance, advice, data, and information useful in restoring, maintaining, and enhancing the quality of the environment shall be made available to other Federal agencies, State, local, and Indian tribal governments, institutions, and individuals as appropriate.

(2) Information regarding existing or potential environmental problems and control methods developed as a part of research, development, demonstration, test, or evaluation activities shall be made available to other Federal agencies, State, local, and Indian tribal governments, institutions, and other entities as appropriate.

(3) Recognizing the worldwide and long-range character of environmental problems, where consistent with the foreign policy of the United States, appropriate support shall be made available to initiatives, resolutions, and programs designed to maximize international cooperation in anticipating and preventing a decline in the quality of mankind's world environment.

C. *Plans and Programs of Other Agencies and Organizations.* (1) Officials responsible for protecting, conserving, developing, or managing resources under the Department's jurisdiction shall coordinate and cooperate with State, local, and Indian tribal governments, sister bureaus and other Federal agencies, and public and private organizations and individuals and provide them with timely information concerning the environmental effects of the plans and programs of these other agencies and organizations.

(2) Bureaus and offices are encouraged to participate early in the planning processes of other agencies and organizations in order to insure full cooperation with and understanding of the Department's programs and interests in natural, cultural, and human resources.

(3) Bureaus and offices shall utilize to the fullest extent possible, existing Departmental review mechanisms to avoid unnecessary duplication of effort and to avoid confusion by other organizations.

1.6 *Public Involvement.* Bureaus and offices, in consultation with the Office of Public Affairs, shall develop and utilize procedures to insure the fullest practicable provision of timely public information and understanding of their plans and programs with environmental impact in order to obtain the views of interested parties. These procedures shall include, wherever appropriate, provision for public meetings or hearings, and shall provide the public with relevant information, including information on the environmental impacts of alternative courses of action. Bureaus and offices shall also encourage State and local agencies to adopt similar procedures for informing the public concerning their activities affecting the quality of the environment. (See also 301 DM 2.)

1.7 *Mandate.* A. This Part provides Department-wide regulatory instructions for complying with NEPA.

B. The Department hereby adopts the regulations of the CEQ implementing the procedural provisions of NEPA (Sec. 102(2)(C)) except where compliance would be inconsistent with other statutory requirements. In the case of any apparent discrepancies between these procedures and the mandatory provisions of the CEQ regulations, the regulations shall govern. Supplementing instructions are provided in subsequent Chapters of this Part. Citations in brackets refer to the CEQ regulations.

C. Instructions specific to each bureau are appended to Chapter 6. In addition, bureaus shall prepare a handbook(s) or other technical guidance for their personnel on how to apply this Part to principal programs.

2.1 *Purpose.* This Chapter provides supplementary instructions for implementing those portions of the CEQ regulations pertaining to initiating the NEPA process.

2.2 *Apply NEPA Early* (1501.2). A. Bureaus shall initiate early consultation and coordination with other bureaus and any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved, and with appropriate Federal, State, local, and tribal agencies authorized to develop and enforce environmental standards.

B. Bureaus shall revise or amend program regulations or directives to insure that private or non-Federal applicants are informed of any environmental information required to be included in their applications and of any consultation with other Federal agencies, and State, local, or Indian tribal governments required prior to making the application. A list of these regulations or directives shall be included in each Bureau Appendix to Chapter 6.

2.3 *Whether to Prepare an Environmental Impact Statement* (1501.4).—A. *Categorical Exclusions* (1508.4). (1) The following criteria shall be used to determine actions to be categorically excluded from the NEPA process:

(a) The action or group of actions would have no significant effect on the quality of the human environment, and

(b) The action or group of actions would not involve unresolved conflicts concerning alternative uses of available resources.

(2) Based on the above criteria, the classes of actions listed in Appendix 1 to this Chapter are categorically excluded, Department-wide, from the NEPA process. Bureaus shall list categorical exclusions specific to their programs in the Bureau Appendix to Chapter 6.

(3) The following exceptions apply to individual actions within categorical exclusions. Environmental documents must be prepared for actions which:

(a) Adversely affect public health or safety.

(b) Adversely affect such unique characteristics as historic or cultural resources, park, recreation, or refuge lands, wilderness areas, wild or scenic rivers, sole or principal drinking water aquifers, prime farmlands, wetlands, floodplains, or ecologically significant or critical areas, including those listed on the Department's National Register of Natural Landmarks.

(c) Are environmentally controversial.

(d) Have highly uncertain environmental effects or involve unique or unknown environmental risks.

(e) Establish a precedent for future action or represent a decision in principle about a future consideration with significant environmental effects.

(f) Are related to other actions with individually insignificant but cumulatively significant environmental effects.

(g) Adversely affect properties listed or eligible for listing in the National Register of Historic Places.

(h) Affect a species listed or proposed to be listed on the List of Endangered or Threatened Species.

(i) Threaten to violate a Federal, State, local, or tribal law or requirements imposed for the protection of the environment or which require compliance with Executive Order 11988 (Floodplain Management), Executive Order 11990 (Protection of Wetlands), or the Fish and Wildlife Coordination Act.

(4) Notwithstanding the criteria and exceptions above, extraordinary circumstances may dictate or a responsible Departmental or bureau official may decide to prepare environmental documents.

B. *Environmental Assessment (EA)* (1508.9). See Chapter 3.

C. *Finding of No Significant Impact (FONSI)* (1508.13). A FONSI shall be prepared as a separate covering document based upon a review of an EA. Accordingly, the words *include*(d) in Section 1508.13 should be interpreted as *attached*(ed).

D. *Notice of Intent (NOI)* (1508.22). A NOI shall be prepared as soon as practicable after a decision to prepare an environmental impact statement and shall be published in the Federal Register, with a copy to the Office of Environmental Project Review, and made available to the affected public in accordance with § 1506.6. Publication of a NOI may be delayed if there is proposed to be more than three months between the decision to prepare an environmental impact statement and the time preparation is actually initiated. The Office of Environmental Project Review shall periodically publish a consolidated list of these notices in the Federal Register.

E. *Environmental Impact Statement (EIS)* (1508.11). See Chapter 4. Bureaus shall identify decisions/actions which would normally require the preparation of an EIS in the Bureau Appendix to Chapter 6.

2.4 *Lead Agencies* (1501.5). A. The Assistant Secretary—Policy, Budget and Administration shall designate lead bureaus within the Department when bureaus under more than one Assistant Secretary are involved and shall represent the Department in consultations with CEQ or other Federal agencies in the resolution of lead agency determinations.

B. Bureaus shall inform the Office of Environmental Project Review of any agreements to assume lead agency status.

C. A non-Federal agency shall not be designated as joint lead agency unless it has a duty to comply with an environmental impact statement requirement in addition to but not in conflict with NEPA. Any non-Federal agency may be a cooperating agency by agreement. Bureaus shall consult with the Solicitor's Office in cases where such non-Federal agencies are also applicants before the Department to determine relative lead/cooperating agency responsibilities.

2.5 *Cooperating Agencies* (1501.6). A. The Office of Environmental Project Review shall assist bureaus and coordinate requests from non-Interior agencies in determining cooperating agencies.

B. Bureaus shall inform the Office of Environmental Project Review of any agreements to assume cooperating agency status or any declinations pursuant to § 1501.6(c).

2.6 *Scoping* (1501.7). A. The invitation requirement in § 1501.7(a)(1) may be satisfied by including such an invitation in the NOI.

B. If a scoping meeting is held, consensus is desirable; however, the lead agency is ultimately responsible for the scope of an EIS.

2.7 *Time Limits* (1501.8). When time limits are established they should reflect the availability of personnel and funds.

The following actions are categorical exclusions when they do not significantly affect the quality of the human environment. However, environmental documents shall be prepared for individual actions within these categorical exclusions if the exceptions listed in 516 DM 2.3A(3) apply.

1.1 Personnel actions and investigations and personnel services contracts.

1.2 Internal organizational changes and facility and office reductions and closings.

1.3 Routine financial transactions, including such things as salaries and expenses, procurement contracts, grants, loans, guarantees, financial assistance, and income transfers.

1.4 Law enforcement and legal transactions, including such things as arrests,

investigations, patents, claims, legal opinions, and administrative hearings and decisions.

1.5 Regulatory and enforcement actions when the regulations themselves or the instruments of regulations (leases, permits, licenses, etc.) have previously been covered by the NEPA process or are exempt from it.

1.6 Data collection, inventory (including mapping), study, research and monitoring activities.

1.7 Routine and continuing government business, including such things as supervision, administration, operation, maintenance, and replacement.

1.8 Management, formulation, and allocation of the Department's budget at all levels. (This does not exempt the preparation of environmental documents for proposals included in the budget when otherwise required.)

Chapter 3—Environmental Assessments 516.3

3.1 *Purpose.* This Chapter provides supplementary instructions for implementing those portions of the CEQ regulations pertaining to environmental assessments (EA).

3.2 *When to Prepare* (1501.3). A. An EA shall be prepared for all actions, except those covered by a categorical exclusion, covered sufficiently by an earlier environmental document, or for those actions for which a decision has already been made to prepare an EIS. The purpose of such an EA is to allow the responsible official to determine whether to prepare in EIS.

B. In addition, an EA may be prepared on any action at any time in order to assist in planning and decisionmaking.

3.3 *Public Involvement.* A. Public notification shall be provided and, where appropriate, the public involved in the EA process (1506.6).

B. The scoping process may be applied to an EA (1501.7).

3.4 *Content.* A. At a minimum, an EA shall include brief discussions of the need for the proposal, of alternatives as required by Section 102(2)(E) of NEPA, of the environmental impacts of the proposed action and alternatives, and a listing of agencies and persons consulted (1508.9(b)).

B. In addition, an EA may be expanded to describe the proposal, a broader range of alternatives, and proposed mitigation measures if this facilitates planning and decisionmaking.

C. The level of detail and depth of impact analysis should normally be limited to that needed to determine whether there are significant environmental effects.

D. An EA shall contain objective analyses which support its environmental impact conclusions. It shall not, in and of itself, conclude whether or not an EIS shall be prepared. This conclusion shall be made upon review of the EA by the responsible official.

3.5 *Format.* A. An EA may be prepared in any format useful to facilitate planning and decisionmaking.

B. An EA may be combined with any other planning or decisionmaking document; however, that portion which analyzes the environmental impacts of the proposal and alternatives shall be clearly and separately identified and not spread throughout or interwoven into other sections of the document.

Chapter 4—Environmental Impact Statements 516.4

4.1 *Purpose.* This Chapter provides supplementary instructions for implementing those portions of the CEQ regulations pertaining to environmental impact statements (EIS).

4.2 *Statutory Requirements* (1502.3). NEPA requires that an EIS be prepared by the responsible Federal official. This official is normally the lowest-level official who has overall responsibility for formulating, reviewing, or proposing an action or, alternatively, has been delegated the authority or responsibility to develop, approve, or adopt a proposal or action. Preparation at this level will insure that the NEPA process will be incorporated into the planning process and that the EIS will accompany the propsal through existing review processes.

4.3 *Timing* (1502.5). A. The feasibility analysis (go/no-go) stage, at which time as EIS is to be completed, is to be interpreted as the stage prior to the first point of major commitment to the proposal. For example, this would normally be at the authorization stage for proposals requiring Congressional authorization, the location of corridor stage for transportation, transmission, and communication projects, and the leasing stage for mineral resources proposals.

B. An EIS need not be commenced until an application is complete, including any environmental information, consultation with other agencies, and advance funding required to be supplied by the applicant.

4.4 *Page Limits* (1502.7). Where the text of an EIS for a complex proposal or group of proposals appears to require more than the normally prescribed limit of 300 pages, bureaus shall insure that the length of such statements is no greater than necessary to comply with NEPA, the CEQ regulations, and this Chapter.

4.5 *Supplemental Statements* (1502.9). A. Supplements are only required if the changes in the proposed action or alternatives, the new circumstances, or the resultant significant effects are not adequately analyzed in the previously prepared EIS.

B. A bureau and/or the appropriate program Assistant Secretary shall consult with the Office of Environmental Project Review and the Office of the Solicitor prior to propsing to prepare a final supplement without preparing an intervening draft.

C. If, after a decision has been made based on a final EIS, a described proposal is further defined or modified and if its effects are minor or still within the scope of the earlier EIS, an EA and FONSI may be prepared for subsequent decisions rather than a supplement.

4.6 *Format* (1502.10). A. Proposed departures from the standard format described in the CEQ regulations and this Chapter must be approved by the Office of Environmental Project Review.

B. The section listing the distribution of the EIS shall also briefly describe the consultation and public involvement processes utilized in planning the proposal and in preparing the EIS, if this information is not discussed elsewhere in the document.

C. If CEQ's standard format is not used or if the EIS is combined with another planning or decisionmaking document, the section which analyzes the environmental consequences of the proposal and its alternatives shall be clearly and separately identified and not interwoven into other portions of or spread throughout the document.

4.7 *Cover Sheet* (1502.11). The cover sheet shall also indicate whether the EIS is intended to serve any other environmental review or consultation requirements pursuant to § 1502.25.

4.8 *Summary* (1502.12). The emphasis in the summary should be on those considerations, controversies, and issues which significantly affect the quality of the human environment.

4.9 *Purpose and Need* (1502.13). This section may introduce a number of factors, including economic and technical considerations and Departmental or bureau statutory missions, which may be beyond the scope of the EIS. Care should be taken to insure an objective presentation and not a justification.

4.10 *Alternatives Including the Proposed Action* (1502.14). A. As a general rule, the following guidance will apply:

(1) For internally initiated proposals; i.e., for those cases where the Department conducts or controls the planning process, both the draft and final EIS shall include the bureau's proposed action.

(2) For externally initiated proposals; i.e., for those cases where the Department is reacting to an application or similar request, the draft and final EIS shall include the applicant's proposed action and the bureau's preferred alternative unless another law prohibits such an expression.

(3) Proposed departures from this guidance must be approved by the Office of Environmental Project Review and the Office of the Solicitor.

B. Mitigation measures are not necessarily independent of the proposed action and its alternatives and should be incorporated into and analyzed as a part of the proposal and appropriate alternatives. Where appropriate, major mitigation measures may be identified and analyzed as separate alternatives in and of themselves where the environmental consequences are distinct and significant enough to warrant separate evaluation.

4.11 *Appendix* (1502.18). If an EIS is intended to serve other environmental review or consultation requirements pursuant to § 1502.25, any more detailed information needed to comply with these requirements may be included as an appendix.

4.12 *Incorporation by Reference* (1502.21). Citations of specific topics shall include the pertinent page numbers. All literature referenced shall be listed in the bibliography.

4.13 *Incomplete or Unavailable Information* (1502.22). The references to overall costs in this section are not limited to market costs, but include other costs to society such as social costs due to delay.

4.14 *Methodology and Scientific Accuracy* (1502.24). Conclusions about environmental effects shall be preceded by an analysis that supports that conclusion unless explicit reference by footnote is made to other supporting documentation that is readily available to the public.

4.15 *Environmental Review and Consultation Requirements* (1502.25). A. A list of related environmental review and consultation requirements is attached as Appendix 1.

B. If the EIS is intended to serve as the vehicle to fully or partially comply with any of these requirements, the associated analyses, studies, or surveys will be identified as such and discussed in the text of the EIS and the cover sheet will so indicate. Any supporting analyses or reports shall be referenced or included as an appendix and shall be sent to reviewing agencies as appropriate in accordance with applicable regulations or procedures.

4.16 *Inviting Comments* (1503.1). A. Comments from State agencies shall be requested through the State Clearinghouse established by the Governor pursuant to OMB Circular A-95, unless the Governor has designated an alternate review process, and may be requested from local agencies through Areawide Clearinghouses to the extent that they include the affected local jurisdiction.

B. When the proposed action may affect the environment of an Indian reservation, comments shall be requested from the Indian tribe through the tribal governing body, unless the tribal governing body has designated an alternate review process.

4.17 *Response to Comments* (1503.4). A. Preparation of a final EIS need not be delayed in those cases where a Federal agency, from which comments are required to be obtained (1503.1(a)(1)), does not comment within the prescribed comment period. Informal attempts shall be made to determine the status of any such comments and every reasonable attempt should be made to include the comments and a response in the final EIS.

B. When other commenters are late, their comments should be included in the final EIS to the extent practicable.

C. For those EISs requiring the approval of the Assistant Secretary—Policy, Budget and Administration pursuant to 516 DM 6.3D(2), bureaus shall consult with the Office of Environmental Project Review when they propose to prepare an abbreviated final EIS (1503.4(4)(c)).

4.18 *Predecision Referrals to CEQ* (1504.3). A. Upon receipt of advice that another Federal agency intends to refer a Departmental matter to CEQ, the lead bureau shall immediately notify its Assistant Secretary and the Office of Environmental Project Review and shall meet with that Federal agency to attempt to resolve the issues raised.

B. The Office of Environmental Project Review shall be responsible for coordinating the Departmental position on any referrals of Departmental actions to CEQ by other Federal agencies.

4.19 *Elimination of Duplication with State and Local Procedures* (1506.2). Bureaus shall incorporate in their appropriate program regulations provisions for the preparation of an EIS by a State agency to the extent authorized in Section 102(2)(D) of NEPA. Eligible programs are listed in Appendix 2.

4.20 *Combining Documents* (1506.4). See paragraph 4.6C of this Chapter.

4.21 *Departmental Responsibility* (1506.5). Following the responsible official's preparation or independent evaluation of and assumption of responsibility for an environmental document, an applicant may print it provided the applicant is bearing the cost of the document pursuant to other laws.

4.22 *Public Involvement* (1506.6). See 301 DM 2.

4.23 *Further Guidance* (1506.7). The Office of Environmental Project Review may provide further guidance concerning NEPA pursuant to its organizational responsibilities (110 DM 22) and through supplemental directives (015 DM 6).

4.24 *Proposals for Legislation* (1506.8). The Legislative Counsel, in consultation with the Office of Environmental Project Review, shall:

A. Identify in the annual submittal to OMB of the Department's proposed legislative program any requirements for and the status of any environmental documents.

B. When required, insure that a legislative EIS is included as a part of the formal transmittal of a legislative proposal to the Congress.

4.25 *Time Periods* (1506.10). A. Because of the uncertainty in predetermining the beginning of the comment period for a draft EIS, the minimum review period shall be sixty (60) days from the date of filing with the Environmental Protection Agency.

B. For those EISs requiring the approval of the Assistant Secretary—Policy, Budget and Administration pursuant to 516 DM 6.3D(2), the Office of Environmental Project Review shall be responsible for consulting with the Environmental Protection Agency and/or CEQ about any proposed reductions in time periods or any extensions of time periods proposed by those agencies.

Appendix 1—List of Other Environmental Review and Consultation Requirements

1.1 *Cultural Resources*

Archeological and Historic Preservation Act of 1974, 16 U.S.C. § 469a-1.

National Historic Preservation Act of 1966 (Sec. 106), 16 U.S.C. § 470f.

Antiquities Act of 1906, 16 U.S.C. § 431.

Executive Order 11593 (Protection and Enhancement of the Cultural Environment).

American Indian Religious Freedom Act, 92 Stat. 469.

1.2 *Water and Related Land Resources*

Marine Protection, Research and Sanctuaries Act of 1972 (Sec 102, 103, 301), 16 U.S.C. § 1431 *et seq.*

Safe Drinking Water Act of 1974, 42 U.S.C. § 300f.

Flood Disaster Protection Act of 1973, 12 U.S.C. § 24, 1701-1 Supp, 42 U.S.C. § 4001 *et seq.*

Coastal Zone Management Act of 1972, 16 U.S.C. § 1451, 1456.

Estuary Protection Act, 16 U.S.C. § 1221.
Executive Order 11988 (Floodplain Management).
Executive Order 11990 (Wetlands Protection).
Federal Water Project Recreation Act (Ss 6(a)) 16 U.S.C. § 4601–17.
Clean Water Act (§§ 208, 303, 401, 402, 404, 405, 511) 33 U.S.C. §§ 1288, 1314, 1341, 1342, 1344.
Rivers and harbors Act of 1899 (§ 9 and § 10), 33 U.S.C. § 401 *et seq.*
Wild and Scenic Rivers Act of 1968 (Sec. 7), 16 U.S.C. § 1274 *et seq.*
Federal Power Act, 16 U.S.C. § 797.
Water Resources Planning Act of 1965, 42 U.S.C. § 1962 *et seq.*
Water Resources Council's Principles and Standards.

1.3 *Wildlife*
Endangered Species Act (Sec. 7), 16 U.S.C. § 1531 *et seq.*
Fish and Wildlife Coordination Act, 16 U.S.C. §§ 661, 662.
Fish and Wildlife Conservation at Small Watershed Projects, 16 U.S.C. §§ 1001, 1005(4), 1008.

1.4 *Public Lands, Open Space, Recreation*
Federal Land Policy and Management Act, 43 U.S.C. §§ 1701, 1761–1771.
Mineral Leasing Act Amendments of 1973, 30 U.S.C. § 185.
Forest and Rangeland Renewable Resources Act, 16 U.S.C. § 1601 *et seq.*
Land and Water Conservation Fund Act of 1965 (Sec. 6(f)), 16 U.S.C. § 4601–8(f).
Open Space Lands, 42 U.S.C. § 1500a(d).
Urban Park and Recreation Recovery Act, 16 U.S.C. § 2501 *et seq.*
National Trails System Act, 16 U.S.C. § 1241.

1.5 *Marine Resources*
Deepwater Port Act, 33 U.S.C. §§ 1501, 1503–1505.
Ocean Dumping, 33 U.S.C. §§ 1401, 1412, 1413, 1414.
Marine Protection, Research and Sanctuaries Act, 16 U.S.C. §§ 1431–1434.

1.6 *Transportation*
Department of Transportation Act of 1966 (Sec. 4(f)) 49 U.S.C. § 1653(f).
Federal Aid Highway Act of 1958, 23 U.S.C. §§ 128, 138.
Urban Mass Transportation Act of 1964, 49 U.S.C. §§ 1602, 1610.
Airport and Airway Development Act of 1970, 49 U.S.C. § 1716.
Federal Aviation Act, 49 U.S.C. § 3334.

1.7 *Air Quality*
Clean Air Act, 42 U.S.C. § 7401 *et seq.*

1.8 *Miscellaneous*
Intergovernmental Coordination Act of 1968, 42 U.S.C. §§ 4201, 4231, 4233 (A–95 review process, including urban impact analysis).
Demonstration Cities and Metropolitan Development Act of 1966, 42 U.S.C. § 3334.
Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. § 1201 *et seq.*
Resources Conservation and Recovery Act of 1976, 42 U.S.C. § 3251 *et seq.*
Noise Control Act of 1972, as amended, 42 U.S.C. § 4901 *et seq.*

Appendix 2—Programs Eligible for State Agency Preparation of an EIS

2.1 U.S. Fish and Wildlife Service
A. Anadromous Fish Conservation; CFDA #15.600
B. Fish Restoration; CFDA #15.605
C. Wildlife Restoration; CFDA #15.611
D. Endangered Species Conservation; CFDA #15.612

2.2 Heritage Conservation and Recreation Service
A. Outdoor Recreation—Acquisition, Development and Planning; CFDA #15.400
B. Historic Preservation Grants-in-Aid; CFDA #15.411
C. Urban Park and Recreation Recovery Program Grants; (not yet incorporated in CFDA)

Chapter 5—Relationship to Decisionmaking 516.5

5.1 *Purpose.* This Chapter provides supplementary instructions for implementing those portions of the CEQ regulations pertaining to decisionmaking.

5.2 *Decisionmaking Procedures* (1505.1). A. Procedures for decisions by the Secretary/Under Secretary are specified in 301 DM 1. Assistant Secretaries should follow a similar process when an environmental document accompanies a proposal for their decision.

B. Bureaus shall incorporate in their formal decisionmaking procedures provisions for consideration of environmental factors and relevant environmental documents and shall identify in the Bureau Appendix to Chapter 6 the major decision points for principal programs likely to have significant environmental effects.

C Relevant environmental documents, including supplements, shall be included as part of the record in formal rulemaking or adjudicatory proceedings.

D. The decisionmaker shall consider the environmental impacts of the alternatives described in any relevant environmental document and the range of these alternatives must encompass the alternatives considered by the decisionmaker.

5.3 *Record of Decision* (1505.2). A. Decision documents for proposals involving an EIS shall incorporate all appropriate provisions of § 1505.2 (b) and (c)

B. If a decision document is made available to the public following a decision, it shall serve the purpose of a record of decision.

5.4 *Implementing the Decision* (1505.3). The terms "monitoring" and "conditions" shall be interpreted as being related to factors affecting the quality of the human environment.

5.5 *Limitations on Actions* (1506.1). A bureau shall notify its Assistant Secretary, the Solicitor, and the Office of Environmental Project Review of any situations described in § 1506.1(b).

5.6 *Timing of Actions* (1506.10). For those EISs requiring the approval of the Assistant Secretary—Policy, Budget and Administration pursuant to 516 DM 6.3D(2), the responsible official shall consult with the Office of Environmental Project Review before making any request for reducing the time period before a decision or action.

5.7 *Emergencies* (1506.11). In the event of an unanticipated emergency situation, a bureau shall immediately take any necessary action to prevent or reduce risks to public health or safety or serious resource losses and then expeditiously consult with its Assistant Secretary, the Solicitor, and the Office of Environmental Project Review about compliance with NEPA. The Office of Environmental Project Review and the bureau shall jointly be responsible for consulting with CEQ.

Chapter 6—Managing the NEPA Process 516.6

6.1 *Purpose.* This Chapter provides supplementary instructions for implementing those provisions of the CEQ regulations pertaining to procedures for implementing and managing the NEPA process.

6.2 *Organization for Environmental Quality.*—A. *Office of Environmental Project Review.* The Director, Office of Environmental Project Review, reporting to the Assistant Secretary—Policy, Budget and Administration, is responsible for providing advice and assistance to the Department on matters pertaining to environmental quality and for overseeing and coordinating the Department's compliance with NEPA, E.O. 11514, the CEQ regulations, and this part. Points of contact are listed in Appendix 1. (See also 110 DM 22).

B. *Bureaus and Offices.* Heads of bureaus and offices shall designate organizational elements or individuals, as appropriate, at headquarters and regional levels to be responsible for overseeing matters pertaining to the environmental effects of the bureau's plans and programs. The individuals assigned these responsibilities should have management experience or potential, understand the bureau's planning and decisionmaking processes, and be well trained in environmental matters, including the Department's policies and procedures so that their advice has significance in the bureau's planning and decisions. Bureaus shall

list these organizational elements in the Bureau Appendix to this Chapter.

6.3 *List of Specific Compliance Responsibilities.* A. Heads of bureaus and offices shall:

(1) Prepare NEPA handbooks providing guidance on how to implement NEPA in principal program areas.

(2) Prepare program regulations for applicants.

(3) Propose categorical exclusions.

(4) Prepare and approve EAs.

(5) Decide whether to prepare an EIS.

(6) Prepare and publish NOIs and FONSIs.

(7) Prepare and, when delegated, approve EISs.

B. Assistant Secretaries shall:

(1) Approve bureau handbooks.

(2) Approve regulations for applicants.

(3) Approve categorical exclusions.

(4) Approve EISs pursuant to paragraph 6.3D..

C. The Assistant Secretary—Policy, Budget and Administration shall:

(1) Concur with regulations for applicants.

(2) Concur with categorical exclusions.

(3) Approve EISs pursuant to paragraph 6.3D.

D. (1) The Secretary's authority to approve an EIS(s) is delegated to the cognizant program Assistant Secretary(s) in those cases where the responsibility for the decision for which the EIS has been prepared rests with the Assistant Secretary or below. The Assistant Secretary may further delegate the authority to approve the EIS if he or she chooses. The Assistant Secretary—PBA shall make certain that each program Assistant Secretary has adequate safeguards to assure that the EISs comply with NEPA, the CEQ regulations and the Departmental Manual.

(2) The Secretary's authority to approve an EIS(s) shall remain with the Assistant Secretary—PBA in those cases where the decision for which the EIS has been prepared will occur at a level in the Department above an individual program Assistant Secretary.

6.4 *Bureau Procedures.* A. Bureau procedures appear as appendices to this Chapter and include the following:

(1) Identification of organizational elements responsible for overall review of NEPA compliance (paragraph 6.2B). These elements are also places where interested persons can get information about the NEPA process.

(2) List of program regulations or guidance which provide information to applicants (516 DM 2.2B).

(3) Identification of major decision points in principal programs (516 DM 5.2B). These decision points shall be further identified as to whether an EIS is normally prepared (516 DM 2.3E).

(4) List of categorical exclusions (516 DM 2.3A).

B. Appendices are attached for the following bureaus:

(1) Fish and Wildlife Service (Appendix 2).

(2) Geological Survey (Appendix 3).

(3) Heritage Conservation and Recreation Service (Appendix 4).

(4) Bureau of Indian Affairs (Appendix 5).

(5) Bureau of Land Management (Appendix 6).

(6) Bureau of Mines (Appendix 7).

(7) National Park Service (Appendix 8).

(8) Bureau of Reclamation (Appendix 9).

(9) Office of Surface Mining (Appendix 10).

C. The Office of the Secretary and other Departmental Offices do not have separate appendices, but must comply with this Part and shall consult with the Office of Environmental Project Review about compliance activities.

Appendix 1—Office of Environmental Project Review

Address: Office of Environmental Project Review, Office of the Secretary, Department of the Interior, Washington, D.C. 20240.

Location: Room 4256, Interior Building, 18 and C Streets, NW., Washington, D.C.

Telephone:

Director—343-3891.

Staff Assistant—343-3891.

Chief, Land Management Staff—343-2116.

Chief, Water Resources Staff—343-5464.

Chief, Energy Facilities Staff—343-6128.

Chief, Transportation Projects Staff—343-7564.

Regional offices:

Northeast Region (ME, NH, VT, MA, CT, RI, NY, PA, NJ, MD, VA, WV, DC)
Regional Environmental Officer, Office of the Secretary of the Interior, 15 State Street, Boston, Massachusetts 02109, (617) 223-5517, (FTS) 223-5517.

Southeast Region (TN, KY, NC, SC, AL, MS, GA, FL, PR)
Regional Environmental Officer, Office of the Secretary of the Interior, 148 International Boulevard, NW., Atlanta, Georgia 30303, (404) 242-4524, (FTS) 242-4524.

North Central Region (OH, IN, MI, IL, WI, MN)
Regional Environmental Officer, Office of the Secretary of the Interior, 175 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353-6612, (FTS) 353-6612.

Southwest Region (LA, AR, OK, TX, NM)
Regional Environmental Officer, Office of the Secretary of the Interior, Post Office Box 2088, (Suite 1400, 5301 Central Avenue, NE.), Albuquerque, New Mexico 87103, (505) 474-3565, (FTS) 474-3565.

Missouri Basin Region (ND, SD, NE, IA, MO, KS, CO, WY, MT, UT)
Regional Environmental Officer, Office of the Secretary of the Interior, Room 688, Building 67, Denver Federal Center, Denver, Colorado 80225, (303) 234-2071, (FTS) 234-2071.

Pacific Southwest Region (AZ, NV, CA, HI, Am. Samoa, Guam, Pac Tr Terrs)
Regional Environmental Officer, Office of the Secretary of the Interior, Post Office Box 36098, (450 Golden Gate Avenue), San Francisco, California 94102, (415) 556-8200, (FTS) 556-8200.

Pacific Northwest Region (ID, OR, WA)
Regional Environmental Officer, Office of the Secretary of the Interior, Suite 1692, 500 N.E. Multnomah Street, Portland, Oregon 97232, (503) 231-6157, (FTS) 429-6157.

Alaska
Regional Environmental Officer, Office of the Secretary of the Interior, Post Office Box 120, (Room 233, 1675 C Street), Anchorage, Alaska 99510, (907) 271-5011, (FTS) 271-5011.

[FR Doc. 79-21200 Filed 7-9-79; 8:45 am]

BILLING CODE 4310-10-M

National Park Service

Indiana Dunes National Lakeshore Advisory Commission; Meeting; Correction

In FR Doc. 79-20584 appearing at page 39313 in the issue for Thursday, July 5, 1979, paragraph four, No. 2 should be corrected to read as follows: "2. Presentation of all aspects of the assessment and review of alternatives of the General Management Plan for public participation."

Dated: July 5, 1979.

Randall R. Pope,

Acting Regional Director, Midwest Region.

[FR Doc. 79-21316 Filed 7-9-79; 8:45 am]

BILLING CODE 4310-70-M

Oil Shale Environmental Advisory Panel; Meeting

Notice is hereby given in accordance with Pub. L. 92-463 that a meeting of the Oil Shale Environmental Advisory Panel will be held July 24 and 25, 1979, at the Denver Marina Hotel, 303 West Colfax Avenue in Denver, Colorado. The meeting will begin at 8:30 a.m. on Tuesday, July 24, in the Horn Room and conclude at 4:00 p.m. Wednesday, July 25.

The Panel was established to assist the Department of the Interior in the performance of its functions in connection with the supervision of oil shale leases issued under the Prototype Oil Shale Leasing Program.

The purpose of this meeting is to review a technical modification of the Detailed Development Plan for lease tract C-a which has been submitted by Rio Blanco Oil Shale Company and to receive public comments on the plan modification. The panel will be briefed on the proposed changes during the Tuesday morning session. Public comments will be heard beginning at 1:00 p.m. and again at 7:00 p.m. on Tuesday, July 24. Sufficient time will be provided to receive comments from all who make prior arrangements to speak and others present who have comments will also be heard subject to reasonable time limitations. Oral statements should be limited to 10 minutes; however additional written comments may be submitted and will become part of the record of the Panel meeting. Written comments may also be submitted to the Office of the Area Oil Shale Supervisor by August 1, 1979.

The Technical Modification was submitted to the U.S. Geological Survey Area Oil Shale Supervisor on June 28, 1979. Copies are available for inspection at the U.S.G.S. Area Oil Shale Office, 131 North 6th Street, Suite 300, Grand Junction, Colorado, and at the Oil Shale Environmental Advisory Panel Office, Room 820-A, Building 67, Denver Federal Center, Denver, Colorado. Copies are also available for inspection at the following locations:

Federal Documents Librarian, Colorado State Library, 1362 Lincoln, Denver, Colorado
Documents Librarian, Colorado State University, Fort Collins, Colorado
Colorado School of Mines Library, Golden, Colorado
Denver Public Library, Conservation Library, 1357 Broadway, Denver, Colorado
USDI, Natural Resource Library, Interior Building, 18th and C St., NW, Washington, DC
Mesa County Public Library, 530 Grand Avenue, Grand Junction, Colorado
Rifle Public Library, Rifle, Colorado
Rangely Public Library, Rangely, Colorado
Meeker Public Library, Meeker, Colorado

The Panel will receive reports from Interior officials, from various workgroups of the Panel and be briefed on the Department of Energy's Oil Shale Program and environmental research and will consider any other matters which have come before the Panel.

The meeting is open to the public. It is expected that space will permit at least 100 persons to attend the meeting in addition to the panel members. In addition to the Tuesday, June 24, opportunity for comment on the Development Plan Modification, interested persons may make brief presentations to the Panel on Wednesday afternoon, June 25, or file written statements with the Chairman. Requests to speak to the Panel should be made to Mr. Henry O. Ash, Chairman, Office of the Oil Shale Environmental Advisory Panel, Department of the Interior, Room 820-A, Building 67, Denver Federal Center, Denver, Colorado 80225, telephone (303) 234-3275.

Further information concerning this meeting may be obtained from Mr. Ash's office. Minutes of the meeting will be available for public inspection 30 days after the meeting at the panel office.

Guy R. Martin,
Assistant Secretary.
July 5, 1979.
[FR Doc. 79-21388 Filed 7-9-79; 8:45 am]
BILLING CODE 4310-10-M

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration

Guide for Discretionary Grant Programs, M4500.1G for Fiscal Year 1979; National Victim/Witness Strategy

AGENCY: Law Enforcement Assistance Administration, Department of Justice.

ACTION: Publication of final guideline for the National Victim/Witness Strategy.

SUMMARY: This change is an addition to M4500.1G, *Guide for Discretionary Grant Programs*, and as such will be subject to the same regulations which govern that manual. It will not in any way impact upon the programs or regulations presently set out in M4500.1G, nor will it effect the eligibility of those individuals applying for previously announced programs.

FOR FURTHER INFORMATION CONTACT: Jan Kirby, Program Manager, National Victim/Witness Strategy, Special Programs Division, Office of Criminal Justice Programs, Law Enforcement Assistance Administration, 633 Indiana Avenue, NW., Washington, D.C. 20531.

SUPPLEMENTARY INFORMATION: The Law Enforcement Assistance Administration (LEAA) has established a new program as an addition to the Fiscal Year 1979 *Guide for Discretionary Grant Programs*, M4500.1G, as announced in draft form in the Federal Register on May 22, 1979, (44 FR 29744-29746). This program is being issued under Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, 42 U.S.C. 3701, et seq. The program will develop, expand, and improve the services to crime victims and witnesses, through the creation or support of centralized structures or networks of victim/witness service providers and the mobilization of existing non-governmental groups and organizations. It is expected that these newly generated efforts will result in: (1) An improvement in the quality of justice by satisfying the emotional and social needs of crime victims and witnesses; (2) increased participation by the victim and witness in the criminal justice system made possible by the ready availability of information materials and directories about criminal justice operations; (3) greater willingness of the victim and witness to cooperate in the apprehension and prosecution of the offender; (4) reduced time and cost in the performance of criminal justice activities; and (5) increased rates of successful criminal investigations and prosecutions. Eligible applicants include: for Statewide Networks—any state or local unit of government, not-for-profit organization, or a coalition of these groups that can effectively coordinate victim/witness efforts in that state; for Non-Governmental Organizations—not-for-profit organizations (criminal justice or other) already active in fields germane to victim/witness services; and for Intergovernmental Agencies—federal agencies that have initiated or are considering initiating programs relating to victim/witness services at the state or local level.

COMMENTS RECEIVED: Approximately 100 groups and individuals have responded favorably to this new initiative. There were no suggested changes to the guidelines. In general, those contacting the office requested additional information and guidance as to how they might apply for funding under this announcement. Fourteen (14) State Planning Agencies commented on this new announcement. All were supportive, although several noted that the funding level is extremely limited. Many of the comments related to the victim/witness services in their respective states.

Minor modifications were made to the Objective and Evaluation portions of the guidelines for the purpose of improved clarification. The text of the programs follows:

59. Programs to Support a National Victim/Witness Strategy

a. *Program Objective.* The objective of this program is to develop, expand, and improve the services to crime victims and witnesses through the creation or support of centralized structures or networks of victim/witness service

providers and the mobilization of existing non-governmental groups and organizations. It is expected that these newly generated efforts will result in: (1) An improvement in the quality of justice by satisfying the emotional and social needs of crime victims and witnesses; (2) increased participation by the victim and witness in the criminal justice system made possible by the ready availability of information materials and directories about criminal justice operations; (3) greater willingness of the victim and witness to cooperate in the apprehension and prosecution of the offender; (4) reduced time and cost in the performance of criminal justice activities; and, (5) increased rates of successful criminal investigations and prosecutions.

(1) *Problem Addressed.* Crime victims and witnesses often suffer significant physical, emotional, and financial hardship as a result of their victimization or participation in the criminal justice process. These citizens have traditionally been the forgotten party in the criminal justice system since the system focuses first on the crime itself and thereafter primarily on the offender. The victim/witness stands alone with crime-induced needs and problems that are the concern of no one agency in the criminal justice system. Yet, much is expected of the victim and witness in the arrest and prosecution of the offender, while being offered little recompense for these efforts in the way of rehabilitation and restoration of health, time, and property.

Over the last several years, both criminal justice and social service agencies (public and private) have begun to develop and provide services to meet the needs of victims and witnesses. LEAA has funded a variety of such victim/witness projects and initiatives. While a wealth of expertise, resource materials, and programmatic models have been developed, these efforts have to a degree been isolated and not shared with other efforts in the field. The establishment of new projects has often been accomplished without utilizing information gained by well-established programs.

In addition to criminal justice agencies, a wide range of organizations, i.e., social service, national groups, and voluntary organizations, can and should become involved in aiding the victim/witness and the criminal justice system through supportive and ancilliary services. However, these groups have not been sufficiently involved in this area because of a lack of networks and structures to promote the sharing of expertise and knowledge.

(2) *Results Sought.* This program will focus on creating and supporting centralized structures for planning, coordinating, and assisting victim/witness services and the criminal justice system on a federal, state, and local level. Grant funds will not be utilized to provide direct services to victims and witnesses.

Expected results of this program include:

(a) Increased cooperation among agencies involved in victim/witness services, programs, and initiatives;

(b) Increased coordination of efforts within the victim/witness area to be served by the various projects;

(c) Improved collection and analysis of data;

(d) Increased cooperation on the part of the victim/witness with the criminal justice system leading to successful investigation and prosecution of cases;

(e) Improved utilization of existing knowledge and expertise in the area of victim/witness services, thereby reducing duplication and fragmentation; and

(f) As a result of these coordination activities, it is anticipated that there will be improved capability at the federal, state, local, and private level to provide victim/witness services and support to the criminal justice system in this area.

(3) *Assumptions.* There is an extensive body of knowledge in the victim/witness field that is not being fully utilized by the variety of agencies and organizations which are or can be involved in victim/witness services. These agencies often operate independently of one another. More coordination and cooperation will enhance the efficiency of these agencies' efforts and initiatives while reducing wasteful duplication and fragmentation. Creating and supporting centralized structures will provide the needed capability to plan, coordinate, and implement new initiatives in victim/witness services. This will in turn enhance the quality and strengthen the effectiveness of those services and increase the likelihood of their institutionalization.

c. *Program Strategy.* Grants will be made to support LEAA's National Victim/Witness Strategy aimed at enhancing coordination and cooperation among criminal justice and non-criminal justice agencies which should become involved in assisting victim/witness programs. In particular, funds will be made available to establish statewide networks, stimulate national organizations to develop victim/witness programs, and support the coordination of efforts and initiatives undertaken by other federal agencies. Based on research and experience, it has been determined that such coordination and cooperation are required to successfully provide victim/witness services that will be beneficial to the victim/witness and improve the successful operations of the criminal justice system.

Details of initiatives to be sponsored for each major component of this program strategy are as follows:

(1) *For Statewide Coordinating Networks.* This program will support statewide coordinating networks in up to six states to successfully link all victim/witness programs within that state. This coordinated effort should promote new victim/witness services and ultimately improve the service delivery system to all victims and witnesses of crime in that state.

Program elements for statewide networks include:

(a) The establishment of a statewide organization to facilitate and encourage the development of effective victim/witness services throughout the state;

(b) The development of a comprehensive plan for victim/witness services through the conduct of a statewide needs assessment;

(c) The survey of existing needs and resources, the analysis of gaps in service, and recommendations for needed programs and intervention strategies;

(d) The development of a training and technical assistance delivery system directed towards victim/witness service providers and potential providers statewide;

(e) The collection, preparation, and dissemination of training and informational materials (i.e., manuals, audiovisual materials, training packages, criminal justice and human service curricula) tailored to the needs of the individual recipient;

(f) The promotion of a statewide effort to collect and synthesize victim/witness-related data;

(g) The interface, existing or potential, with any automated case management system (e.g., PROMIS) in which data on victim/witnesses is maintained for adjudication purposes;

(h) The development of protocols and the establishment of linkages and cooperative agreements between statewide and local criminal justice agencies and victim/witness programs; and,

(i) The establishment of a public information mechanism aimed at increasing the awareness of the community to the needs and problems of victim/witnesses and the availability of

programs and services operating to meet those needs.

(2) *For Non-Governmental Applications.* This program will support up to four projects undertaken by national not-for-profit organizations, agencies, or associations. Applicants may represent either criminal justice or non-criminal justice constituencies.

The strategy proposed must address victim/witness problems from the perspective of their respective organizations but with the aim of improving and facilitating the continued involvement of the victim/witness in the criminal justice system.

Elements that may be included in the project are:

(a) A public awareness campaign directed towards raising constituency and/or the general public's awareness of victim/witness problems as well as proposing strategies to alleviate these problems;

(b) Mobilization of their membership to assist the criminal justice system in the provision of victim/witness services;

(c) Utilization of the media and channels of communication to feature information on the victim/witness field; and,

(d) Development of materials, national directories, training programs, and procedures to assist in their efforts.

(3) *For Joint Intergovernmental Projects.* LEAA will enter into Interagency Agreements with other federal agencies to provide services for states and/or localities. The exact focus of this effort will be determined through consultation with those federal agencies involved in victim/witness activities.

d. *Dollar Range and Number of Grants or Interagency Agreements.*

(1) *Statewide Networks.* This program will fund up to six projects from $25,000 to $75,000.

(2) *Non-Governmental Organizations.* This program will fund up to four projects to national organizations up to $50,000.

(3) *Intergovernmental Agencies.* Three joint victim/witness projects not to exceed $50,000 each.

(4) All projects will be awarded on a 12-month basis with consideration for one additional year based on review and LEAA program monitoring. First year funding will require a 10 percent cash match and second year funding will require a 20 percent cash match.

e. *Eligibility for Projects.*

(1) *Statewide Networks.* Any state or local unit of government, not-for-profit organization, or a coalition of these groups that can effectively coordinate victim/witness efforts in that state.

(2) *Non-Governmental Orgnaizations.* Not-for-profit organizations (criminal justice or other) already active in fields germane to victim/witness services.

(3) *Intergovernmental Agencies.* Federal agencies that have initiated or are considering initiating programs relating to victim/witness services at the state or local level.

f. *Application Deadline and Submission Procedures.*

(1) All applications must be submitted by July 15, 1979. No applications will be considered if received after that date.

(2) In addition to the application copies sent to the state and local A-95 clearinghouses, the regional planning unit, and the state planning agency, the original plus two copies of the entire application package should be sent to: Control Desk, Grants and Contracts Management Division, Office of the Comptroller, Law Enforcement Assistance Administration, 633 Indiana Avenue, NW., Washington, D.C. 20531.

g. *Criteria for Selection.*

(1) All applicants must provide evidence of an administrative structure that can effectively achieve the project directives.

(2) All applicants must demonstrate the extent to which program requirements (Subparagraph c. above) are met.

(a) *For Statewide Networks.*

1. Applicants must demonstrate the extent and evidence of involvement and participation of relevant governmental and non-governmental agencies.

2. Applicants must show evidence that the proposed project will support LEAA's National Strategy on Victim/Witness Programs.

(b) *For Non-Governmental Applicants.*

1. Applicants must describe how this proposed activity will complement the organization's on-going program or mission.

2. Applicants must show evidence that the proposed project will support LEAA's National Strategy on Victim/Witness Programs.

(c) *Intergovernmental Agencies.* Must show evidence that a joint project will enhance victim/witness services.

h. *Evaluation Requirements.* Applicants must meet the self-assessment and monitoring requirements set forth in LEAA' *Guide for Discretionary Grant Programs,* M4500.1G. The plans, reports, and products produced through these grants will be reviewed by a select panel. In addition applicants must agree to cooperate with and provide all necessary data to a cluster evaluation to be undertaken in FY 1980 of all projects supported by this program.

Homer F. Broome,

Deputy Administrator for Administration.

[FR Doc. 79-21310 Filed 7-9-79; 8:45 am]

BILLING CODE 4410-18-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

National Advisory Committee on Occupational Safety and Health; NACOSH Reappointments and Meeting

Notice is hereby given that the National Advisory Committee on Occupational Safety and Health (NACOSH) will meet on July 23, 1979 at the New Department of Labor Building, 3rd Street and Constitution Avenue, N.W., Washington, D.C. The Committee will meet in Room N-5437. The meeting will begin at 9:30 a.m. The public is invited to attend.

The National Advisory Committee was established under section 7(a) of the Occupational Safety and Health Act of 1970 (Pub. L. 91-596) to advise the Secretary of Labor and the Secretary of Health, Education and Welfare on matters relating to the administration of the Act.

The terms of six members of the National Advisory Committee on Occupational Safety and Health expired on June 30, 1979. Those members are:

Andrea Hricko, Public representative
Dr. Ernest Dixon, Management representative
George H. R. Taylor, Labor representative
Dr. Don B. Chaffin, Health representative
Dr. Marcus M. Key, Health representative
Claudia Miller, Health representative

Each of these members has been reappointed for a two year term ending June 30, 1981.

The meeting agenda will include a discussion of the plans for NIOSH's new National Occupational Hazard Survey (NOSH II), a report on the OSHA New Directions Training and Education Program, and a report on the progress on the issue of Benchmarks for Fully Effective State Plans. Updates on other OSHA and NIOSH activities will be presented.

For additional information contact:

Clarence Page, Division of Consumer Affairs, Occupational Safety and Health Administration, Room N-3635, 3rd Street and Constitution Avenue, NW., Washington, D.C. 20210, Telephone: (202) 523-8024.

Written data or views concerning these agenda items may be submitted to the Division of Consumer Affairs. Such documents which are received before

the scheduled meeting dates, preferably with 20 copies, will be presented to the Committee and included in the official record of the proceedings.

Anyone who wishes to make an oral presentation should notify the Division of Consumer Affairs before the meeting date. The request should include the amount of time desired, the capacity in which the person will appear and a brief outline of the content of the presentation. Oral presentations will be scheduled at the discretion of the chairman of the Committee to the extent which time permits.

Official records of the meetings will be available for public inspection at the Division of Consumer Affairs.

Signed at Washington, D.C. this 3rd day of July, 1979.

Eula Bingham,

Assistant Secretary of Labor.

[FR Doc. 79-21088 Filed 7-9-79; 8:45 am]

BILLING CODE 4510-26-M

Employment and Training Administration

Employment Transfer and Business Competition Determinations Under the Rural Development Act; Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed for the purposes given in the attached list. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 U.S.C. 1924(b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75. In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.

4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing on or before July 24, 1979. Comments received after the two-week period may not be considered. Send comments to: Administrator, Employment and Training Administration, 601 D Street, N.W., Washington, D.C. 20213.

Signed at Washington, D.C. this 5th day of July 1979.

Ernest G. Green,

Assistant Secretary for Employment and Training.

Applications Received During the Week Ending July 7, 1979

Name of applicant and location of enterprise	Principal product or activity
AMCOR Industries, Inc., Delmont, Pa	Manufacture of aluminum windows (commercial and residential).
American Roller Bearing Co. of North Carolina, Burke County, N.C	Manufacture cylindrical radial and thrust bearings.
Romney International Hotels, Inc., Yuma, Ariz	Motel.
Campbell Hall Realty, Inc., Hamptonburgh, N.Y	Nursing home.
Trend Line Corp., Flowood, Miss	Food wholesaler and processor.
Best Western, Bullhead City, Ariz	Motel.

[FR Doc. 79-21282 Filed 7-9-79; 8:45 am]

BILLING CODE 4510-30-M

Mine Safety and Health Administration

[Docket No. M-79-33-C]

Macon Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Macon Coal Company, Inc., P.O. Box Q, St. Charles, Virginia 24282, has filed a petition to modify the application of 30 CFR 75.1719 (illumination), to its No. 2 Mine, located in Lee County, Virginia. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977, Public Law 95-164.

The substance of the petition follows:

1. The petition concerns the illumination of underground working places in which self-propelled mining equipment is operated.

2. The petitioner is mining in heights ranging from 32 to 34 inches.

3. In the close quarters of the mine, lighting on the petitioner's continuous mining machine would temporarily blind miners in the area, causing them to turn their backs to the machinery and thus expose themselves to hazardous situations.

4. In addition, such lighting would impair the use of signal lamps for communication between miners.

5. For these reasons, the petitioner believes that additional illumination as required by the standard would reduce the safety of its miners, and therefore requests relief from the application of the standard.

Request for Comments

Persons interested in this petition may furnish written comments on or before August 9, 1979. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: June 25, 1979.

Robert B. Lagather,

Assistant Secretary for Mine Safety and Health.

[FR Doc. 79-21244 Filed 7-9-79; 8:45 am]

BILLING CODE 4510-43-M

Office of the Secretary

[TA-W-5354]

A. Jacobs & Sons Co., Inc., Lynn, Mass.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on May 3, 1979 in response to a worker petition received on April 30, 1979 which was filed on behalf of workers formerly producing athletic shoes at A. Jacobs and Sons Company, Incorporated, Lynn, Massachusetts. It is concluded that all of the requirements have been met.

The U.S. imported 43.7 million pairs of athletic shoes in 1978 compared to an annual average of 27.8 million pairs during the period 1974 to 1977. The ratio of imports to domestic production in 1978 was 280.1 percent compared to an average annual ratio of 262.0 percent during the period 1974 to 1977.

A departmental survey of a sample of the customers of A. Jacobs and Sons revealed that most have increased purchases of imported athletic shoes and decreased purchases from A. Jacobs and Sons.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with athletic shoes produced at A. Jacobs and Sons Company, Incorporated, Lynn, Massachusetts contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of A. Jacobs and Sons Company, Incorporated, Lynn, Massachusetts who became totally or partially separated from employment on or after October 22, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 2nd day of July 1979.

James F. Taylor,

Director, Office of Management, Administration, and Planning.

[FR Doc. 79-21245 Filed 7-9-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5381]

Ark-Less Corp., Watertown, Mass.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on May 14, 1979 in response to a worker petition received on May 9, 1979 which was filed on behalf of workers and former workers producing electrical components and switches at the Ark-Less Corporation, Watertown, Massachusetts. The investigation revealed that all component parts produced at Watertown are used in the final product—electrical switches. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Sales of electrical switches by the Watertown, Massachusetts plant of the Ark-Less Corporation increased in 1978 compared to 1977 and the first four months of 1979 compared to the same period of 1978. Sales also increased in four consecutive quarters from the second quarter of 1978 through the first quarter of 1979 when compared to the same quarter of the previous year.

Conclusion

After careful review, I determine that all workers of the Ark-Less Corporation, Watertown, Massachusetts are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 3rd day of July 1979.

James F. Taylor,

Director, Office of Management, Administration, and Planning.

[FR Doc. 79-21246 Filed 7-9-79; 8:45 am]

BILLNG CODE 4510-28-M

[TA-W-5358]

Atlantic Products Corp., Atlantic Division, Trenton, N.J.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on May 8, 1979, in response to a worker petition received on May 5, 1979, which was filed on behalf of workers and former workers producing soft vinyl luggage at the Atlantic Division of Atlantic Products Corp., Trenton, New Jersey. The investigation revealed that the plant produces luggage (utility bags), golf bags, tennis bags, bowling bags, and Avon bags. It is concluded that all of the requirements have been met.

U.S. imports of luggage increased absolutely and relative to domestic production in 1977 compared to 1976 and in 1978 compared to 1977.

Imports of luggage and tennis bags by Atlantic Products Corp., Atlantic Division increased in 1977 compared to 1976 and in 1978 compared to 1977. As a percentage of both the Atlantic Division's sales, and total Atlantic Products Corp. sales, company imports increased from 1976 to 1977 and from 1977 to 1978.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with luggage and tennis bags produced at the Atlantic Division of Atlantic Products Corp., Trenton, New Jersey contributed importantly to the decline in sales and production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of the Atlantic Division of Atlantic Products Corp., Trenton, New Jersey who became totally or partially separated from employment on or after June 17, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 2nd day of July 1979.

C. Michael Aho,

Director, Office of Foreign Economic Research.

[FR Doc. 79-21247 Filed 7-9-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5500]

E&A Coal Co., Inc., Raleigh County, W. Va.; Certification Regarding Eligibility To Apply for Worker Adjustments Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on June 4, 1979 in response to a worker petition received on May 29, 1979 which was filed by the United Mine Workers of America on behalf of workers and former workers producing coal for E&A Coal Company, Inc., Raleigh County, West Virginia. It is concluded that all of the requirements have been met.

U.S. imports of metallurgical coal are negligible. However, in accordance with Section 222 of the Trade Act of 1974 and 29 CFR 90.2, a domestic article may be "directly competitive" with an imported article at a later stage of processing. Coke is metallurgical coal at a later stage of processing. Therefore, imports of coke as well as imports of metallurgical coal should be considered in determining import injury to workers producing metallurgical coal.

U.S. imports of coke increased in 1977 from 1976 and again in 1978 from 1977, both absolutely and relative to domestic production.

The Department of Labor conducted a survey of the major customers purchasing metallurgical coal from E&A Coal Company's major purchaser of metallurgical coal. Some of this company's major customers reduced domestic purchases of metallurgical coal from 1977 to 1978, and increased purchases of imported coke over the same period.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with metallurgical coal produced at E&A Coal Company, Inc., Raleigh County, West Virginia contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of E&A Coal Company, Inc., Raleigh County, West Virginia, engaged in employment related to the production of metallurgical coal who became totally or partially separated from employment on or after April 24, 1979 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 3rd day of July 1979.

James F. Taylor,

Director, Office of Management, Administration, and Planning.

[FR Doc. 79-21248 Filed 7-9-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5424]

Flat Top Colliery Corp., Raleigh County, W. Va.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on May 18, 1979, in response to a worker petition received on May 7, 1979, which was filed by the United Mine Workers of America on behalf of workers and former workers mining coal at the Flat Top Colliery Corporation, Flat Top Mine #3, Raleigh County, West Virginia. It is concluded that all of the requirements have been met.

Imports of metallurgical coal are negligible. However, in accordance with Section 222 of the Trade Act of 1974 and 29 CFR 90.2, a domestic article may be "directly competitive" with an imported article at a later stage of processing. Coke is metallurgical coal at a later stage of processing. U.S. imports of coke increased absolutely and relative to U.S. production in 1977 compared to 1976 and in 1978 compared to 1977. Imports of coke increased absolutely in the first two months of 1979 compared to the same period of 1978.

Flat Top Colliery Corporation mines metallurgical coal on a contract basis for a larger coal company. A Department survey of the larger coal company's customers revealed that major domestic customers decreased purchases of metallurgical coal from the larger coal company in 1978 compared to 1977 and increased purchases of imported coke during the same time period.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with metallurgical coal mined by the Flat Top Colliery Corporation, Raleigh County, West Virginia contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of the Flat Top Colliery Corporation, Raleigh County, West Virginia who became totally or partially separated from employment on or after April 21, 1979 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974

Signed at Washington, D.C. this 2nd day of July 1979.

C. Michael Aho,

Director, Office of Foreign Economic Research.

[FR Doc. 79-21249 Filed 7-9-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5018]

GAF Corp., Dyestuffs Division, Charlotte, N.C.; Negative Determination Regarding Application for Reconsideration

By letter of June 7, 1979, the petitioners requested administrative reconsideration of the Department of Labor's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance in the case of former workers marketing and warehousing dyes and pigments at the Charlotte, North Carolina, facility of GAF. The determination was published in the Federal Register on May 25, 1979, (44 FR 30491).

Pursuant to 29 CFR 90.18(c), reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts previously considered; or

(3) If, in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justifies reconsideration of the decision.

The petitioners claim in their application for reconsideration that (1) the decline in production and sales at Rensselaer started long before the sale of the Rensselaer plant and was linked to import competition, and (2) that the closing of the Charlotte facility after the Rensselaer plant sale to a German competitor was due to foreign competition. Lastly, the petitioners' claim that the Charlotte situation closely parallels GAF's Binghamton Photo Plant (TA-W-2293), whose workers together with those in all its branch offices were certified.

The Department's review revealed that workers at Charlotte, North Carolina, were denied eligibility because they did not meet the increased import criterion of the Trade Act of 1974.

The discontinuation of the Charlotte operations was not importantly attributable to increased import competition but rather to the sale by GAF of its dye-stuff operation including the Rensselaer plant. In July, 1977 GAF announced a policy of contraction wherein GAF would eliminate parts of the company's business that were either unprofitable or lacked good profit potential. Agreement in principle on the sale of the Rensselaer plant to BASF was reached in December, 1977. The sales transaction was completed in April, 1978. GAF sales and distribution outlets including the Charlotte facility were replaced by BASF's marketing network.

Further, import competition did not lead to declines in sales or production or to declines in production-related employment at the Rensselaer plant prior to its sale to a foreign industry competitor. Production and employment at Rensselaer increased in 1977 compared to 1976 and in each quarter of 1977 compared to the respective quarter in the previous year. All GAF production at Rensselaer was terminated in March, 1978; however, the plant continued to produce dyes and pigments under new management after March, 1978. The purchase of a plant by a foreign competitor and the subsequent closings of its supporting units and that replacement by the new owner's marketing network do not meet the criteria for certification for adjustment assistance under the Trade Act of 1974.

The Department does not agree with the petitioners' claim that the Charlotte situation closely parallels that at GAF's Binghamton Photo Plant (TA-W-2293). Production at the latter plant was terminated. Increased imports of articles competitive with those produced at Binghamton were found to have contributed importantly to separations there.

Conclusion

After review of the application and the investigative file, I conclude that there has been no error or misinterpretation of fact or misinterpretation of the law which would justify reconsideration of the Department of Labor's prior decision. The application is, therefore, denied.

Signed at Washington, D.C., this 3rd day of July 1979.

James F. Taylor,

Director, Office of Management, Administration, and Planning.

[FR Doc. 79-21251 Filed 7-9-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5353]

Igoe Brothers, Newark, N.J.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on May 3, 1979 in response to a worker petition received on April 30, 1979 which was filed by the United Steelworkers of America on behalf of workers and former workers of Igoe Brothers, Newark, New Jersey. The investigation revealed that the plant produced primarily steel reinforced bars and wire products. In the following determination, without regard to whether any of the other criterial have been met, the following criterion has not been met:

That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated.

The average number of production workers producing wire products increased in 1978 compared with 1977 and increased in the first quarter of 1979 compared with the like period in 1978. Average quarterly employment has remained constant since mid-1978.

Igoe Brothers phased out production of bars in January 1978. Most of the workers were laid off in January 1978, and all related workers had been laid off or absorbed into other operations of the company prior to April 24, 1978. Total domestic shipments of reinforcing bars increased each year from 1976 through 1978 and in the first quarter of 1979 compared to the first quarter of 1978. Imports of reinforcing bars declined from 1976 to 1977. Imports increased slightly in 1978 and again declined in the first quarter of 1979 compared to the first quarters of 1978. The impact of imported reinforcing bars is very regionalized. Of total U.S. imports of 93 thousand tons in 1977 only 4.3 thousand tons entered through Atlantic Coast ports and of total U.S. imports of 110 thousand tons in 1978 only 1.5 thousand tons entered through Atlantic Coast ports.

Conclusion

After careful review I determine that all workers of Igoe Brothers, Newark, New Jersey are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 2nd day of July 1979.

James F. Taylor,

Director, Office of Management, Administration, and Planning.

[FR Doc. 79-21252 Filed 7-9-79; 8:45 am]

BILLING CODE 4510-28-M

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether

absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than July 20, 1979.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than July 20, 1979.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 2nd day of July 1979.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

Appendix

Petitioner Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Ford Aerospace & Communications Corp. (workers).	Connersville, Ind	6/23/79	6/25/79	TA-W-5682	Auto air conditioning components.
Gotham Shoe Co. (ACTWU)	Binghamton, N.Y	6/18/79	6/19/79	TA-W-5683	Athletic shoes.
Homell Garments Inc. (workers)	Brooklyn, N.Y	6/20/79	6/22/79	TA-W-5684	Contractor for ladies coats and raincoats.
Kingston Knitting Mills, Inc. (workers)	Kingston, N.Y	6/20/79	6/22/79	TA-W-5685	Knitted sweaters.
Neumier Co. (workers)	New York, N.Y	6/23/79	6/22/79	TA-W-5686	Buying, sewing, and selling of window curtains.
Paul Tem Sportswear (ILGWU)	Long Branch, N.J	6/20/79	6/20/79	TA-W-5687	Contractor for ladies coats, suits, and raincoats.
Piney Creek Coal Co. (Mine No. 1 (UMWA))	Beckley, W Va	6/22/79	6/8/79	TA-W-5688	Mining of coal.
York Dress Co. (ILGWU)	York Pa	6/20/79	6/25/79	TA-W-5689	Skirts, blouses, slacks, jackets and dresses.

[FR Doc. 79-21250 Filed 7-9-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5210-5211]

Jerome Industries Corp., Kenilworth, N.J., and Orange, N.J.; Certification of Eligibility To Apply for Workers Adjustment Assistance: Correction

In FR Doc. 79-18831 appearing on page 35310 in the Federal Register of June 19, 1979, the second paragraph of the Conclusion should be corrected to read as follows:

All workers of Jerome Industries Corporation, Kenilworth and Orange, New Jersey who became totally or partially separated from employment on or after April 5, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 2nd day of July 1979.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 79-21254 Filed 7-9-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5520]

JLS Coal Corp., Raleigh County, W. Va.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on June 7, 1979 in response to a worker petition received on May 29, 1979 which was filed by the United Mine Workers of America on behalf of workers and former workers producing coal for JLS Coal Corporation, Raleigh County, West Virginia. It is concluded that all of the requirements have been met.

U.S. imports of metallurgical coal are negligible. However, in accordance with Section 222 of the Trade Act of 1974 and 29 CFR 90.2, a domestic article may be "directly competitive" with an imported article at a later stage of processing. Coke is metallurgical coal at a later stage of processing. Therefore, imports of coke as well as imports of metallurgical coal should be considered in determining import injury to workers producing metallurgical coal.

U.S. imports of coke increased in 1977 from 1976 and again in 1978 from 1977, both absolutely and relative to domestic production.

The Department of Labor conducted a survey of the major customers purchasing metallurgical coal from JLS Coal Corporation's major purchaser of metallurgical coal. Some of this company's major customers reduced domestic purchases of metallurgical coal from 1977 to 1978, and increased purchases of imported coke over the same period.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with

metallurgical coal produced at JLS Coal Corporation contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of JLS Coal Corporation, Raleigh County, West Virginia engaged in employment related to the production of metallurgical coal who become totally or partially separated from employment on or after April 24, 1979 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 2nd day of July 1979.

James F. Taylor,

Director, Office of Management, Administration, and Planning.

[FR Doc. 79-21253 Filed 7-9-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5349]

Lawrence Mills, Inc., and Berlou Co., Freehold, N.J.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on May 3, 1979 in response to a worker petition received on April 30, 1979 which was filed on behalf of workers and former workers producing girls' dresses at Lawrence Mills, Incorporated and its subsidiary, the Berlou Company, Freehold, New Jersey. In the following determination, without regard to whether any of the criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat therof, and to the absolute decline in sales or production.

Lawrence Mills, Incorporated and the Berlou Company were contract firms working exclusively for one manufacturer. All the garments produced at Lawrence Mills and Berlou were sold through that manufacturer which did not import any girls' dresses or employ any foreign contractors. A Department of Labor survey of some of the customers of the manufacturer revealed that none of the customers increased purchases of imported girls' dresses in 1978 compared to 1977.

Conclusion

After careful review, I determine that all workers of Lawrence Mills, Incorporated and the Berlou Company, Freehold, New Jersey are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 2nd day of July 1979.

James F. Taylor,

Director, Office of Management, Administration, and Planning.

[FR Doc. 79-21255 Filed 7-9-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5362 and TA-W-5363]

Linda-Jo Shoe Co., Inc., Gainesville, Tex., and Forestburg, Tex.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on May 8, 1979 in response to a worker petition received on May 3, 1979 which was filed on behalf of workers and former workers producing ladies' leather and urethane sport shoes at the Gainesville, Texas plant and the Forestbury, Texas plant of the Linda-Jo Shoe Company, Incorporated. It is concluded that all of the requirements have been met.

U.S. imports of women's nonrubber footwear, except athletic, increased from 192.4 million of pairs in 1977 to 215.2 millions of pairs in 1978. The ratio of imports to domestic production increased from 137.3 percent in 1977 to 153.6 percent in 1978.

A Labor Department survey revealed that several customers of Linda-Jo Shoe Company decreased purchases of ladies' sport shoes from the subject firm in 1978 compared to 1977. Purchases by these customers of imported ladies' sport shoes increased in 1977 compared to 1976 and increased in 1978 compared to 1977.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with ladies' sport shoes produced at the Gainesville, Texas and the Forestburg, Texas plants of the Linda-Jo Shoe Company, Incorporated contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Gainesville, Texas and Forestburg, Texas plants of the Linda-Jo Shoe Company, Incorporated who became totally or partially separated from employment on or after June 20, 1979 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 2nd day of July 1979.

C. Michael Aho,

Director, Office of Foreign Economic Research.

[FR Doc. 79-21256 Filed 7-9-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5406]

Louis Clark, Inc., Philadelphia, Pa.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on May 16, 1979 in response to a worker petition received on May 14, 1979 which was filed by the Philadelphia Dress Joint Board, International Ladies' Garment Workers' Union on behalf of workers and former workers producing women's blouses and sportswear at Louis Clark, Incorporated, Philadelphia, Pennsylvania. The investigation revealed that women's blouses and skirts are produced at the plant. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

A Departmental survey was conducted with manufacturers for whom Louis Clark, Incorporated produced women's blouses and skirts. The survey revealed that the manufacturers did not contract with foreign sources or import women's blouses and skirts during 1977, 1978 or 1979. The manufacturers reported that they had increased contracts with other domestic sources and had increased their own company sales in 1978 and in the January-April period of 1979, as compared to the same period one year earlier.

Conclusion

After careful review, I determine that all workers of Louis Clark, Incorporated, Philadelphia, Pennsylvania are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 2nd day of July 1979.

C. Michael Aho,

Director, Office of Foreign Economic Research.

[FR Doc. 79-21257 Filed 7-9-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5569]

Manila Mining Co.; Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance; Correction

In FR Doc. 79-19512 appearing on page 36512 in the Federal Register of June 22, 1979, the following location in the Appendix under petitioner Manila Mining Company, TA-W-5569 is corrected to read as follows: "Madison, West Virginia."

Signed at Washington, D.C. this 29th day of June 1979.

Harold A. Bratt,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 79-21258 Filed 7-9-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5366]

R. W. Taylor Co., Fenwick, W. Va.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on May 8, 1979 in response to a worker petition received on April 9, 1979 which was filed by the United Mine Workers of America on behalf of workers and former workers mining coal at the R. W. Taylor Company, Fenwick, West Virginia. In the following determination, at least one of the criteria has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The R. W. Taylor Company leased the mineral rights to a coal mine in Fenwick, West Virginia from the Island Creek Coal Company. All coal mined by the R. W. Taylor Company was sold to the Tioga preparation plant of the Island Creek Coal Company. All the coal sold by the Tioga preparation plant in 1978 and the first quarter of 1979 was marketed to customers as steam coal. U.S. imports of bituminous coal are negligible being less than one percent of domestic production.

Conclusion

After careful review, I determine that all workers of the R. W. Taylor Company, Fenwick, West Virginia are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 2nd day of July 1979.

C. Michael Aho,

Director, Office of Foreign Economic Research.

[FR Doc. 79-21259 Filed 7-9-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5364]

Revere Copper & Brass, Inc., New Bedford, Mass.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on May 8, 1979 in response to a worker petition received on April 30, 1979 which was filed on behalf of workers and former workers producing non-ferrous metals in sheet and strip forms at the New Bedford, Massachusetts Division of Revere Copper and Brass, Incorporated. The investigation revealed that production by the New Bedford Division consisted of copper and copper-alloy strip, sheet and plate products. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

U.S. imports of copper and copper-base alloy strip and sheet increased in quantity in 1978 from 1977 and decreased during January-March 1979 compared to January-March 1978.

Total company sales of strip and sheet products by Revere Copper and Brass, Incorporated increased in value in 1978 from 1977 and during January-April 1979 compared to January-April 1978.

Revere Copper and Brass, Incorporated phased-out production of copper and copper-alloy strip at the New Bedford Division during the first four months of 1979. Revere will continue to manufacture strip at its Rome, New York and Detroit, Michigan Divisions.

A survey conducted by the Department revealed that customers surveyed who reduced purchases from Revere in 1978 from 1977 and during January-April 1979 compared to January-April 1978 increased purchases from other domestic sources as well as from foreign sources during the same period. Most customers surveyed indicated they increased their reliance upon domestic suppliers in 1978 and the first four months of 1979 while their import purchases declined relative to total purchases during the same period.

Conclusion

After careful review, I determine that all workers of the New Bedford, Massachusetts Division of Revere Copper and Brass, Incorporated are

denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 3rd day of July 1979.

James F. Taylor,

Director, Office of Management, Administration, and Planning.

[FR Doc. 79-21260 Filed 7-9-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5263]

River Falls Manufacturing Corp., Fall River, Mass.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on April 18, 1979 in response to a worker petition received on April 8, 1979, which was filed by the Amalgamated Clothing and Textile Workers Union on behalf of workers and former workers producing childrens' and ladies' outerwear at River Falls Manufacturing Corporation, Fall River, Massachusetts. The investigation revealed that the plant produces boys' and girls' coats and jackets. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

> That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

River Falls Manufacturing is an apparel contractor which produces boys' and girls' outerwear for its parent firm, an apparel manufacturer. River Falls is located in the same building in Fall River, Massachusetts as another contractor which is also owned by the same manufacturer. River Falls Manufacturing began production for the parent firm in March 1977. The other contractor has produced girls' outerwear for the parent firm since February 1978.

The parent firm operates both contractors for the production of boys' and girls' outerwear. Total production of boys' and girls' outerwear at the Fall River location, including both contractors, increased substantially in March–December 1978 compared to March–December 1977 and in January–April 1979 compared to January–April 1978. Total employment at the Fall River location, including both contractors, increased in February–December 1978 compared to February–December 1977 and in the first five months of 1979 compared to the first five months of 1978. Employment declines which occurred at River Falls Manufacturing can be attributed to shifts in the scheduling of orders by the parent firm between River Falls Manufacturing and the other contractor housed in the same location.

Conclusion

After careful review, I determine that all workers of River Falls Manufacturing Corporation, Fall River, Massachusetts are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 2nd day of July 1979.

C. Michael Aho,

Director, Office of Foreign Economic Research.

[FR Doc. 79-21261 Filed 7-9-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5326]

Royalty Smokeless Coal Co., Premier Tipple, Premier, W. Va.; Certification Regarding Eligibility To Apply for Worker Adjustments Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on April 30, 1979 in response to a worker petition received on April 23, 1979 which was filed by the United Mine Workers of America on behalf of workers and former workers engaged in the mining of coal at Royalty Smokeless Coal Company, Premier Tipple, McDowell County, West Virginia. The investigation revealed that the plant, located in Premier, West Virginia primarily is engaged in the cleaning of metallurgical coal. It is concluded that all of the requirements have been met.

While U.S. imports of metallurgical coal have been negligible, U.S. imports of coke increased in 1977 compared with 1976 and in 1978 compared with 1977.

Coke is metallurgical coal at a later stage of processing. Since a domestic article may be "directly competitive with" an imported article at a later stage of processing (29 CFR 90.2), imports of coke can be considered in determining import injury to workers producing metallurgical coal.

Customers of Royalty Smokeless Coal Company who were surveyed indicated that they decreased purchases of metallurgical coal from Royalty and increased purchases of imported coke in 1978 compared with 1977.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with metallurgical coal produced at Royalty Smokeless Coal Company, Premier Tipple, Premier, West Virginia contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

> All workers of Royalty Smokeless Coal Company, Premier Tipple, Premier, West Virginia, who became totally or partially separated from employment on or after April 19, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 29th day of June 1979.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 79-21262 Filed 7-9-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5462]

Smith & Stover, Inc., Hunter Mine, Raleigh County, W. Va.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on May 24, 1979 in response to a worker petition received on May 15, 1979 which was filed by the United Mine Workers of America on behalf of workers and former workers mining coal at Smith and Stover, Incorporated, Hunter Mine, Raleigh County, West Virginia. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Smith and Stover, Incorporated owns and operates one mine in Raleigh County, West Virginia. The Department's investigation revealed that all of the coal mined by Smith and Stover is exported. Consequently, increased imports of coal or coke into the United States could not affect sales and production levels at Smith and Stover.

Conclusion

After careful review, I determine that all workers of Smith and Stover, Incorporated, Hunter Mine, Raleigh County, West Virginia are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 2nd day of July 1979.

C. Michael Aho,

Director, Office of Foreign Economic Research.

[FR Doc. 79-21263 Filed 7-9-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5378]

Tempo Golf and Tennis, Inc., New York, N.Y.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on May 10, 1979 in response to a worker petition received on May 7, 1979 which was filed on behalf of workers and former workers producing two-piece warm-up suits, wrist bands, and head bands at Tempo Golf and Tennis, Incorporated of New York, New York. The investigation revealed that the workers primarily produce two-piece warm-up suits. It is concluded that all of the requirements have been met.

U.S. imports of athletic uniforms increased from 1,376 thousand dozen in 1977 to 1,750 thousand dozen in 1978. The ratio of imports to domestic production increased from 60 percent in 1977 to 70 percent in 1978.

A survey of major customers of Tempo Golf and Tennis, Incorporated revealed that some major customers decreased purchases of warm-up suits from Tempo and increased purchases of imported warm-up suits in 1978 compared to 1977 and in the first quarter of 1979 compared to the same period of 1978.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with warm-up suits produced at Tempo Golf and Tennis, Incorporated contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Tempo Golf and Tennis, Incorporated, New York, New York, who became totally or partially separated from employment on or after March 1, 1979 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 2nd day of July 1979.

James F. Taylor,

Director, Office of Management, Administration, and Planning.

[FR Doc. 79-21264 Filed 7-9-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5330, 5331, 5332, and 5333]

Trace Fork Coal Co., Premier, W. Va., Trace Fork Mines Nos. 4, 5, and 8, and Banacek Mine; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on April 30, 1979 in response to a worker petition received on April 23, 1979 which was filed by the United Mine Workers of America on behalf of workers and former workers engaged in the mining of coal at Trace Fork Mines #4, #5, #8, and the Banacek Mine of Trace Fork Coal Company, Premier, West Virginia. It is concluded that all of the requirements have been met.

While U.S. imports of metallurgical coal have been negligible, U.S. imports of coke increased in 1977 compared with 1976 and in 1978 compared with 1977.

Coke is metallurgical coal at a later stage of processing. Since a domestic article may be "directly competitive with" and imported article at a later stage of processing (29 CFR 90.2), imports of coke can be considered in determining import injury to workers producing metallurgical coal.

Customers of Royalty Smokeless Coal Company who were surveyed indicated that they decreased purchases of metallurgical coal from Royalty and increased purchases of imported coke in 1978 compared with 1977.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with metallurgical coal produced at Trace Fork Mines #4, #5, #8, and the Banacek Mine of Trace Fork Coal Company, Premier, West Virginia contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Trace Fork Mine #4 (TA-W-5330), Trace Fork Mine #5 (TA-W-5331), Trace Fork Mine #8 (TA-W-5332), and the Banacek Mine (TA-W-5333) of Trace Fork Coal Company, Premier, West Virginia who became totally or partially separated from employment on or after April 19, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 29th day of June 1979.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 79-21265 Filed 7-9-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5368]

United Pants Co., Inc., Swoyersville, Pa.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on May 8, 1979 in response to a worker petition received on May 1, 1979 which was filed by the Amalgamated Clothing and Textile Workers Union on behalf of workers and former workers sewing coats and vests and cutting pants at United Pants Company, Incorporated, Swoyersville, Pennsylvania. The investigation revealed that workers at the plant cut men's suitcoats and sportcoats, pants and vests, and sew only suitcoats and sportcoats. It is concluded that all of the requirements have been met.

U.S. imports of men's and boys' suits increased from 3,562 thousand units in 1976 to 4,001 thousand units in 1977, then decreased to 3,871 thousand units in 1978. In the first quarter of 1979, imports of suits increased to 1,222 thousand units compared to 1,132 thousand units in the first quarter of 1978. U.S. imports of men's and boys' sportcoats increased from 6,269 thousand units in 1977 to 6,349 thousand units in 1978.

United Pants is a garment contractor that sews men's suitcoats and sportcoats for several manufacturers. A survey of the customers of these manufacturers revealed that many decreased purchases from these manufacturers and increased purchases of imported men's suits and sportcoats in 1978 and the first quarter of 1979.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with men's suits and sportcoats produced at United Pants Company, Incorporated, Swoyersville, Pennsylvania, contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of United Pants Company, Incorporated, Swoyersville, Pennsylvania who became totally or partially separated from employment on or after October 28, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 2nd day of July 1979.

Michael Aho,

Director, Office of Foreign Economic Research.

[FR Doc. 21266 Filed 7-9-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5465]

Viancha Handbags, Ltd., New Haven, Conn.; Termination of Investigation

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on May 24, 1979 in response to a worker petition received on May 22, 1979 which was filed on behalf of workers and former workers producing vinyl (polyurethane) handbags at Viancha Handbags, Ltd., New Haven, Connecticut.

Evidence developed in the course of the investigation revealed that Viancha Handbags was not in operation for a sufficient period of time to discount seasonal influences on sales, production, and employment or to statistically measure the impact of imports. Consequently, the investigation has been terminated.

Signed at Washington, D.C. this 2nd day of July 1979.

Harold A. Bratt,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 79-21267 Filed 7-9-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5466]

Wellco Enterprises, Inc., Waynesville, N.C.; Certification Regarding Eligibility To Apply for Worker Adjustments Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on May 24, 1979 in response to a worker petition received on May 24, 1979 which was filed on behalf of workers and former workers producing men's, women's and children's leather and fabric footwear at the Waynesville, North Carolina plant of Wellco Enterprises, Incorporated. The investigation revealed that the workers produce primarily women's footwear. It is concluded that all of the requirements have been met.

Imports of women's nonrubber footwear, except athletic, increased absolutely and relative to domestic production in 1978 from 1977.

Customers of Wellco indicated in a Department survey that they had decreased purchases of footwear from Wellco and increased purchases of imported footwear in 1978 from 1977.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with women's footwear produced at the Waynesville, North Carolina plant of Wellco Enterprises, Incorporated contributed importantly to the decline in sales or production and to the total or partial separation of workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers of the Waynesville, North Carolina plant of Wellco Enterprises, Incorporated who became totally or partially separated from employment on or after May 23, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 3rd day of July 1979.

James F. Taylor,

Director, Office of Management, Administration, and Planning.

[FR Doc. 79-21268 Filed 7-9-79; 8:45 am]

BILLING CODE 4510-28-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-261]

Carolina Power & Light Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 39 to Facility Operating License No. DPR-23, issued to the Carolina Power and Light Company, (the licensee), which revised Technical Specifications for operation of the H. B. Robinson Steam Electric Plant Unit No. 2 (the facility) located in Darlington County, Hartsville, South Carolina. The amendment is effective as of the date of its issuance.

The amendment revises the facility license and Technical Specifications to provide for a power increase from 2200 MWt to 2300 MWt.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Notice of Proposed Issuance of Amendment to Facility Operating License in connection with this action was published in the Federal Register on April 30, 1974 (39 FR 15061). One party, Mr. John D. Whisenhunt, petitioned to intervene in accordance with 10 CFR 2.714 of the Commission's rules of practice, and his petition was granted.

Mr. Whisenhunt withdrew from the proceeding in 1977. On May 9, 1979, licensee moved to terminate the proceeding since it had become uncontested. On June 26, 1979 the Licensing Board granted this motion and terminated the proceeding.

The environmental impacts associated with operation of the facility at 2300 MWt have been considered in the Commission's Final Environmental Statement dated April 1975. In a proceeding which has been consolidated for consideration with this proceeding, the Atomic Safety and Licensing Board has reviewed these environmental impacts and by Partial Initial Decision of June 16, 1978 (7 NRC 1052) found that the benefits of continued operation of the facility outweigh the attendant environmental impacts and costs.

For further details with respect to this action, see (1) the application for amendment dated February 1, 1974, as supplemented March 12, April 12 and 29, May 17 and June 4, 1974, December 29, 1977, and March 14 and 20, 1978; (2) Amendment No. 39 to License No. DPR-23; (3) the Commission's related Safety Evaluation dated May 20, 1974 and supplemented July 31, 1975 and March 30, 1979; and (4) the Atomic Safety and Licensing Board's Order Granting Applicant's Motion to Terminate Proceeding dated June 26, 1979. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Hartsville Memorial Library, Home and Fifth Avenues, Hartsville, South Carolina. A copy of items (2), (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 29th day of June 1979.

For the Nuclear Regulatory Commission.

A. Schwencer,

Chief, Operating Reactors Branch #1, Division of Operating Reactors.

[FR Doc. 79-21232 Filed 7-9-79; 8:45 am]

BILLING CODE 7590-01-M

[Dockets Nos., 50-269, 50-270 and 50-287] 50-287

Duke Power Co.; Notice of Issuance of Amendments to Facility Operating Licenses and Negative Declaration

The U.S. Nulcear Regulatory Commission (the Commission) has issued Amendments Nos. 72, 72, and 69 to Facility Operating Licenses Nos. DPR-38, DPR-47 and DPR-55, respectively, issued to Duke Power Company, which revised Technical Specifications for operation of the Oconee Nuclear Station, Units Nos. 1, 2 and 3, located in Oconee County, South Carolina. The amendments are effective as of the date of issuance. These amendments revise the provisions of the Station's common Technical Specifications to allow an increase in the spent fuel storage capacity from 336 to a maximum of 750 fuel assemblies in the Unit 1/2 common spent fuel pool thorugh the use of high capacity spent fuel racks.

The application for the amendments compiles with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Notice of the Proposed Issuance of Amendments to Facility Operating Licenses in connection with this action was published in the Federal Register on March 6, 1979 (44 FR 12303). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

The Commission has prepared an environmental impact appraisal for this action and has concluded that an environmental impact statement for this particular action is not warranted because there will be no significant environmental impact attributable to the action other than that which has already been predicted and described in the Commission's Final Environmental Statement for the Station dated March 1972.

For further details with respect to this action, see (1) the application for amendment dated February 2, 1979, as supplemented April 20 and May 2, 1979, (2) Amendments Nos. 72, 72 and 69 to Licenses Nos. DPR-38, DPR-47 and DPR-55, respectively, (3) the Commission's related Safety Evaluation, and (4) the Commission's Environmental Impact Appraisal. All of these items are available for public inspection at the Commission's Public Document Room 1717 H Street, N.W., Washington, D.C. and at the Oconee County Library, 201 South Spring Street, Walhalla, South Carolina. A copy of items (2), (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Wshington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 19th day of June 1979.

For the Nuclear Regulatory Commission.

Robert W. Reid,

Chief, Operating Reactors Branch #4, Division of Operating Reactors.

[FR Doc. 79-21233 Filed 7-9-79; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-250 and 50-251]

Florida Power & Light Co.; Availability of Environmental Impact Appraisal for the Turkey Point Plant, Unit Nos. 3 and 4.

Notice is hereby given than the Office of Nuclear Reactor Regulation has published its Environmental Impact Appraisal related to the steam generator repair program for the Turkey Point Plant, Unit Nos. 3 and 4 located in Dade County, Florida.

Notice of receipt of the Florida Power and Light Company's Steam Generator Repair Report and that the NRC has under consideration, amendments to the licenses which would authorize the licensee to repair the steam generators now in use in each facility was published in the Federal Register on December 13, 1977 (42 FR 62569).

For further details with respect to this review, see (1) the Steam Generator Repair Program dated September 20, 1977 as supplemented on December 20, 1977, March 7, April 25, June 20, August 4, and December 15, 1978 and January 26, 1979; and (2) the Commission's related Safety Evaluation dated May 14, 1979. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Environmental and Urban Affairs Library, Florida International University, Miami, Florida 33199. A copy of item (2) and the Environmental Impact Appraisal may be obtained upon request addressed to the U. S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 29th day of June, 1979.

For the Nuclear Regulatory Commission.

A. Schwencer,

Chief, Operating Reactors Branch #1, Division of Operating Reactors.

[FR Doc. 79-21234 Filed 7-9-79; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 70-754]

General Electric Co. (Vallecitos Nuclear Center); Issuance of Director's Decision

On January 10, 1979, the Commission published a Notice in the Federal Register (44 FR 2209) that it had received a petition from the Friends of the Earth, San Francisco, California, requesting that the Commission suspend activities under License No. SNM-960 at the General Electric Company's Vallecitos Nuclear Center and order removal of all plutonium from the site. Congressmen Ronald V. Dellums and John Burton and other residents of California joined this request. The Commission also received similar requests from Jan Goldman, Marion Hill and the Tri-City Ecology Center, and consolidated them with the Friends of the Earth's petition for consideration.

The Director of Nuclear Material Safety and Safeguards has considered these requests and has determined not to suspend License No. SNM-960.

A copy of the Director's Decision will be placed in the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555, and in the local reading room for the Vallecitos Nuclear Center located at the Nuclear Regulatory Commission, Region V, Office of Inspection and Enforcement, 1990 N. California Boulevard, Suite 202, Walnut Creek, California 94595. A copy of the Decision will also be filed with the Secretary of the Commission for review in accordance with 10 CFR 2.206(c) of the Commission's regulations.

In accordance with 10 CFR 2.206(c) of the Commission's regulations, the Decision will constitute the final action of the Commission twenty (20) days after the date of issuance unless the Commission on its own motion institutes review of the Decision within that time.

Dated at Silver Spring, Maryland this 29th day of June 1979.

For the Nuclear Regulatory Commission.

William J. Dircks,

Director, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 79-21235 Filed 7-9-79; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-336]

Northeast Nuclear Energy Co., et al.; Issuance of Amendment to Facility Operating License and Negative Declaration

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 53 to Facility Operating License No. DPR-65, issued to Northeast Nuclear Energy Company, The Connecticut Light and Power Company, The Hartford Electric Light Company, and Western Massachusetts Electric Company, which revised the license and its appended Technical Specifications for operation of the Millstone Nuclear Powr Station, Unit No. 2, (the facility) located in the Town of Waterford, Connecticut. The amendment is effective as of its date of issuance.

The amendment revises the license and Appendix B Technical Specifications to authorize operation of the facility at an increased maximum steady-state power level of 2700 MWt. Appendix A Technical Specifications for this action were issued on May 12, 1979, with Amendment No. 52 (44 FR 30787, May 29, 1979). However, License Conditions 2.C.(1) and 2.C.(2) restricted operation to 2560 MWt. This amendment also removes satisfied paragraphs 2.D, 2.E and 2.F from the license.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Notice of Proposed Issuance of Amendment Facility Operating License in connection with this action was published in Federal Register on February 21, 1979 (44 FR 10556). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

The Commission has prepared an environmental impact appraisal for this action and has concluded that an environmental impact statement for this particular action is not warranted because there will be no environmental impact atrributable to the action other than that which has already been predicted and described in the Commission's Final Environmental Statement for the facility dated June 1973.

For further details with respect to this action, see (1) the applications for amendment dated December 15, 1978 and February 12, 1979, (2) Amendment No. 53 to License No. DPR-65, (3) Advisory Committee on Reactor Safeguard's memorandum dated June 18, 1979, (4) the Commission's related Safety Evaluation issued May 12, 1979, and (5) the Commission's concurrently issued Environmental Impact Appraisal. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Connecticut. A copy of items (2), (3), (4) and (5) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington,

D.C., 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 25th day of June 1979.

For the Nuclear Regulatory Commission.

Robert W. Reid,

Chief, Operating Reactors Branch #4, Division of Operating Reactors.

[FR Doc. 79-21236 Filed 7-9-79; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-244]

Rochester Gas & Electric Corp.; Issuance of Amendment to Provisional Operating License

The U.S Nuclear Regulatory Commission (the Commission) has issued Amendment No. 27 to Provisional Operating License No. DPR-18, issued to Rochester Gas and Electric Corporation (the licensee), which revised the Technical Specifications for operation of the R. E. Ginna Plant (the facility) located in Wayne County, New York. The amendment is effective as of its date of issuance.

The amendment revises the Technical Specifications to remove the pressurizer level signal from each of the pressurizer level/pressure channel trips and to convert the system to a two-out-of-three logic based on the pressurizer low pressure trips. This action relates to Item 3 of IE Bulletin 79-06A dated April 14, 1979.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated June 11, 1979, (2) Amendment No. 27 to License No. DPR-18, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Rochester Public Library, 115 South Avenue, Rochester, New York 14627. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 15th day of June, 1979.

For the Nuclear Regulatory Commission.

Dennis L. Ziemann,

Chief, Operating Reactors Branch #2, Division of Operating Reactors.

[FR Doc. 79-21237 Filed 7-9-79; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-312]

Sacramento Municipal Utility District; Authorization To Resume Operation

The United States Nuclear Regulatory Commission issued an Order on May 7, 1979 (44 FR 27779, May 11, 1979), to Sacramento Municipal Utility District (the licensee), holder of Facility Operating License No. DPR-54, for the Rancho Seco Nuclear Generating Station (Rancho Seco), confirming that the licensee accomplish a series of actions, both immediate and long term, to increase the capability and reliability of Rancho Seco to respond to various transient events. In addition, the Order confirmed that the licensee would shut down Rancho Seco on April 28, 1979, and maintain the plant in a shutdown condition until the following actions had been satisfactorily completed:

(a) Upgrade the timeliness and reliability of delivery from the Auxiliary Feedwater System by carrying out actions as identified in Enclosure 1 of the licensee's letter of April 27, 1979.

(b) Develop and implement operating procedures for initiating and controlling auxiliary feedwater independent of Integrated Control System control.

(c) Implement a hard-wired control-grade reactor trip that would be actuated on loss of main feedwater and/or turbine trip.

(d) Complete analyses for potential small breaks and develop and implement operating instructions to define operator action.

(e) Provide for one Senior Licensed Operator assigned to the control room who has had Three Mile Island Unit No. 2 (TMI-2) training on the B&W simulator.

By submittal of May 14, 1979, seven letters dated May 22, 24, 29, 30(3) and June 6, 1979, the licensee has documented the actions taken in response to the May 7, Order. Notice is hereby given that the Director of Nuclear Reactor Regulation (The Director) has reviewed this submittal and has concluded that the licensee has satisfactorily completed the actions prescribed in items (a) through (e) of paragraph (1) of Section IV of the Order, that the specified analyses are acceptable and the specified implementing procedures are appropriate. Accordingly, by letter dated June 27, 1979, the Director has authorized the licensee to resume operation of Rancho Seco. The bases for the Director's conclusions are more fully set forth in a Safety Evaluation dated June 27, 1979.

Copies of (1) the licensee's letters dated May 14, 1979, and seven letters dated May 22, 24, 29, 30(3) and June 6, 1979, (2) the Director's letter dated June 27, 1979 and (3) the Safety Evaluation dated June 27, 1979, are available for inspection at the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C. 20555, and are being placed in the Commission's local public document room in the Business and Municipal Department, Sacramento City-County Library, 828 I Street, Sacramento, California 95814. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 27th day of June 1979.

For the Nuclear Regulatory Commission.

Robert W. Reid,

Chief, Operating Reactors Branch #4, Division of Operating Reactors.

[FR Doc. 79-21224 Filed 7-9-79; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-312]

Sacramento Municipal Utility District, Rancho Seco Nuclear Generating Station; Order for Filing of Amended and Supplemented Requests for and Notice of Prehearing Conference

By a confirmatory Order, dated May 7, 1979, the Nuclear Regulatory Commission directed that the Rancho Seco facility, licensed to the Sacramento Municipal Utility District, then in a shut-down condition, should remain shut down until certain actions specified in the Order were satisfactorily completed, as confirmed by the Director, Office of Nuclear Reactor Regulation. The Order also directed the licensee to accomplish as promptly as practicable the long-term

modifications set forth in Section II of the Order. The Order stated further:

Within twenty (20) days of the date of this Order, the licensee or any person whose interest may be affected by this Order may request a hearing with respect to this Order. Any such request shall not stay the immediate effectiveness of this Order.

Requests for a hearing were received from Friends of the Earth, the Environmental Council of Sacramento and Original SMUD Ratepayers Association and from members of the Board of Directors of the Sacramento Municipal Utility District.

By Order dated June 21, 1979, the Commission directed the Chairman of the Atomic Safety and Licensing Board Panel to select a Licensing Board to Determine whether the requests for hearing meet the requisite personal interest test for intervention [1] and to conduct any hearings that may be required. On June 22, 1979, this Licensing Board was established to carry out the proceedings ordered by the Commission.

The Licensing Board has reviewed all of the requests for hearing and associated pleadings, and it has determined that some or all of the requesters may be entitled to a hearing depending upon a more precise description of how their interests may be affected by the Commission's Order of May 7, 1979. In this regard, the requesters for hearing may amend their requests to specifically state, pursuant to Section 2.714 of the Commission's Regulations, 47 CFR 2.714, how their interests may be affected by the actions ordered by the Commission's May 7, 1979, Order. [2]

Such amended petitions shall be filed with the Commission by July 16, 1979. In addition, the requesters may supplement their requests for hearing to include: (1) a list of the contentions which each seeks to have litigated in this proceeding; and (2) the basis for each contention set forth with reasonable specificity. The supplement shall be filed July 16, 1979.

Pursuant to § 2.751(a) of the Commission's Regulations, the Licensing Board will hold a prehearing conference in this matter to consider the amended and supplemented requests for hearing which are to be filed July 16, 1979, and to establish a schedule for further actions in this proceeding, including discovery, and to further identify key issues. [3]

The prehearing conference will be held on August 1, 1979, at 10:00 a.m., in the Conference Room, West 1140, Federal Building, 2800 Cottage Way, Sacramento, California, and will proceed until it is completed.

It is so ordered.

Dated: July 3, 1979.

Atomic Safety and Licensing Board.

Michael L. Glaser,

Chairman.

[FR Doc. 79-21238 Filed 7-9-79; 8:45 am]

BILLING CODE 7590-01-M

[1] See, Section 2.714 of the Commission's Regulations, 47 CFR § 2.714 (1979).

[2] There is a substantial body of Commission precedence defining the kind of interest required for intervention in a Commission hearing. *Kansas Gas & Electric Co., et al.* (Wolf Creek Generating Station, Unit 1), ALAB-424, 6 NRC 122, 128 (1977); *Tennessee Valley Authority* (Watts Bar Nuclear Plant, Units 1 & 2), ALAB-413, 5 NRC 1418, 1420-21 (1977); *Detroit Edison Co.* 426 (1977); *Public Service Co. of Oklahoma, et al.* (Black Fox Nuclear Power Station, Units 1 & 2), LBP-77-17, 5 NRC 657 (1977); *Portland General Electric Company* (Pebble Springs Nuclear Plant, Units 1 & 2), ALAB-333, 3 NRC 804 (1976); *Louisiana Power & Light Co.* (Waterford Steam Electric Station, Unit 3), ALAB-125, 6 AEC 371, 372, n. 6 (1973); *Portland General Electric Co.* (Trojan Nuclear Plant), ALAB-496, 8 NRC 308 (September 12, 1978); *River Bend, supra* 7 AEC 222 (1974); *Virginia Electric and Power Co.* (North Anna Power Station, Units 1 & 2), ALAB-146, 6 AEC 631 (1973); *Northern States Power Co.* (Prairie Island Nuclear Generating Plant, Units 1 & 2), ALAB-107, 6 AEC 188 (1973); *Waterford, supra,* 6 AEC 371 (1973); *Pacific Gas and Electric Co.* (Humboldt Bay Power Plant, Unit 3), ASLB Order (May 15, 1978).

[3] It should be recognized that this proceeding is a show cause enforcement proceeding. The Commission has already identified in its June 21, 1979, Order the broad issues to be considered. Each requester for hearing can, of course, assert in its July 16 filing that further issues should be specified as long as they are related to the action taken by the Commission in its May 7, 1979, Order.

[Docket No. 50-206]

Southern California Edison Co. and San Diego Gas & Electric Co.; Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 41 to Provisional Operating License No. DPR-13, issued to Southern California Edison Company and San Diego Gas and Electric Company (the Licensees), which revised the Technical Specifications for operation of the San Onofre Nuclear Generating Station, Unit No. 1 (SONGS, Unit 1) (the facility) located in San Diego County, California. The amendment is effective as of its date of issuance.

The amendment increases the annual discharge limits of sulfate for calendar years 1979 and 1980, as specified in Subsection 2.2.2, "Added Process Chemicals" in the Appendix B Environmental Technical Specifications (ETS).

The application for amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated May 4, 1979, (2) Amendment No. 41 to License No. DPR-13, and (3) the Commission's letter to the licensee dated June 18, 1979. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Mission Viejo Branch Library, 24851 Chrisanta Drive, Mission Viejo, California. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 18th day of June 1979.

For the Nuclear Regulatory Commission.

Dennis L. Ziemann,

Chief Operating Reactors Branch #2, Division of Operating Reactors.

[FR Doc. 79-21239 Filed 7-9-79; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-395]

South Carolina Electric & Gas Co.; Availability of Draft Environmental Statement for Virgil C. Summer Nuclear Station, Unit No. 1

Pursuant to the National Environmental Policy Act of 1969 and the United States Nuclear Regulatory Commission's regulations in 10 CFR Part 51, notice is hereby given that a Draft Environmental Statement (NUREG-0534) has been prepared by the Commission's Office of Nuclear Reactor Regulation. The Draft Statement relates to the proposed operation of the Virgil C. Summer Nuclear Station in Fairfield County, South Carolina. Copies are available for inspection by the public in the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C. and in the Richland County Public Library, 1400 Sumter

Street, Columbia, South Carolina 29202. The Draft Statement is also being made available at the State Clearinghouse, Office of the State Auditor, P.O. Box 11333, Columbia, South Carolina and the metropolitan Clearinghouse at Central Midlands Regional Planning Council, 800 Dutch Square Boulevard, Suite 155, Columbia, South Carolina 29210. Requests for copies of the Draft Environmental Statement should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 Attention: Director, Division of Technical Information and Document Control.

The Applicant's Environmental Report, as supplemented, submitted by South Carolina Electric and Gas Company is also available for public inspection at the above-designated locations. Notice of availability of the Applicant's Environmental Report was published in the Federal Register on April 18, 1977 (42 FR 20203).

Pursuant to 10 CFR Part 51, interested persons may submit comments on the Draft Environmental Statement for the Commission's consideration. Federal, State, and specified local agencies are being provided with copies of the Draft Environmental Statement (DES). Comments by Federal, State, and local officials, or other persons received by the Commission will be made available for public inspection at the Commission's Public Document Room in Washington, D.C. and the Richland Public Library in Columbia, South Carolina. Upon consideration of comments submitted with respect to the DES, the Commission's staff will prepare a final environmental statement, the availability of which will be published in the Federal Register.

Comments on the DES from interested persons should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Site Safety and Environmental Analysis. Comments are due by August 20, 1979.

Dated at Bethesda, Maryland, this 29th day of June 1979.

For the Nuclear Regulatory Commission.

Ronald L. Ballard,

Chief, Environmental Projects Branch 1, Division of Site Safety and Environmental Analysis.

[FR Doc. 79-21240 Filed 7-9-79; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on Evaluation of Licensee Event Reports; Change of Date

The July 19, 1979 meeting of the ACRS Subcommittee on Evaluation of Licensee Event Reports has been rescheduled to include July 18, 1979 as well as July 19, 1979 at 8:30 a.m. as previously announced in the Federal Register Notice July 2, 1979 (38682).

All other items regarding this meeting remain the same as stated in the cited Federal Register notice. Further information regarding this meeting can be obtained by a prepaid telephone call to the designated Federal employee for this meeting, Dr. Andrew Bates (telephone #202-634-3267) between 8:15 a.m. and 5 p.m. EDT.

Dated: July 3, 1979.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 79-21141 Filed 7-9-79; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-289]

Metropolitan Edison Co. (Three Mile Island Nuclear Station, Unit No. 1); Order

In view of the variety of issues raised by the accident at the Three Mile Island Unit No. 2 facility, the Commission presently lacks the requisite reasonable assurance that the same licensee's Three Mile Island Unit No. 1 facility, a nuclear power reactor of similar design, can be operated without endangering the health and safety of the public. Accordingly, we direct that the Unit No. 1 facility, presently in a shutdown condition, shall remain shut down until further order of the Commission itself. The Commission has further determined that it is in the public interest that a hearing precede restart of the facility. The Commission will also issue an order within thirty (30) days specifying in detail the basis for its concerns, and the procedures to govern further proceedings in this matter. The licensee may file a written answer to this Order no later than twenty (20) days after the issuance of the detailed Order.

The Commission has found that the public health, safety and interest require that this order be effective immediately.

It is so ordered.

Dated at Washington, D.C. this 2nd day of July 1979.

For the Commission.

John C. Hoyle,

Acting Secretary of the Commission.

[FR Doc. 79-21140 Filed 7-9-79; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-445 and 50-446]

Texas Utilities Generating Co., et al. (Comanche Peak Steam Electric Station, Units 1 and 2); Reconstitution of Board

Lester Kornblith, Jr., was a member of the Atomic Safety and Licensing Board for the above proceeding. Mr. Kornblith retired and is unable to continue his service on this Board.

Accordingly, Dr. Forrest J. Remick, whose address is 305 E. Hamilton Avenue, State College, Pennsylvania 16801, is appointed a member of this Board. Reconstitution of the Board in this manner is in accordance with Section 2.721 of the Commission's Rules of Practice, as amended.

Dated at Bethesda, Maryland this 3rd day of July 1979.

Robert M. Lazo,

Acting Chairman, Atomic Safety and Licensing Board Panel.

[FR Doc. 79-21133 Filed 7-9-79; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Audit Followup

This notice offers interested parties an opportunity to comment on a proposed revision to Circular A-73, "Audit of Federal Operations and Programs." The revisions would modify the criteria currently in force regarding Federal agency's systems for resolving audit findings and recommendations.

The proposed revisions require semiannual reports to the head of an agency, procedures for resolving major disagreements between audit and program offices, a maximum of six months to determine agency action on audit recommendations, and a requirement for periodic evaluations of an agency's system.

The specific changes being considered are as follows:

Circular A-73, paragraph 7.h.

"Followup. Each agency will establish policies for prompt and proper resolution of audit recommendations. Timely action on recommendations by responsible management officials is an integral part of an agency audit system, and is the key to its effectiveness.

Agency followup systems must provide for a complete record of action taken on audit findings and associated disallowed, suspended, or questioned costs. Such systems must provide for the following:

(1) Designating officials responsible for audit followup.

(2) Maintaining accurate records of all audit reports or significant findings until a final determination has been made. Such records are to include appropriate accounting and collection controls over amounts determined to be due the Government.

(3) Making written determinations on all audit findings within a maximum of six months after issuance of the report.

(4) Assuring that resolution actions are consistent with law and regulation.

(5) Forwarding to the head of the agency or his designee(s) for resolution all major disagreements between the audit office and officials responsible for acting on recommendations, and all reports or recommendations on which responsible officials have failed to provide a written determination within six months.

(6) Providing semiannual reports to the agency head on the status of all audit reports over six months old, the number of reports or findings resolved during the period, collections or offsets made, and demands for payment made.

(7) Providing for an evaluation of whether the audit followup system is adequate and results in timely and proper resolution of audit findings and recommendations. The first evaluation will be made within one year of implementation of the system, and evaluations will be made every two years thereafter.

When audit recommendations requiring corrective action involve more than one program, agency, or level of government, the agency making the audit must coordinate its corrective action with that of other affected organizations."

Comments should be submitted in duplicate to the Financial Management Branch, Budget Review Division, Office of Management and Budget, Washington, D.C. 20503. All comments should be received within 30 days of date of this publication. Contact person: John J. Lordan (202) 395-6823.

Velma N. Baldwin,

Assistant to the Director for Administration.

[FR Doc. 79-21220 Filed 7-9-79; 8:45 am]

BILLING CODE 3110-01-M

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

Section 337 Case on Doxycycline

Under Section 337 of the Tariff Act of 1930, as amended, the United States International Trade Commission (USITC) has ordered patent infringing doxycycline, an antibiotic drug, to be excluded from importation into the United States. (See: USTIC publication 964, In the Matter of Doxycycline, Investigation No. 337-TA-3, April, 1979). Under Section 337, the President may, for policy reasons, disapprove of the Commission's ordered remedy.

The President has taken no action to disapprove the Commission's order. The exclusion order thereby became final on June 12, 1979. The Administration is, however, concerned that future conditions resulting in whole or in part from the exclusion order may adversely affect the public interest. Therefore, the Administration plans to monitor the impact of the exclusion order, and if appropriate, the Commission will be asked to exercise its authority to vacate the order. The Administration also took into account the Commission's past practice of vacating exclusion orders on its own motion if, in the context of litigation, the patent is later determined, or admitted to be, invalid or unenforceable.

Richard R. Rivers,

General Counsel.

[FR Doc. 79-21225 Filed 7-9-79; 8:45 am]

BILLING CODE 3190-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-15984]

Broker-Dealers Concerning Clauses in Customer Agreements Which Provide for Arbitration of Future Disputes

The Securities and Exchange Commission today expressed concern about the use of arbitration clauses in broker-dealer customer agreements which purport to bind customers to arbitrate all future disputes with a broker-dealer. A number of court decisions have limited the enforceability of these clauses against customers with respect to various types of disputes which may arise between broker-dealers and their customers. Nevertheless, the language of many of these clauses does not reflect their permissible scope. The Commission believes that many investors are unaware of the right to a judicial forum for the pursuit of claims arising under the federal securities laws, and that it is incumbent upon those who include arbitration clauses in agreements with customers to provide adequate information about such rights in order to make the clauses not misleading. In addition, customers should not be led to believe, either before or after the occurrence of disputes, that a predispute arbitration agreement constitutes a waiver of the right to a judicial forum, where such waiver would be void under the securities laws.

Since 1977 the Securities Industry Conference on Arbitration ("SICA"), a group composed of securities industry and public representatives, has been engaged in developing and implementing uniform, fair and efficient procedures for the resolution of disputes between broker-dealers and investors in order to offer an economical alternative to litigation.[1] The Commission has approved certain amendments to the rules of self-regulatory organizations to implement uniform small claims resolution procedures for investor-broker disputes.[2] The Commission has also received a proposed uniform code of arbitration procedures developed by SICA. The self-regulatory arbitration rules and the proposed SICA rules prescribe the method to be followed for submission of an existing controversy to arbitration before a self-regulatory organization, for the hearing or review of the evidence by the arbitrators, and the rendering of a decision. The Commission has supported these efforts and generally believes that arbitration is an economical means of dispute resolution.

The arbitration agreements which are the subject of this release are not those used to submit an existing dispute to a particular forum, but those entered into prior to the existence of any dispute, and before an investor may become concerned with the matter of choosing a forum for the resolution of a dispute.

The Commission believes that the use of clauses which purport to bind customers to arbitrate all future disputes which may arise between them and their broker-dealers, without specifying the meaning, effect and enforceability thereof, is inconsistent with just and equitable principles of trade, and may raise serious questions of compliance with the anti-fraud provisions of the federal securities laws.

[1] Securities Exchange Act Release No. 13470 (April 26, 1977).

[2] Securities Exchange Act Releases No. 14737 (May 4, 1978), No. 14881 (June 22, 1978), No. 14890 (June 26, 1978), No. 14892 (June 23, 1978), No. 15390 (December 8, 1978).

I. Background

Broker-dealers frequently request or require customers to enter into agreements setting forth the terms of the relationship between such broker-dealers and customers, prior to the opening of an account or shortly thereafter. These agreements are routinely required for margin accounts and often for cash accounts. They are frequently pre-printed standard forms. One of the clauses generally included in these agreements requires that any controversy between the broker-dealer and customer be settled by arbitration, in accordance with the rules of one of the organizations listed in the clause. The controversies to be arbitrated may be specifically related to the purpose of the agreement, such as margin, but may also include other controversies arising out of the broker-customer relationship. In some clauses the choice of arbitration forum may be limited to securities industry self-regulatory organizations.

The enforceability of arbitration clauses against public customers has been the subject of litigation in which courts have weighed the merits and public policy in favor of arbitration, embodied in the Federal Arbitration Act, 9 U.S.C. 1 *et seq.* and similar state statutes, against the policy of investor protection embodied in the federal securities laws.

In *Wilko* v. *Swan*, 346 U.S. 427 (1953), the Supreme Court held that a pre-dispute arbitration clause was void and unenforceable as applied to a claim arising under the federal securities laws. In particular, the Court held that Section 14 of the Securities Act of 1933 ("Act") [15 U.S.C. 77n] renders void any agreement of a public customer to waive the right to a judicial forum, as provided by Section 22 of the Act, [15 U.S.C. 77v] for a determination of liability pursuant to Section 12(2) of the Act [15 U.S.C. 77*l*]. Section 14 of the Act provides that any condition, stipulation, or provision binding any person acquiring a security to waive compliance with any provision of the Act or of the rules and regulations of the Commission shall be void. The Court found the arbitration agreement to be such a stipulation, and the right to select a judicial forum to be a provision of the Act that cannot be waived. According to the opinion in *Wilko:*

> When the security buyer, prior to any violation of the Securities Act, waives his right to sue in courts, he gives up more than would a participant in other business transactions. The security buyer has a wider choice of courts and venue. He thus surrenders one of the advantages the Act gives him and surrenders it at a time when he is less able to judge the weight of the handicap the Securities Act places upon his adversary * * *
>
> * * * Recognizing the advantages that prior agreements for arbitration may provide for the solution of commercial controversies, we decide that the intention of Congress concerning the sale of securities is better carried out by holding invalid such an agreement for arbitration of issues arising under the Act.[3]

In subsequent cases, courts have found the holding in *Wilko* to be applicable to causes of action arising under the Securities Exchange Act of 1934 ("Exchange Act"), and causes of action based on violations of those rules of the self-regulatory organizations, which have as their aim effectuation of the purposes of the securities laws. Section 29(a) of the Exchange Act [15 U.S.C. 78cc] is similar to Section 14 of the Act, and also includes self-regulatory organization rules among those provisions for which a waiver of compliance is void.

On the other hand, claims not arising under the federal securities laws, such as contract, common law fraud, other state law claims, and violation of rules for which no private cause of action is available have been held to be referable to arbitration. In some cases in which securities laws claims and other claims have been based on the same set of circumstances, arbitration has been stayed pending judicial resolution of the securities laws claims.

In the case of *Scherk* v. *Alberto-Culver Co.*, 417 U.S. 506 (1974) the Supreme Court considered the question of whether a claim based on a violation of the anti-fraud provisions of the federal securities laws should be arbitrated pursuant to a prior agreement, and held that the agreement was enforceable. Unlike *Wilko* v. *Swan* however, the parties in *Scherk* were not a customer and a broker-dealer, but were parties to an international contract for the sale of three business entities. Considering foreign trade policy, and the uncertainty that could result from international conflicts of laws if parties could not select in advance a dispute resolution forum, the Court held that the dispute should be arbitrated. The Court found "crucial differences" between the arbitration agreement in *Wilko* and that in *Scherk*. For example, the advantages of a judicial forum would not necessarily be available to a party to an international agreement if the arbitration agreement were held void, since the other party might take action in a foreign court to block or hinder access to another judicial forum for resolution of the dispute. Cases subsequent to *Scherk* involving customer-broker disputes have applied the holding in *Wilko* and also interpreted the holding in *Scherk* to be limited to its peculiar fact situation.

In sum, the judicial decisions involving the applicability of Section 14 of the Act and Section 29 of the Exchange Act to customer arbitration agreements have delineated a set of investor-broker disputes for which arbitration may not be compelled pursuant to the arbitration clause of a customer agreement entered into at the time of opening an account or at any time prior to the dispute.

II. Discussion

The Commission has received inquiries from individual investors and others regarding the enforceability of agreements to arbitrate future disputes between broker-dealers and customers, and the propriety of broker-dealers requiring customers to execute agreements containing arbitration clauses as a condition of transacting business.

At the time of opening an account, customers are frequently not informed regarding the kinds of disputes for which the arbitration agreement would not be enforceable. As indicated above, these agreements often state that all disputes between the broker-dealer and the customer will be submitted to arbitration. Without further knowledge about arbitration generally, or the effect of Section 14 of the Act and Section 29(a) of the Exchange Act, the customer may sign the agreement with the belief that all disputes which arise with the broker-dealer must be arbitrated, including claims which may arise under the federal securities laws. Moreover, the customer may be precluded from doing business with the broker-dealer if he or she refuses to sign the agreement or the broker-dealer is unwilling to accept any modification of its terms.

At the time when a dispute arises, a customer who receives from the broker-dealer a demand for arbitration pursuant to the customer agreement[4] may not be aware that he or she may have the right to avoid arbitration if there is a claim arising under the federal securities laws. Consequently, some customers may submit the dispute to arbitration based on the representation that the arbitration clause is enforceable. Others may decide not to

[3] *Wilko* v. *Swan*, 346 U.S. 427, 435, 438 (1953).

[4] A typical arbitration clause authorizes the customer to elect the arbitration forum from a list of several organizations. If the customer does not elect the forum, within five days after receipt from the broker-dealer of a notification requesting such election, the broker-dealer becomes authorized to make the election.

pursue their claims in any forum. If broker dealers do not provide adequate disclosure about the limited enforceability of pre-dispute arbitration agreements, or misrepresent the meaning of the arbitration clause in the context of a dispute, investors may be effectively deprived of any right they may have to choose an alternative forum at the time when a dispute arises.

It is the Commission's view that it is misleading to customers to require execution of any customer agreement which does not provide adequate disclosure about the meaning and effect of its terms, particularly any provision which might lead a customer to believe that he or she has waived prospectively rights under the federal securities laws, rules thereunder, or certain rules of any self-regulatory organization. Customers should be made aware prior to signing an agreement containing an arbitration clause that such a prior agreement does not bar a cause of action arising under the federal securities laws. If a broker-dealer customer's agreement contains an arbitration clause, it must be consistent with current judicial decisions regarding the application of the federal securities laws to pre-dispute arbitration agreements.

The Commission is especially concerned that arbitration clauses continue to be part of form agreements widely used by broker-dealers, despite the number of cases in which these clauses have been held to be unenforceable in whole or in part. Requiring the signing of an arbitration agreement without adequate disclosure as to its meaning and effect violates standards of fair dealing with customers [5] and constitutes conduct that is inconsistent with just and equitable principles of trade.[6] In addition, it may raise serious questions of compliance with the anti-fraud provisions of the securities laws.[7]

By the Commission. (Commissioners Loomis, Evans, and Pollack concurring; Commissioner Karmel dissenting; Chairman Williams not participating.)

Separate Statement of Views by Commissioner Karmel:[1]

I object to the issuance of the Commission's release because I believe it improperly casts doubt on the efficacy and fairness of arbitration and thus undermines the valuable work of the Securities Industry Conference on Arbitration ("SICA"). Further, I do not believe that there is sufficient evidence of overreaching of customers by brokers-dealers using arbitration clauses in standard customer agreements to justify the issuance of the release. To the contrary, arbitration is an effective and worthwhile alternative to litigation for resolving disputes which reduces the costs to both the customer and the broker-dealer. In my opinion the use of arbitration clauses in customer agreements does not violate or raise questions under the anti-fraud provisions of the federal securities laws. To the extent the Commission considers changes in such clauses necessary or appropriate to comport with just and equitable principles of trade, requested changes should have been directed to SICA or appropriate industry self-regulatory organizations.

Dated: July 2, 1979.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-21206 Filed 7-9-79; 8:45 am]

BILLING CODE 8010-01-M

[File No. 81-515]

Genesco World Apparel, Ltd.; Application and Opportunity for Hearing

June 27, 1979.

Notice is hereby given that Genesco World Apparel, Ltd. (the "Applicant"), has filed an application pursuant to section 12(h) of the Securities Exchange Act of 1934, as amended, (the "1934 Act"), seeking an exemption from the reporting requirements of section 13 of that Act.

The Application states in part:

1. The Applicant is a wholly-owned subsidiary of Genesco, Inc. ("Genesco").

2. Genesco is subject to the reporting provisions of section 13 of the 1934 Act.

3. The Applicant has only one class of securities registered under the 1934 Act, its 5½% Guaranted Subordinated Debentures due 1988 (the "Debentures").

4. Genesco holds all outstanding securities of the Applicant except the Debentures.

5. Genesco has guaranteed the payment of the Debentures.

6. The Departures are convertible into common stock of Genesco.

7. The Debentures are listed on the New York Stock Exchange, but there has been no trading in the Debentures since 1974.

Accordingly, the Applicant believes that the requested exemption is appropriate, in the public interest, and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the 1934 Act.

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 Street, NW., Washington, D.C. 20549.

Notice is further given that any interested person not later than July 24, 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 St., NW., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reasons for such request, and the issues of fact and law raised by the application which he desires to controvert. Persons who request 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 that date, an order granting the application in whole or in part may be issued upon request or upon the Commission's own motion.

---

[5] *See, e.g., Opper* v. *Hancock Securities Corporation*, 250 F. Supp. 668 (S.D.N.Y. 1966), *aff'd* 367 F. 2d 157 (2d Cir. 1966); *Arleen W. Hughes*, 27 S.E.C. 629 (1948), *aff'd sub nom. Hughes* v. *Securities and Exchange Comm'n*, 174 F. 2d 969 (D.C. Cir. 1949); *Charles Hughes & Co., Inc.*, 13 S.E.C. 676, *aff'd sub nom. Charles Hughes & Co., Inc.* v. *Securities and Exchange Comm'n*, 139 F. 2d 434 (2d Cir. 1943), *cert. denied*, 321 U.S. 786 (1944); *Duker & Duker*, 6 S.E.C. 386 (1939).

[6] *See, e.g.*, Article III, Section 1 of the National Association of Securities Dealers, Inc: by-laws, NASD Manual (CCH) ¶2151; Article XIV, Section 6 of the New York Stock Exchange Constitution, 2 New York Stock Exchange, Inc. Guide (CCH) ¶1656.

[7] *See* Securities Exchange Act Release No. 6778 (April 16, 1962) in which the Commission cautioned broker-dealers that they have an obligation to deal fairly with the public, and that the delayed consummation of transactions for customers violates the anti-fraud provisions of the federal securities laws. In Securities Exchange Act Release No. 15194 (September 28, 1978) the Commission warned broker-dealers that certain practices, including issuance of checks to customers drawn on distant banks to delay customer access to funds, are contrary to just and equitable principles of trade and may in some instances violate the anti-fraud provisions of the federal securities laws.

The Commission's staff has for some time advised broker-dealers and securities industry organizations of the need to modify arbitration clauses in customer agreements in light of relevant judicial decisions. The Commission is not aware, however, that any material changes in such agreements have been made, or that any additional disclosures by broker-dealers have been provided to customers regarding the enforceability and scope of these clauses.

For the Commission, by the Division of Corporation Finance pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-21204 Filed 7-9-79; 8:45 am]

BILLING CODE 8010-01-M

[File No. 81-538]

Westmor Corp.; Application and Opportunity for Hearing

June 27, 1979.

Notice is hereby given that Westmor 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 January 30, 1979, Genstar Financial, Inc., a Delaware corporation which is wholly-owned by Genstar Mortgage Corporation, also a Delaware corporation, and which is an indirect wholly-owned subsidiary of Genstar Limited, a Canadian corporation, was merged into the Applicant. Upon the effectiveness of this merger, each share of Applicant's common stock was converted into the right to receive $2.50 in cash. As a result of the merger, Applicant no longer has any publicly traded common stock.

2. Preparation and filing of periodic reports for the fiscal year ending December 31, 1979 would serve no useful purpose.

Applicant argues that the granting of the exemption would not be inconsistent with the public interest or the protection of investors.

For a more detailed statement of the information presented, all persons are referred to said application which is on file in the offices of the Commission at 1100 L Street, N.W., Washington, D.C.

Notice is further given that any interested persons not later than July 24, 1979 may submit to the Commission in writing his views or any substantial facts bearing on this application of 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. 79-21205 Filed 7-9-79; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area #1616; Amdt. #6]

Mississippi; Declaration of Disaster Loan Area

The above numbered Declaration (See 44 FR 24179), amendment #1 (See 44 FR 26232), amendment #2 (See 44 FR 27782), amendment #3 (See 44 FR 29189), amendment #4 (See 44 FR 31339), and amendment #5 (See 44 FR 33997), are amended in accordance with the President's declaration of April 16, 1979, to include Calhoun County in the State of Mississippi. The Small Business Administration will accept applications for disaster relief loans from disaster victims in the above-named County and adjacent counties within the State of Mississippi. All other information remains the same; i.e., the termination dates for filing applications for physical damage is close of business on June 15, 1979, and for economic injury until the close of business of January 15, 1980.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008).

Dated: May 24, 1979.

H. A. Theiste,

Acting Administrator.

[FR Doc. 79-21256 Filed 7-9-79; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area #1616; Amdt. #7]

Mississippi; Declaration of Disaster Loan Area

The above numbered Declaration (See 44 F.R. 24179), amendment #1 (See 44 F.R. 26232), amendment #2 (See 44 F.R. 27782), amendment #3 (See 44 F.R. 29189), amendment #4 (See F.R. 31339), amendment #5 (See 44 F.R. 33997), and amendment #6 (See today's Federal Register), are amended in accordance with the Presidents declaration of April 16, 1979, to include Jefferson County in the State of Mississippi. The Small Business Administration will accept applications for disaster relief loans from disaster victims in the above-named County and adjacent counties within the State of Mississippi. All other information remains the same; i.e., the termination dates for filing applications for physical damage is close of business on June 15, 1979, and for economic injury until the close of business on January 15, 1980

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008).

Dated: May 25, 1979.

H. A. Theiste,

Acting Administrator.

[FR Doc. 21237 Filed 7-9-79; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area #1616; Amdt. #8]

Mississippi Declaration of Disaster Loan Area

The above numbered Declaration (See 44 F.R. 24179), amendment #1 (See 44 F.R. 26232), amendment #2 (See 44 F.R. 27782), amendment #3 (See 44 F.R. 29188), amendment #4 (See 44 F.R. 31339), amendment #5 (See 44 FR. 33997), amendment #6 (See today's Federal Register) and amendment #7 (See today's Federal Register), are amended in accordance with the President's declaration of April 16, 1979, to include Tallahatchie County in the State of Mississippi. The Small Business Administration will accept applications for disaster relief loans from disaster victims in the above-named County and adjacent counties within the State of Mississippi. All other information remains the same; i.e., the termination dates for filing applications for physical damage is close of business on June 15, 1979, and for economic injury until the close of business on January 15, 1980.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008).

Dated: May 25, 1979.

H. A. Theiste,

Acting Administrator.

[FR Doc. 79-21236 Filed 7-9-79; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 1616; Amendment No. 9]

Mississippi; Declaration of Disaster Loan Area

The above numbered Declaration (See 44 FR 24179), amendment #1 (see 44 FR 26232), amendment #2 (see 44 FR 27782), amendment #3 (see 44 FR 29189), amendment #4 (see 44 FR 31339), amendment #5 (see 44 FR 33997), amendment #6 (see today's Federal Register), amendment #7 (see today's

Federal Register), and amendment #8 (see today's Federal Register) are amended by extending the filing date for applications for loans for physical damage until the close of business on July 16, 1979, and for economic injury until the close of business on February 14, 1980.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: June 8, 1979.

William H. Mauk, Jr.,

Acting Administrator.

[FR Doc. 79-21299 Filed 7-9-79; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF THE TREASURY

Debt Management Advisory Committees; Meetings

Notice is hereby given, pursuant to Section 10 of Public Law 92-463, that meetings will be held in Washington on July 24th and 25th, 1979 of the following debt management advisory committees:

American Bankers Association, Government Borrowing Committee.

Public Securities Association, U.S. Government and Federal Agencies Securities Committee.

The agenda for the American Bankers Association Government Borrowing Committee meetings provides for working sessions on July 24 and a report to the Secretary of the Treasury and Treasury staff on July 24.

The agenda for the Public Securities Association U.S. Government and Federal Agencies Securities Committee meetings provides for working sessions on July 24 and a report to the Secretary of the Treasury and the Treasury staff on July 25.

Pursuant to the authority placed in Heads of Departments by section 10(d) of Public Law 92-463, and vested in me by Treasury Department Order 190, revised, I hereby determine that these metings are concerned with information exempt from disclosure under section 552b(c)(4) and (9)(A) of Title 5 of the United States Code, and that the public interest requires that such meetings be closed to the public.

My reasons for this determination are as follows. The Treasury Department requires frank and full advice from representatives of the financial community prior to making its final decision on major financing operations. Historically, this advice has been offered by debt management advisory committees established by the several major segments of the financial community, which committees are utilized by this Department at meetings call by representatives of the Office of the Secretary. When so utilized they are recognized to be advisory committees under Public Law 92-463. The advice provided consists of commercial and financial information given and received in confidence. As such these debt management advisory committee activities concern matters which fall within the exemption covered by section 552b(c)(4) of Title 5 of the United States Code for matters which are "trade secrets and commercial or financial information obtained from a person and privileged or confidential."

Although the Treasury's final announcement of financing plans may or may not reflect the advice provided in reports of these committees, premature disclosure of these reports would lead to significant financial speculation in the securities market. Thus, these meetings also fall within the exemption covered by 552b(c)(9)(A) of Title 5 of the United States Code.

The Assistant Secretary (Domestic Finance) shall be responsible for maintaining records of the meetings of these committees and for providing annual reports setting forth a summary of their activities and such other matters as may be informative to the public consistent with the policy of 5 U.S.C. 552b.

Dated: July 2, 1979.

Roger C. Altman,

Assistant Secretary (Domestic Finance).

[FR Doc. 79-21138 Filed 7-9-79; 8:45 am]

BILLING CODE 4810-25-M

INTERSTATE COMMERCE COMMISSION

[Notice No. 104]

Assignment of Hearings

July 3, 1979.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 111729 (Sub-No. 744F), Purolator Courier Corp., now assigned for hearing on September 18, 1979 (9 days), at Memphis, TN, in a hearing room to be later designated.

MC 121569 (Sub-No. 3F), Gator Freightways, Inc., now assigned for hearing on September 24, 1979 (2 weeks), at Orlando, FL, in a hearing room to be later designated.

MC 117815 (Sub-No. 301F), Pulley Freight Lines, Inc., now assigned for hearing on July 24, 1979 (8 days), at Chicago, IL, and will be held in Room 1319, 219 South Dearborn St.

H. G. Homme, Jr.,

Secretary.

[FR Doc. 79-21279 Filed 7-9-79; 8:45 am]

BILLING CODE 7035-01-M

[Notice No. 105]

Assignment of Hearings

July 3, 1979.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

Correction [1]

MC 124151 (Sub-8F), Vanguard Transportation, Inc., now assigned for hearing on July 10, 1979 at New York, N.Y., is canceled and reassigned to Edison, N.J., and will be held at the Ramada Inn, 3050 Woodbridge Avenue.

H. G. Homme, Jr.,

Secretary.

[FR Doc. 79-21260 Filed 7-9-79; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 311]

Expedited Procedures for Recovery of Fuel Costs

Decided July 3, 1979.

In a decision served June 19, 1979, the Commission amended Special Permission No. 79-2800 and authorized all regulated motor carriers to file for fuel-based surcharges on one day's notice using the surcharge figures set forth in the Commission's weekly fuel index (except as otherwise ordered). In

[1] This notice corrects the place of hearing to Edison, N.J., instead of Cleveland, Ohio.

that decision, the Commission also established a second surcharge figure to be used by carriers not utilizing owner-operators for that portion of their traffic which moves at less-than-truckload (LTL) rates.

In our decision of June 26, 1979, a 7-percent surcharge was authorized on all owner-operator and truckload traffic, and we ordered that all owner-operators were to receive compensation at this level. As indicated in our prior decision, further upward changes are not contemplated until the index exceeds 7 percent. The weekly figure set forth in the Appendix to this decision for transportation performed by owner-operators and truckload traffic is 6.4 percent. Accordingly, the 7 percent figure authorized on June 26, 1979, remains in effect.

With regard to the percentage surcharge figure for LTL traffic, the index has risen to 2.9 percent. However, by petition filed jointly on June 25, 1979, the National Small Shipments Traffic Conference, Inc. and Drug and Toilet Preparation Traffic Conference, Inc., seek modification of the LTL percentage surcharge for carriers not utilizing owner-operators on the ground that the 7.5 percent figure [1] used to derive the surcharge is too high. By decision of June 29, 1979, the major motor carrier rate bureaus (which are subject to our procedures in Ex Parte No. MC-82, *New Procedures in Motor Carrier Revenue Proceedings*) are required to provide information relative to LTL traffic, including total fuel expense (including taxes) and total revenue, within 15 days. At this time, while we are attempting to ascertain whether petitioners' contention has merit, no change will be made in the existing authorization of a 2.7 percent surcharge on LTL traffic performed by carriers not utilizing owner-operators.

One other matter requires clarification. Our decision of June 26, 1979, and our amendment of Special Permission No. 79-2800 indicate that for carriers seeking a surcharge for LTL traffic, each publication "shall contain a certification that the carriers use owner-operators for the traffic."

This wording has apparently led to some confusion. Our intent was that such a certification be filed by those using owner-operators and therefore seeking a higher surcharge than the 2.7 percent otherwise authorized on LTL traffic. We are revising the special permission to make this intent clear.

Finally, since our various decisions have made numerous changes in Sepcial Permission No. 79-2800, we are reproducing the Special Permission as amended for ease of reference.

The Commission's weekly fuel index is attached as an appendix to this decision.

[Special Permission No 79-2800]

Emergency Fuel Surcharge—Special Procedures Based on Commission Fuel Index

1. All regulated carriers which employ owner-operators and all other motor common carriers when providing transportation at truckload or volume rates as defined in the applicable tariffs, or the authorized publishing agents of such carriers that have tariffs or schedules on file with this Commission, or those qualifying carriers or agents that may in the future file tariffs or schedules with this Commission, are authorized to depart from the terms of the governing tariff circulars to file and post on one day's notice to this Commission and the public, an increase in freight charges for line-haul transportation and charges for other services which consume fuel, such as pickup and delivery, which must be specified in the tariff, by means of a percentage surcharge. Carriers may continue to use Special Permission Nos. 79-2620 or 76-350, where appropriate, but they must use these two special permissions when seeking a surcharge above the maximum allowable percentage defined below. For purposes of this Special Permission, a proposed surcharge will not be applicable to detention charges.

1a. The relief in paragraph 1 also applies to carriers for that portion of their traffic that moves in less-than-truckload shipments. For these carriers, a different percentage surcharge figure applies, as defined in paragraph 2a, if owner-operators are not utilized. For purposes of this Special Permission, any-quantity rates (AQ) are to be considered the same as less-than-truckload rates.

2. For the carriers listed in paragraph 1, the maximum percentage surcharge allowed under this Special Permission will be determined by publication by the Commission of a national fuel index, on a weekly basis, except as otherwise ordered. This index is an average of diesel fuel prices at selected truck stops in various areas in the United States. In the Appendix to this decision, the Commission has indicated a percentage surcharge for regulated carriers employing owner-operators and all other motor common carriers providing transportation at truckload or volume rates as discussed in paragraph 1. This surcharge is based upon the fuel index, which indicates the increase in fuel prices from the January 1, 1979 base date to the current period, and a national average percentage that fuel expense (including taxes) is of total operating revenues from transportation performed by owner-operators. In each succeeding week, the Commission will indicate in its published index the possible additional adjustments to this surcharge. Carriers may utilize these procedures by submitting a tariff schedule indicating a surcharge not to exceed the allowable percentage. No further justification statement is required. If such schedule is in conformity with our decision, we will not exercise the suspension power.

2a. For that traffic of a carrier noted in paragraph 1a, the maximum percentage surcharge allowed under this Special Permission will be determined by the same Commission fuel index described above except as otherwise ordered. By use of the index, and by deriving a national average of the percentage of fuel expense of total operating revenues of traffic hauled by regulated general commodity carriers and by considering other factors as appropriate, the maximum allowable surcharge is indicated except as otherwise stated. In each succeeding week, we will indicate in a published index possible additional adjustments to this surcharge. The same terms and conditions listed in paragraph 2 apply here. For carriers seeking a surcharge higher than the surcharge set forth for LTL traffic because they use owner-operators, each publication shall contain a certification that the carriers use owner-operators for the traffic.

2b. The relief in paragraph 1 is also applicable to motor carriers of passengers. For purposes of this Special Pemission, the carriers must use a figure no greater than the percentage surcharge figure for less-than-truckload traffic as stated in the Commission's weekly fuel index or as otherwise ordered.

3. The person actually responsible for the payment of fuel charges, by contract or otherwise, is to receive the full increase derived from the surcharges published hereunder, except in the situation where the carrier has already compensated its owner-operators for increased fuel expenses since January 1, 1979, and has not requested an Ex Parte No. 311 increase. In that case, the carrier may use this Special Permission or Nos. 79-2620 and 76-350, where appropriate, to recoup such payments.

4. Each publication containing the surcharge shall contain whichever of the following certifications is appropriate:

[1] Representing average percent: Fuel expenses (including taxes) of total revenue.

This is to certify that each carrier party to this publication has been notified that: Special Permission No. 79-2800 requires that the person actually responsible, by contract or otherwise, for the payment of fuel charges is to receive the full increase in revenue derived from surcharges published hereunder, and that a carrier's participation in a publication filed hereunder constitutes an undertaking to comply with that requirement.

or

This is to certify that the person actually responsible, by contract or otherwise, for the payment of fuel charges will receive the full increase in freight revenue to be derived from the proposed surcharge.

5. All surcharges filed under this Special Permission must have an expiration date of no later than one year from the effective date of the surcharge. The Commission, however, reserves the right to shorten or extend the expiration dates by decision to be entered when it has been determined that the fuel crisis has abated.

6. Publications issued and filed hereunder shall be exempt from the supplemental and volume limitations of the tariff circulars, shall contain no other matter, and shall bear the following notation:

Issued on one day's notice: I.C.C. permission No. 79-2800.

7. The surcharge filed and posted under the authority of this permission may take the form of master tariff of increase, or as a supplement to the affected tariffs. If the master tariff form of publication is to be employed, reference will be made by connecting link supplement to each tariff (to be made subject to the master tariff) connecting such tariff with the master. Such supplements may be blanket supplements (a common supplement issued to two or more tariffs), provided each copy officially filed is hand marked in the tariff it supplements.

8. Only one surcharge as to a tariff may be in effect at one time.

9. The surcharge provisions must include a rule for disposition of fractions of one cent or other stated amounts, or refer to a conversion table of increased charges or fares.

10. All outstanding orders of the Commission are modified to the extent necessary to permit the filing of the tariffs authorized herein. Increases filed under this Special Permission shall not be deemed general increases or general adjustments as defined in §§ 1102.1 and 1104.1(a) of Chapter X of Title 49 of the Code of Federal Regulations.

11. The requirement of following rate bureau procedures provided in agreements approved by this Commission under section 10706 of the Act (formerly section 5a and 5b) is waived to the extent necessary to permit the filing of the tariffs authorized herein.

Notice of this Special Permission shall be given to the general public by mailing a copy of this decision to the Governor of each State and to the Public Utilities Commissions or Boards of each State having jurisdiction over transportation, by depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy to the Director, Office of the Federal Register, for publication therein.

This decision shall become effective on date served.

By the Commission, Chairman O'Neal, Vice Chairman Brown, Commissioners Stafford, Gresham, Clapp, and Christian. Commissioner Gresham not participating.

H. G. Homme, Jr.,
Secretary.

Appendix—Fuel Surcharge

Base Date and Price Per Gallon (Including Tax)

January 1, 1979, 63.5¢[1]

Date of Current Price Measurement and Price Per Gallon (Including Tax)

July 2, 1979, 87.6¢

Average Percent: Fuel Expenses (Including Taxes) of Total Revenue

(1) From Transportation Performed by Owner Operators (Apply to All Truckload Traffic), 16.9% Percent surcharge 6.4%.

(2) Other (Including Less-Truckload Traffic), 7.5 Percent surcharge 2.9%.

[FR Doc. 79-21275 Filed 7-9-79; 8:45 am]

BILLING CODE 7035-01-M

[Decision No. MC-128616 (Sub-24) F]

Gelco Courier Services, Inc., Extension—Western Iowa Banks (St. Paul, Minn.)

Decided: June 27, 1979.

Applicant seeks a permit to operate as a contract carrier by motor vehicle substantially as described in the appendix. The evidence has been considered under the modified procedure. The application is opposed by Purolator Courier Corp. and Pony Express Courier Corporation, both motor common and contract carriers. The petition to intervene of Pony Express is treated as a timely filed protest.

Applicant requests that the application be amended by adding 17 western Iowa counties to the territory sought to be served. Applicant state that, after the filing of this application and its publication in the Federal Register, the supporting shipper, the Federal Reserve Bank of Kansas City, Omaha Branch, informed applicant of a proposal to transfer to the shipper check clearing responsibility for additional Iowa banks. Consequently, the shipper's requirements have changed to include service between Omaha, NE, on the one hand, and, on the other, points in and west of Taylor, Adams, Cass, Audubon, Carroll, Sac, Buena Vista, Clay, and Dickinson Counties, IA. Applicant acknowledges that a grant of the authority sought, as amended, would be subject to publication in the Federal Register.

In its verified statement, the supporting shipper, which is located at Omaha, states that there is now under consideration a proposal to transfer the responsibility for check clearing for additional Iowa banks to the shipper from the Des Moines Regional Check Processing Center office. If the proposal is accepted, the shipper would serve various banks in those additional counties which applicant now requests be added to the involved territory under its proposed amendment.

Protestants argue that applicant has not shown good cause for permitting the amendment, which would broaden the scope of the application, and that its request should be denied.

The requested amendment is accepted. The additional territory to be served is contiguous to the original territory sought in the application. The amendment would enable applicant to meet a future need of the Federal Reserve Bank for service that was not known at the time of the filing of the application, but which is logically related to the original proposal. We think good cause has been shown for allowing the amendment. Because the authority sought under the amended application is broader than that published in the Federal Register, any grant of authority will be subject to publication in the Federal Register.

Protestant Purolator moves that the proceeding in No. MC-143691 (Sub-No. 6) F be consolidated with this proceeding for consideration and decision. In that proceeding, another carrier, Pony Express Courier Corporation, is seeking similar authority between Omaha, NE, and points in Iowa. The Federal Reserve Bank of Kansas City, Omaha Branch, supports both applications. Purolator is a protestant in both proceedings and states that it would be adversely affected by a grant of authority in either or both proceedings.

[1] Base price figure changed from 63.6¢ to 63.5¢ due to minor correction from one reporting station.

The Commission's right to consider a proceeding separately or in combination with other proceedings is a matter of administrative discretion. See *Texas—Oklahoma Express, Inc., Ext.—Oklahoma Points,* 110 M.C.C. 769, 773 (1969). The application of Pony Express involves a larger Iowa territory and numerous different shippers, and both applications are being processed at different stages. Accordingly, Purolator's motion to consolidate is overruled.

Applicant proposes to provide a transportation service geared to meet the specialized needs of the Federal Reserve Bank of Kansas City, Omaha Branch, and its bank customers in western Iowa. The operation would be conducted as a round-trip movement with outbound shipments from the Federal Reserve Bank in Omaha to customers located in the involved Iowa counties and return movements from the Iowa local banks to Omaha. Applicant will offer daily pickup and delivery service on routes and schedules that meet the requirements of the supporting bank.

The application is supported by the Federal Reserve Bank of Kansas City, Omaha Branch, which serves as a check collecting agency for commercial banks in Iowa. Each business day, the Bank ships cash letters and reserve statements to 41 banks in six named Iowa counties. It ships to Iowa banks about 45,300 checks a day, and receives an average of 1,300 items from two Iowa banks. It also makes shipments to about 41 Iowa banks under the Federal Recurring Payments Program. If a proposal is accepted to transfer check clearing responsibility for additional banks from the Des Moines Regional Check Processing Center to the Bank in Omaha, it would then serve additional banks located in the involved Iowa territory.

The Federal Reserve Bank handles the processing of checks on an overnight basis and describes its need for prompt and reliable transportation service between its Omaha office and its customer banks. It is the policy of the Federal Reserve Bank to request the submission of proposals to provide service and to award contracts on the basis of competitive bidding in areas where two or more carriers hold authority to provide the service needed. As a matter of policy, carriers must hold authority to qualify as bidders for service routes. If the authority sought here is granted, the Bank will ask applicant to bid on providing service between Omaha and points in Iowa. The traffic will be awarded to the successful bidder. At the present time, protestant Purolator is the only carrier authorized to provide that service. The existence of only one authorized carrier prevents competitive bidding for service between Omaha and points in Iowa.

The Federal Reserve Bank believes that competitive bidding results in substantial cost savings on the basis of experience in all Federal Reserve districts. It cites as an example the cost savings of 15 percent to 50 percent that have been achieved by the Federal Reserve Banks in New York, Atlanta, Chicago, and San Francisco as a result of competitive bidding by qualified carriers. The Bank believes that the benefits of competition between carriers accrue to the Bank and ultimately to the public. If the services of more than one carrier are available, the Bank considers that it would be better assured that service will be timely, reliable, accurate, and flexible, and that rates will be within the zone of reasonableness.

Protestant Purolator holds pertinent authority to serve the shipper between Omaha and the involved Iowa territory. It earns revenues of about $78,000 from handling the involved traffic. This would be subject to diversion by applicant under a grant of the authority sought here.

Purolator's annual reports on file with the Commission show that, for the year 1977, its total operating revenues were $114.4 million, total operating expenses $104.8 million, and ordinary income before taxes $9.6 million. The ratio between its total operating revenues and total operating expenses during 1977 was 91 percent. In 1977, Purolator's total assets were $68.9 million, total equity $57.7 million, current assets $13.6 million, and current and accrued liabilities $9.1 million.

Protestant Pony Express does not hold authority to serve the Federal Reserve Bank between Omaha and the involved Iowa territory. Its application for similar authority is pending before the Commission. It has not participated in the involved traffic. Pony Express requests that any grant of authority here be limited to service under contracts with the Federal Reserve Bank only.

The proposed service qualifies as contract carriage under 49 U.S.C. 10102(12) [formerly section 203(a)(15) of the Interstate Commerce Act] because applicant will serve a limited class of persons (i.e., banks and banking institutions), which has been held acceptable under the "limited number of persons" provision of 49 U.S.C. 10102(12), and because the proposed service meets the second alternative test of that section in that it will meet the distinct needs of banks and banking institutions for efficient and economical transportation of the involved commodities.

Our consideration of the evidence under the criteria of 49 U.S.C. 10923(b)(2) [formerly section 209(b) of the Act] reveals the following facts and conclusions: (1) Applicant proposes to serve the Federal Reserve Bank of Kansas City, Omaha Branch. Its service is designed to meet the needs of a class of shippers (i.e., banks and banking institutions), an acceptable showing under the first criterion. (2) The proposal would be a specialized service tailored to the Bank's transportation requirements, which would include daily pickups and deliveries of cash letters and other banking documents according to certain routes and schedules. Applicant would submit bids for serving certain routes for the Federal Reserve Bank and enter into contracts for providing expeditious and flexible transportation service needed by the Bank. (3) Protestant Purolator participates in the involved traffic, but revenues derived from it are only a minimal amount of its total operating revenues of $114.4 million in 1977. Purolator is a strong carrier financially and healthy enough to share the involved market with applicant. A grant of the application would have no serious adverse effect upon its operations. As protestant Pony Express has not participated in the involved traffic, it would not be adversely affected by a grant of the application. (4) A denial of the application would preclude applicant from serving the shipper and would continue the present situation where only one carrier is authorized to provide service for the shipper. A denial would deprive the shipper of beneficial competition between carriers within the involved territory. Such competition would foster reliable and flexible service and lower rates for the benefit of the shipper. Even if similar authority is issued to Pony Express, a denial of this application would limit the Federal Reserve Bank to a narrower choice of carriers for transporting its banking documents. A denial of the application would also compel the Bank to enter into contracts with the only existing authorized carrier or to resort to private carriage. In this respect, we think the factual situation here is far different from that in *Associated Transports, Inc., Extension—Kansas City, Mo.,* 71 M.C.C. 367, 369 (1957),[1] cited by Purolator. In that case, the issue of competition was not raised, applicant was a common carrier, and Wade, the contract carrier

[1] Overruled in *Sawyer Transport, Inc.—Carleton Flat Glass* 131 M.C.C. 539 (1979).

there, relied upon only one large shipper for traffic. Accordingly, that decision is not applicable here. (5) The changing character of the shipper's requirements has not been shown to be a significant factor here. Weighing the evidence in balance under these criteria, we conclude that the application should be granted as described in the appendix.

The authority granted will be restricted to service under continuing contracts with banks and banking institutions, including bank-owned computer companies. The restriction requested by Pony Express is not warranted and will not be imposed.

Protestant Purolator argues that applicant has not shown that it is fit or that the proposed service is operationally feasible. Applicant, however, is an established carrier experienced in providing a specialized service for banks and currently serves the Federal Reserve Bank in interstate and intrastate commerce. It plans to offer round-trip movements geared to the needs of the Bank. Applicant is fit to perform the proposed operation, and the evidence regarding operational feasibility is sufficient to support a grant of authority here.

Applicant is both a contract and a common carrier, holding common carrier authority in No. MC-114533 and sub-numbers thereunder to transport various commodities including audit and accounting media, exposed film, laboratory specimens, ophthalmic goods, and radioactive pharmaceuticals in 22 States. Dual operations have been approved by the Commission in *Bankers Dispatch Corp., Conversion Application*, 110 M.C.C. 294, 312 (1969). Because the limited shipper class of banks is not permitted, for all practical purposes, to operate other types of businesses involving the commodities for which applicant holds certificates, it is highly unlikely that the dual operations resulting from this grant would give rise to unfair rate practices. Accordingly, dual operations will be approved, subject to the usual reservation of jurisdiction.

Applicant already holds authority to serve points in Woodbury and Monona Counties, IA, and those counties will be excluded from the grant of authority to avoid duplications.

Because it is possible that interested parties may have relied on the publication that appeared in the Federal Register, we believe that a condition requiring publication of the authority actually granted here is necessary to insure notice to all potentially concerned members of the public. Issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which time any interested person may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been prejudiced by the failure of the prior publication to give adequate notice of the authority actually granted.

We find: Operation by applicant, performing the service described in the appendix, will be consistent with the public interest and the national transportation policy. Applicant is fit, willing, and able properly to perform the granted service and to conform to the requirements of Title 49, Subtitle IV, U.S. Code, and the Commission's regulations. This decision does not significantly affect the quality of the human environment. An appropriate permit should be granted.

Dual operations will be consistent with the public interest and the national transportation policy, subject to the usual reservation of jurisdiction in any permit to be issued.

It is ordered: The motion to consolidate of Purolator Courier Corp. is overruled.

The application is granted to the extent set forth in the appendix. Operations may begin only following the service of a *permit* which will be issued if applicant complies with the following requirements set forth in the Code of Federal Regulations: insurance (49 CFR 1043), designation of process agent (49 CFR 1044), contracts (49 CFR 1053), and freight rate schedules (49 CFR 1307).

Compliance with these requirements must be made within 90 days after the date of service of this decision or the grant of authority shall be void.

By the Commission, Review Board Number 1, Members Carleton, Joyce, and Jones.

H. G. Homme, Jr.,

Secretary.

Appendix

Authority to conduct the following operations will be issued in an appropriate document. This decision does not constitute authority to operate.

To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *commercial papers, documents, and written instruments (except currency and negotiable securities), as are used in the business of banks and banking institutions*, between Omaha, NE, on the one hand, and, on the other, points in and west of Taylor, Adams, Cass, Audubon, Carroll, Sac, Buena Vista, Clay, and Dickinson Counties, IA (except points in Woodbury and Monona Counties), under continuing contracts with banks and banking institutions, including bank-owned computer companies.

Condition

Issuance of the permit authorized here shall be withheld for a period of 30 days from the date of publication in the Federal Register of a notice of the authority granted.

[FR Doc. 79-21278 Filed 7-9-79; 8:45 am]

BILLING CODE 7035-01-M

[65th Rev. Exemption No. 90]

Exemption Under Provision of Rule 19 of the Mandatory Car Service Rules Ordered in Ex Parte No. 241

To all railroads: It appearing, That the railroads named below own numerous 50-ft. plain boxcars; that under present conditions there are substantial surpluses of these cars on their lines; that return of these cars to the owners would result in their being stored idle; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of these cars, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, 50-ft. plain boxcars described in the Official Railway Equipment Register, ICC RER6410-A, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "XM," and bearing reporting marks assigned to the railroads named below, shall be exempt from provisions of Car Service Rules 1, 2(a), and 2(b).

Aberdeen and Rockfish Railroad Company
Reporting Marks: AR
*Appalchicola Northern Railroad Company
Reporting Marks: AN
Bath and Hammondsport Railroad Company
Reporting Marks: BH
Camino, Placerville & Lake Tahoe Railroad Company
Reporting Marks: CPLT
City of Prineville
Reporting Marks: COP
*The Clarendon and Pittsford Railroad Company
Reporting Marks: CLP
Columbus and Greenville Railway Company
Reporting Marks: CAGY
Duluth, Missabe and Iron Range Railway Company
Reporting Marks: DMIR
East Camden & Highland Railroad Company
Reporting Marks: EACH
Genessee and Wyoming Railway Company
Reporting Marks: GNWR

*Additions.

Greenville and Northern Railway Company
Reporting Marks: GRN
The Hutchinson and Northern Railway Company
Reporting Marks: HN
Indiana Eastern Railroad and Transportation, Inc. D/B/A The Hoosier Connection
Reporting Marks: HOSC
Lake Superior & Ishpeming Railroad Company
Reporting Marks: LSI
Lenawee County Railroad Company, Inc.
Reporting Marks: LCRC
Louisiana Midland Railway Company
Reporting Marks: LOAM
Louisville and Wadley Railway Company
Reporting Marks: LW
Louisville, New Albany & Corydon Railroad Company
Reporting Marks: LNAC
Manufactures Railway Company
Reporting Marks: MRS
Middletown and New Jersey Railway Company, Inc.
Reporting Marks: MNJ
Missouri-Kansas-Texas Railroad Company
Reporting Marks: MKT–BKTY
New Orleans Public Belt Railroad
Reporting Marks: NOPB
New York, Susquehanna and Western Railroad Company
Reporting Marks: NYSW
Oregon & Northwestern Railroad Co.
Reporting Marks: ONW
Pearl River Valley Railroad Company
Reporting Marks: PRV
Peninsula Terminal Company
Reporting Marks: PT
Providence And Worcester Company
Reporting Marks: PW
Raritan River Rail Road Company
Reporting Marks: RR
Sacramento Northern Railway
Reporting Marks: SN
St. Lawrence Railroad
Reporting Marks: NSL
Savannah State Docks Railroad Company
Reporting Marks: SSDK
Sierra Railroad Company
Reporting Marks: SERA
Terminal Railway, Alabama State Docks
Reporting Marks: TASD
The Texas Mexican Railway Company
Reporting Marks: TM
Tidewater Southern Railway Company
Reporting Marks: TS
Toledo, Peoria & Western Railroad Company
Reporting Marks: TPW
Vermont Railway, Inc.
Reporting Marks: VTR
WCTU Railway Company
Reporting Marks: WCTR
Youngstown & Southern Railway Company
Reporting Marks: YS
Yreka Western Railroad Company
Reporting Marks: YW

Effective July 1, 1979, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., June 26, 1979.
Interstate Commerce Commission.
Joel E. Burns,
Agent.
[FR Doc. 79-21281 Filed 7-9-79; 8:45 am]
BILLING CODE 7035-01-M

[Notice No. 111]

Motor Carrier Temporary Authority Applications

June 21, 1979.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the Federal Register publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the Federal Register. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

MC 200 (Sub-353TA), filed May 7, 1979. Applicant: RISS INTERNATIONAL CORPORATION, 903 Grand Avenue, Kansas City, MO 64106. Representative: Ivan E. Moody, (same address as applicant). *Common carrier:* regular route: *Foodstuffs and Prepared Animal Feed* (except commodities in bulk), serving Lafayette, IN as an intermediate point on US 52 in connection with applicant's regular route authority. (Purpose of application is to provide single line service in place of two line hauls), for 180 days. Supporting shipper: General Foods Corporation, 250 North Street, White Plains, NY 10625. Send protests to: John V. Barry, DS, ICC, 600 Federal Bldg., 911 Walnut, Kansas City, Mo. 64106.

MC 200 filed May 7, 1979. Applicant: RISS INTERNATIONAL CORPORATION, 903 Grand Avenue, Kansas City, MO 64106. Representative: Ivan E. Moody, (same address as applicant). *Meats, Meat Products, Meat By-Products, and articles distributed by meat-packing houses* as described in Sections A, D, & C in "Descriptions" case 61 M.C.C. 209 and 766 (except hides and commodities in bulk), between Mason City and Britt, IA on the one hand and on the other points in NE, CO, KS, OK, TX, AK, MO, IL, IN, KY, OH, MI, PA, WV, VA, DE, MD, NJ, NY, CT, RI, ME, NH, VT and DC, for 180 days. Supporting shipper: Armour & Company, Greyhound Tower, Phoenix, AZ 85077. Send protests to: John V. Barry, DS, ICC, 600 Federal Bldg., 911 Walnut, Kansas City, Mo. 64106.

MC 531 (Sub-408TA), filed May 15, 1979. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Rd., Houston, TX 77021. Representative: Wray E. Hughes, 4904 Griggs Rd., Houston, TX 77021. Common carrier over irregular routes. *Dry Poly Vinly Chloride, in bulk, in tank vehicles* from plant site of Georgia Pacific Corp., at or near Plaquemine, LA to: Muscle Shoals, AL; Magnolia, AR; Pueblo, CO; Green Cove Springs, Miami, FL; Thomasville, GA; Grinnell, IA; Jeffersontown, Springfield, KY; Booneville, Columbia, Cornith, Prairie, Quitman, MS; St. Louis, Union, MO; Lindenk NJ; Pineville, NC; Akron, Ashland, Aurora, Bellevue, Sylvania, OH; Oklahoma City, OK; Anderson, SC; Jackson, Knoxville, TN; Dension, Plano, Temple, Wichita Falls, TX for 180 days. Supporting shipper(s): Georgia Pacific Corp., P.O. Box 629, Plaquemine, LA 70764. Send protests to: John F. Mensing, District Supervisor, Interstate Commerce Commission, 515 Rusk Ave. #8610, Houston, TX 77002.

MC 730 (Sub-441TA), filed May 7, 1979. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., 25 North Via Monte, Walnut Creek, CA 94598. Representative: R. N. Cooledge, 25 North Via Monte, Walnut Creek, CA 94598. 180 days common motor carrier over irregular routes. *Petroleum oil, in bulk, in tank vehicles.* From New

Orleans, LA to California. An underlying ETA seeks *90 days* authority. Supporting shipper(s): Chevron Chemical Co., 575 Market St., San Francisco, CA 94105. Send protests to: d/s A. J. Rodriguez, I.C.C., 211 Main St., Suite 500, San Francisco, CA 94105.

MC 730 (Sub-442TA), filed May 9, 1979. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., 25 North Via Monte, Walnut Creek, CA 94598. Representative: R. N. Cooledge, 25 North Via Monte, Walnut Creek, CA 94598. 180 days motor common carrier over irregular routes. *Gasoline and distillate fuel oil, in bulk, in tank vehicles.* From points in Washington on and east of U.S. Highway 97 (except Pasco and Spokane, Washington and points within 10 miles of each) to points in Idaho in and north of Idaho county. An underlying ETA seeks 90 days authority. Supporting shipper(s): Patzer Oil Co., P.O. Box 133 Coeur d'Alene, ID 83814, Kerr Oil Co., 501 Northwest Blvd., Coeur d'Alene, ID 83814, Eitzman Oil Co., Box 668 Sandpoint, ID 83864. Send protests to: Dist. Supv. A. J. Rodriguez, I.C.C., 211 Main St., Suite 500, San Francisco, CA 94105.

MC 730 (Sub-443TA), filed May 10, 1979. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., 25 North Via Monte, Walnut Creek, CA 94598. Representative: R. N. Cooledge, 25 North Via Monte, Walnut Creek, CA 94598. 180 days motor common carrier over irregular routes. *JP4 (jet fuel) in bulk, in tank vehicles.* From Woodward, OK to Los Angeles, CA. An underlying ETA seeks *90 days* authority. Supporting shipper(s): Mercury Refueling Inc., 6851 West Imperial Hwy, Los Angeles, CA 90045. Send protests to: Dist. Supv. A. J. Rodriguez, I.C.C., 211 Main St., Suite 500, San Francisco, CA 94105.

MC 730 (Sub-444TA), filed May 1, 1979. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., 25 North Via Monte, Walnut Creek, CA 94595. Representative: E. E. Reddick, Director of Traffic, 25 North Via Monte, Walnut Creek, CA 94595. 180 days. *Common carrier by motor vehicle, over irregular routes. Malt beverages, empty shipping pallets, paperboard or pulpboard, glass bottles and related advertising material.* Serving the facilities of Anheuser Busch, Inc. located at, or near, Newark, NJ; St. Louis, MO; Columbus, OH; Williamsburg, VA; Tampa, FL; Jacksonville, FL; and Merrimack, NH, on the one hand, and on the other points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MO, MS, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, WV, and WI. Supporting shipper(s): Anheuser-Busch, Inc., 721 Pestalozzi, St. Louis, MO 63118. Send protests to: A. J. Rodriguez, DS, I.C.C., 211 Main St., Suite 500, San Francisco, CA 94105.

MC 2860 (Sub-177TA), filed May 18, 1979. Applicant: NATIONAL FREIGHT, INC., 71 West Park Avenue, Vineland, NJ 08360. Representative: Gerald S. Duzinski, 71 West Park Avenue, Vineland, NJ 08360. *Canned or preserved foodstuffs.* From the facilities of Heinz, USA, Div. of H. J. Heinz Co., at or near Greenville, SC to points in FL, and in each case, restricted to traffic originating at the name facilities and destined to the named state, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Heinz USA, Division of H. J. Heinz Company, P.O. Box 57, Pittsburgh, PA 15230. Send protests to: Robert J. Latarewicz, TR&TS, ICC, 744 Broad St., Room 522, Newark, NJ 07102.

MC 2860 (Sub-178TA), filed May 29, 1979. Applicant: NATIONAL FREIGHT, INC., 71 West Park Avenue, Vineland, NJ 08360. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. *Metal containers, metal container closures and accessories and materials, equipment and supplies used in the manufacture, sale and distribution of the foregoing commodities* (except commodities in bulk and those which, because of size or weight, require the use of special equipment), from the facilities of The Continental Group, Inc., at or near Perry, GA and Atlanta, GA to Baltimore, MD, for 180 days. An underlying ETA seeks 90 day authority. Supporting shipper(s): The Continental Group, Inc., 217 Brook Avenue, Passaic, NJ 07055. Send protests to: Robert J. Latarewicz, TR&TS, ICC, 744 Broad St., Room 522, Newark, NJ 07102.

MC 4941 (Sub-47TA), filed May 9, 1979. Applicant: QUINN FREIGHT LINES., 1093 North Montello St., Brockton, MA 02403. Representative: Russell S. Callahan (same address as applicant). *Common carrier: irregular routes: retail department store merchandise,* From Clinton, MA to Akron, Barberton, Brook Park, Cambridge, Canton, Cleveland (including commercial zone), Elyria, Mansfield and Mentor, OH for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Zayre Corp., Framingham, MA 01701. Send protests to: John B. Thomas, Interstate Commerce Commission, 150 Causeway Street, Boston, MA 02114.

MC 7840 (Sub-15TA), filed April 30, 1979. Applicant: ST. LAWRENCE FREIGHTWAYS, INC., 650 Cooper Street, Watertown, NY 13601. Representative: Werner J. Steinaker, 650 Cooper Street, Watertown, NY. *Paper and paper products, and material, equipment, and supplies used and useful in the manufacture and shipping of paper and paper products,* between Burlington, IA, Cincinnati, OH, Gary, IN, Gilman, VT, Kalamazoo, MI, Lyons Falls, NY, Norwood OH and Plattsburgh, NY on the one hand, and on the other, points in CT, DC, DE, IL, IN, IA, KY, MA, MD, ME, MI, MO, NH, NJ, NY, OH, PA, RI, VA, VT and WV, for 180 days. ETA for 90 days granted under R-16 on April 11, 1979. Supporting shipper(s): Georgia-Pacific Corporation, W. J. Felleman, Traffic Mgr., 800 Summer St., Stamford, CT 06901. Send protests to: Interstate Commerce Commission, P.O. Box 548, Montpelier, VT 05602.

MC 12411 (Sub-58TA), filed May 15, 1979. Applicant: OHIO EASTERN EXPRESS, INC., 300 W. Perkins Ave., Sandusky, OH 44870. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215. *Meats, meat products, and meat by-products,* in refrigerated vehicles, from Greenfield, OH to points in NC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Collins Packing Company and Selected Meats Co., P.O. Box 84, Greenfield, OH 45123. Send protests to: DS/ICC, Room 620, Philadelphia, PA 19106.

MC 18121 (Sub-27TA), filed May 25, 1979. Applicant: ADVANCE TRANSPORTATION CO., P.O. Box 719, Milwaukee, WI 53201. Representative: Wayne Wilson, 150 E. Gilman St., Madison, WI 53703. *Grading and road making implements, parts, machinery, equipment and supplies, tractor parts, engines, and iron and steel articles* between Milwaukee, WI and its commercial zone, points in Scott County, IA and Joliet, Aurora, Morton, Mossville, Mapleton, Peoria, Decatur and Rock Island, IL, for 180 days. Supporting shipper(s): Catepillar Tractor Co., 100 NE Adams St., Peoria, IL 61629. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 38481 (Sub-15TA), filed March 29, 1979. Applicant: FARRUGGIO'S BRISTOL & PHILA. AUTO EXPRESS, INC., 1419 Radcliffe St., Bristol, PA 19007. Representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, PA 19102. *Containers, container ends and closures; commodities* manufactured or distributed by manufacturers and distributors of containers when moving in mixed loads

with containers; *materials, equipment and supplies* used in the manufacture and distribution of containers, container ends and closures; from the facilities of Boise Cascade Corp. at or near Bristol (Bucks County), PA to Baltimore, MD, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Boise Cascade Corp., P.O. Box 7747, Boise, ID 83707. Send protests to: T. M. Esposito, Trans. Asst., 101 S. 7th St., Room 3238, Philadelphia, PA 19106.

MC 38481, filed April 5, 1979. Applicant: FARRUGGIO'S BRISTOL & PHILA. AUTO EXPRESS, INC., 1419 Radcliff St., Bristol, PA 19007. Representative: Alan Kahn, 1920 Two Penn Center Plaza, Phila., PA 19102. *Gravel*, in bulk, in dump vehicles, from facilities of Warner Co. in Falls Township (Bucks County), PA to facilities of Silvi Concrete of Atlantic City, Inc. in Atlantic County, NJ and *Sand*, in bulk, in dump vehicles, from Woodland Township (Burlington County), NJ to facilities of Silvi Concrete, Inc. in Falls Township (Bucks County), PA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Silvi Concrete of Atlantic City, Inc., Adams & Doughty Rd., Pleasantville, NJ. Send protests to: T. M. Esposito, Trans. Asst., 101 S. 7th St., Room 620, Phila., PA 19106.

MC 40640 (Sub-4TA), filed April 24, 1979. Applicant: NEALON TRUCKING, INC., P.O. Box 7—East Side Station, 656 State Street, Binghamton, NY 13904. Representative: Robert J. Nealon, President, P.O. Box 7—East Side Station, 656 State Street, Binghamton, NY 13904. *Boards, building, wall or insulating, viz: Fiberboard or pulpboard, made of vegetable, wood or mineral fibers (includes moldings or fasteners not in excess of 5 percent)*, from all points in Bradford County, PA to all points in the states of CT, DE, D.C., ME, MD, MA, NH, NJ, NY, OH, RI, VT, VA, and WV, for 180 days. Supporting shipper(s): Masonite Corporation, Joseph P. Lucy, Traffic Mgr., P.O. Box 311, Towanda, PA 18848. Send protests to: Interstate Commerce Commission, 338–342 Federal Building, 436 Dwight Street, Springfield, MA 01103.

MC 41951 (Sub-45TA), filed May 7, 1979. Applicant: WHEATLEY TRUCKING, INC., P.O. Box 458, Cambridge, MD 21613. Representative: Gary E. Thompson, 4304 East-West Highway, Washington, DC 20014. *Foodstuffs* (except commodities in bulk) from Hallwood, VA to pts in CT, DE, MA, MD, NC, NJ, NY, PA, RI, and VA, for 180 days. Supporting shipper(s): John W. Taylor Packing Co., Inc., Hallwood, VA 23359. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 48221 (Sub-24TA), filed May 4, 1979. Applicant: W. N. MOREHOUSE TRUCK LINE, INC., 4010 Dahlman Ave., Omaha, NE 68107. Representative: Paul D. Kratz, Suite 610, 7171 Mercy Rd., Omaha, NE 68106. *Motorcycles, recreational vehicles, generators, lawn mowers, boat motors, and parts and accessories thereof*, from Chicago, IL and its commercial zone to Omaha, NE and its commercial zone, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Bellevue Cycle Sales, Inc., Hwy 73–75 At Bryan Avenue, Bellevue, NE. Send protests to: Carroll Russell, ICC, Suite 620, 110 No. 14th St., Omaha, NE 68102.

MC 52460 (Sub-244TA), filed May 15, 1979. Applicant: ELLEX TRANSPORTATION, INC., P.O. Box 9637, 1420 West 35th Street, Tulsa, OK 74107. Representative: Wilburn L. Williamson, Suite 615–E, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. *Canned foodstuffs*, from Benton, Crawford and Washington Counties, AR and Adair and Haskell Counties, OK, to points in KS, MO, & TX, restricted to the transportation of traffic originating at the facilities of Allen Canning Company, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s) Allen Canning Company, 305 E. Main, P.O. Box 250, Siloam Springs, AR 72761. Send protests: Connie Stanley, Transportation Assistant, Interstate Commerce Commission, Room 240 Old Post Office & Court House Bldg., 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 52861 (Sub-65TA), filed May 2, 1979. Applicant: WILLS TRUCKING, INC., 3185 Columbia Rd., Richfield, OH 44286. Representative: John Wilson, same address as applicant. *Iron and steel articles*, between the facilities of Crucible Inc., Division of Colt Industries, Midland, PA, on the one hand, and on the other, points in OH, IN, IL, and WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Colt Industries, Crucible Inc., PO Box 226, Midland, PA 15059. Send protests to: DS/ICC, Room 620, Philadelphia, PA 19106.

MC 53841 (Sub-29TA), filed May 22, 1979. Applicant: W. H. CHRISTIE & SONS, INC., Box 517, East State Street, Knox, PA 16232. Representative: John A. Pillar, Esquire, 1500 Bank Tower, 307 Fourth Avenue, Pittsburgh, PA 16232. Paper, paper products, and materials, equipment and supplies used or useful in the manufacture and sale of paper and paper products (except commodities in bulk) between Philadelphia, PA and points in its commercial zone, on the one hand, and, on the other, points in NY, OH and PA, for 180 days. Supporting shipper(s): Scott Paper Company, Scott Plaza I, Philadelphia, PA 19113. Send protests to: John J. England, D/S, I.C.C., 2111 Federal Building, Pittsburgh, PA 15222.

MC 53841 (Sub-30TA), filed May 25, 1979. Applicant: W. H. CHRISTIE & SONS, INC., Box 517, East State Street, Knox, PA 16232. Representative: John A. Pillar, Esquire, 1500 Bank Tower, 307 Fourth Avenue, Pittsburgh, PA 15222. Glass containers and materials, equipment and supplies used in the manufacture or distribution of glass containers, between Marion, IN on the one hand, and, on the other, points in CT, DE, MA, MD, ME, NJ, NY and PA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): National Can Corporation, 8101 West Higgins Road, Chicago, IL 60631. Send protests to: John J. England, D/S, I.C.C., 2111 Federal Building, Pittsburgh, PA 15222.

MC 59150 (Sub-155TA), filed May 16, 1979. Applicant: PLOOF TRUCK LINES, INC., 1414 Lindrose Street, Jacksonville, FL 32206. Representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, FL 32207 *Building materials (except in bulk)*: from facilities of United States Gypsum Company at Chamblee and Morrow, GA to AL, LA, MS, NC, SC, TN, and VA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shippers: United States Gypsum Company, 53 Perimeter Center East, Atlanta, GA 30346. Send protests to: G. H. Fauss, Jr., DS, ICC, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 61231 (Sub-149TA), filed May 14, 1979. Applicant: EASTER ENTERPRISES, INC., d.b.a. ACE LINES, INC., P.O. Box 1351, Des Moines, IA 50305. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. *Rubber pneumatic tires, tire tubes, wheels, wheel weights and tire values*, from the facilities of The Armstrong Rubber Company at Des Moines, IA to points in AZ, CO, IL, IN, KS, MI, MO, MT, ND, NE, OK, SD, TN, TX, and WI for 180 days. An underlying ETA seeks 90 days authority. Supporting shippers: The Armstrong Rubber Company, 500 Sargent Dr., New Haven, CT 06507. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 65920 (Sub-7TA), filed May 9, 1979. Applicant: BISHOP MOTOR EXPRESS, INC., 607 Century Avenue,

S.W., Grand Rapids, MI 49503. Representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, MI 48080. General Commodities except commodities in bulk, household goods as defined by the Commission, Classes A and B explosives, and commodities requiring the use of special equipment; from Grand Rapids to Big Rapids, MI via U.S. Hwy 131 and also old U.S. Hwy 131, and return over the same route; (2) from the intersection of U.S. Hwy 131 and MI Hwy 57 to Greenville via MI Hwy 57; then via MI Hwy 91 to the intersection of MI Hwy 44, with return over the same route; (3) From Grand Rapids to Belding, MI via MI Hwy 44, with return over the same route; serving all intermediate points and the Commerical Zone of each of said named points. Applicant intends to tack and interline. For 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Bender & Loudon, 3773 Clay Ave., Grand Rapids, MI; Nelson Rapids Co., 11834 Old Belding Rd. NE., Belding, MI 48809; Hitachi Magna-Lock Corp., 1020 E. Maple St., Big Rapids, MI 49307; Purple Peacick, 120 N. Michigan St., Big Rapids, MI 49307. Send protests to: C. R. Flemming, D/S, I.C.C., 225 Federal Building, Lansing, MI 48933.

MC 68860 (Sub-37TA), filed May 8, 1979. Applicant: RUSSELL TRANSFER, INCORPORATED, 5259 Aviation Drive, N.W., Roanoke, VA 24012. Representative: Liniel G. Gregory, Jr., same address as above. *Petroleum or petroleum products,* in packages, except in bulk or in tank vehicles, from plantsite and facilities of the Pennzoil Company, PA, to Richmond, Roanoke, and Salem, VA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Peerless Distributors, Inc., 405 4th Street, Salem, VA 24153, Pennzoil Company, P.O. Box 808, Drake Building, Oil City, PA 16301. Send protests to: Charles F. Myers, DS, ICC, Room 10-502, Federal Bldg., 400 North 8th Street, Richmond, VA 23240.

MC 88161 (Sub-96TA), filed May 14, 1979. Applicant: INLAND TRANSPORTATION CO., INC., 6737 Corson Avenue S., Seattle, WA 98108. Representative: Stephen A. Cole, same as above. *Liquid resins, in bulk and resin catalysts, in drums or bags, moving in mixed shipments on the same vehicle,* from Springfield, OR to Santa Rosa, Fresno and Fremont, CA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Borden Chemical, Div. of Borden, Inc., 200 112th Ave. N.E., Bellevue, WA 98004. Send protests to: Shirley M. Holmes, T/A, ICC, 858 Federal Bldg., Seattle, WA 98174.

MC 89861 (Sub-14TA), filed May 7, 1979. Applicant: GOUVERNEUR TRUCKING, INC., Box 114, Gouverneur, NY 13642. Representative: John L. Alfano, Esq., Alfano & Alfano, P.C., 550 Mamaroneck Avenue, Harrison, NY 10528. *Fabricated structural steel* from Gouverneur, NY to Beverly, OH, Seabrook, NH, Shippingport, PA and Monroe, MI, for 180 days. Underlying ETA for 90 days filed. Supporting shipper(s): Cives Steel Corporation, Edward R. Potts, Jr., Production Mgr., 8 Church Street, Gouverneur, NY 13642. Send protests to: Interstate Commerce Commission, P.O. Box 548, Montpelier, VT 05602.

MC 94350 (Sub-429TA), filed April 27, 1979. Applicant: TRANSIT HOMES, INC., P.O. Box 1628, Greensville, SC 29602. Representative: Mitchell King, Jr. (same as applicant's), P.O. Box 1628, Greenville, SC 29201. *Modular bathroom units,* from Leesburg, FL to points in AL, GA, MS, NC, SC and TN, for 180 days. Supporting shipper(s): Park-Lowe, Inc., 732 North 3rd Street, Suite 103, Leesburg, FL 37248. Send protests to: E. E. Strotheid, D/S, ICC, Rm. 302, 1400 Bldg., 1400 Pickens St., Columbia, SC 29201.

MC 95540 (Sub-1096TA), filed March 23, 1979. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Lakeland, FL 33802. Representative: Mark C. Ellison, 1200 Gas Light Tower, 235 Peachtree St., N.E., Atlanta, GA 30303. Common carrier-regular route: General commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) Between New York, NY, and Bainbridge, GA, serving the intermediate points of Philadelphia, PA, Wilmington, DE, Baltimore, MD, Washington, DC, and all intermediate points in Georgia, North Carolina, South Carolina, with service at Washington, DC, restricted to the transportation of traffic moving from or to points south thereof: from New York over Interstate Highway 95 to junction Interstate Highway 85 at Petersburg, VA, thence over Interstate Highway 85 at Petersburg, VA, thence over Interstate Highway 85 to Newnan, GA, thence over U.S. Highway 29 to La Grange, GA, thence over U.S. Highway 27 to Bainbridge, and return over the same route. (2) Between Petersburg, VA, and Kingsland, GA, serving all intermediate points in Georgia, South Carolina, and North Carolina, and serving Petersburg for purpose of joinder only: From Petersburg over Interstate Highway 95 to Savannah, GA, thence over U.S. Highway 17 to Kingsland, and retrun over the same route. (3) Between Norfolk, VA, and South Hill, VA, serving South Hill and the intermediate points of Emporia, VA, for purposes of joinder only: From Norfolk over US Hwy 58 to South Hill, and return over the same route; (4) Between Richmond, VA, and Greensboro, NC, serving the intermediate point of Danville, VA, and all intermediate points in NC: From Richmond over US Hwy 360 to South Boston, VA, then over US Hwy 58 to Danville, VA, then over US Hwy 29 to Greensboro and return over the same route; (5) Between Norfolk, VA, and Wilmington, DE; From Norfolk over US Hwy 13 to Wilmington and return over the same route; (6) Between Wilson, NC and the junction of US Hwy 17 and Interstate Hwy 95 near Gardens Corner, SC, serving all intermediate points: From Wilson over U.S. Highway 117 to Wilmington, N.C., thence over U.S. Hwy 17 to its intersection with Interstate Highway 95 near Gardens Corner and return over the same route. (7) Between Durham, N.C., and Goldsboro, N.C., serving all intermediate points: From Durham over U.S. Highway 70 to Goldsboro and return over the same route, (8) Between Asheville, N.C., and Greesboro, N.C., serving all intermediate points: From Asheville over Interstate Highway 40 to Greensboro and return over the same route. (9) Between Asheville, N.C., and Wilmington, N.C. serving all intermediate points: From Asheville over U.S. Highway 74 to Wilmington, and return over the same route. (10) Between Atlanta, Ga., and Wilmington, N.C., serving all intermediate points: From Atlanta, over Interstate Highway 20 to Columbia, S.C., thence over U.S. Highway 76 to Wilmington, and return over the same route. (11) Between Charlotte, N.C., and Savannah, Ga., serving all intermediate points: From Charlotte over U.S. Highway 21 to Columbia, S.C., thence over U.S. Highway 321 to Savannah, and return over the same route. (12) Between Asheville, N.C., and Charleston, S.C., serving all intermediate points: From Asheville, over U.S. Highway 25 to Greenville, S.C., thence over U.S. Highway 276 to junction Interstate Highway 26 near Clinton, S.C., thence over Interstate Highway 26 to Charleston, and return over the same route. (13) Between Greenville, S.C., and Statesboro, Ga.: From Greenville, over U.S. Highway 25 to Statesboro and return over the same route. (14) Between Atlanta, Ga., and Rossville, Ga., serving all intermediate points: From Atlanta, over U.S. Highway 41 to Rossville, and return over the same route. (15) Between Atlanta, Ga., and Thomasville, Ga.,

serving all intermediate points: From Atlanta, over Georgia Highway 85 to Manchester, Ga., thence over U.S. Highway Alt. 27 to Columbus, Ga., thence over U.S. Highway 280 to Richland, Ga., thence over Georgia Highway 55 to Dawson, Ga., thence over U.S. Highway 82 to Albany, Ga., thence over U.S. Highway 19 to Thomasville, and return over the same route. (16) Between Atlanta, Ga., and Valdosta, Ga., serving all intermediate points: From Atlanta, over Interstate Highway 75 to Valdosta, and return over the same route. (17) Between Macon, Ga., and Folkston, Ga., serving all intermediate points: From Macon, over U.S. Highway 23 to Folkston, and return over the same route. (18) Between Columbus, Ga. and Savannah, Ga., serving all intermediate points: From Columbus, over U.S. Highway 80 to Savannah and return over the same route. (19) Between Macon, Ga., and the junction of U.S. Highway 441 and Interstate Highway 85 near Commerce, Ga., serving all intermediate points: From Macon, over U.S. Highway 129 to Athens, Ga., thence over U.S. Highway 441 to junction Interstate Highway 85 near Commerce, and return over the same route. (20) Between Bainbridge, Ga., and Midway, Ga., serving all intermediate points: From Bainbridge, over U.S. Highway 84 to Waycross, Ga., thence over U.S. Highway 82 to Midway, and return over the same route. (21) Between Statesboro, Ga., and Folkston, Ga., serving all intermediate points: From Statesboro over U.S. Highway 301 to Folkston, and return over the same route. (22) Between Waycross, Ga., Brunswick Ga., serving all intermediate points: From Waycross, over U.S. Highway 84 to Brunswick, and return over the same route. (23) Between Macon, Ga., and Savannah, Ga., serving all intermediate points: From Macon, over Interstate Highway 16 to Soperton, Ga., thence over U.S. Highway 221 to junction U.S. Highway 280, thence over U.S. Highway 280 to Savannah, and return over the same route. Service is authorized at all points in Georgia, South Carolina, and North Carolina, and those points in Lunenburg, Mechlenburg, Halifax, Charlotte, Prince Edward, Pennsylvania, Henry, Franklin, and Nottoway Counties, Va., and those in Cumberland, Gloucester, Salem, Hudson, Bergen, Passaic, Sussex, Essex, Morris, Union, Middlesex, Monmouth, and Somerset Counties, N.J., not on the above described regular routes, as off-route points in connection with the regular route operations described in (A)(1) through (23) above. Restriction: The authority granted in (A)(1) through (A)(23) above is restricted as follows: (1) Service at points in Georgia is restricted against the transportation of traffic moving between points in Georgia. (2) Service at Wilmington, Delaware, and points in Cumberland, Gloucester and Salem Counties, New Jersey is restricted against the transportation of traffic moving from or to points in Virginia. (3) Service at points in Cumberland, Gloucester, and Salem Counties, New Jersey is restricted against the transportation of traffic moving from points in North Carolina, Georgia, and South Carolina. (4) Service at Norfolk, Virginia, is restricted against the tansportation of trafffic destined to points in Lunenburg, Macklenbug, Halifax, Charlotte, Prince Edward and Nottoway Counties, Virginia. Applicant has filed for corresponding ETA. Ten statements from supporting shippers were filed. They may be reviewed at the Miami field office. Please send protest to Donna M. Jones, Monterey Bldg, 8410 N.W. 53rd Terrace, Miami, FL 33166. Applicant intends to tack and interline.

MC 105461 (Sub-108TA), filed May 7, 1979. Applicant: HERR'S MOTOR EXPRESS, INC., P.O. Box 8, Quarryville, PA 17566. Representative: Robert R. Herr (same as above). *Such merchandise as is dealt in by grocery, food, and drug business houses, and materials, equipment and supplies used in the manufacture, sale and distribution of such merchandise* (except commodities in bulk), (1) between the facilities of The Clorox Company in Cleveland, OH and points in NY on and west of Interstate 81, and (2) between the facilities of The Clorox Company in Hudson County, NJ and points in NY for 180 days. Supporting shipper(s): The Clorox Company 1221 Broadway, Oakland, CA 94612. Send protests to: ICC, 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 109490 (Sub-15TA), filed May 7, 1979. Applicant: HEDING TRUCK SERVICE, INC., P.O. Box 43, Union Center, WI 53962. Representative: Nancy Johnson 103 E. Washington St., Crandon, WI 54520. (1) *Such commodities (except in bulk) as are dealt in by manufacturers and distributors of dry cell batteries, flashlights, lanterns, lighting fixtures, and other products:* and (2) *Materials, equipment and supplies (except in bulk) used in the manufacture, packaging, processing and/or distribution of the commodities named in (1) above* between points in the U.S. (except AK & HI), restricted to traffic originating at or destined to the facilities of Ray-O-Vac Div., ESB, Inc, for 180 days. An underlying ETA seeks *90 days* authority. Supporting shipper(s): Ray-O-Vac Div., ESB Inc., 101 E. Washington Ave., Madison, WI 53703. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 110380 (Sub-13TA), filed May 16, 1979. Applicant: BERSCHENS OF MADISON, INC., 120 W. Verona Ave., Verona, WI 53593. Representative: Rolfe E. Hanson, 121 W. Doty St., Madison, WI 53703. *Rough casting* from Madison, WI to Menomonie, MI and from Menomonie, MI to Kaukauna and Fond du Lac, WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Giddings & Lewis Foundries of Madison Div. of Giddings & Lewis, Inc., 100 S. Baldwin, Madison, WI 53703. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 110420 (Sub-821TA), filed May 21, 1979. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, WI 53158. Representative: John Sims, Jr., 915 Pennsylvania Bldg., 425 13th St., NW, Washington, DC 20004. *Fatty acid esters,* in bulk, from facilities of ICI Americas, Inc, Memphis, TN to Green Bay, WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): ICI Americas, Inc., Wilmington, DE 19897. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave, Rm. 619, Milwaukee, WI 53202.

MC 111170 (Sub-259TA), filed May 9, 1979. Applicant: WHEELING PIPE LINE, INC., P.O. Box 1718, El Dorado, AR 71730. Representative: H. A. Kennedy (same as applicant). *Sodium Hydro Sulfide* from Union County, AR to LA, AL, MS, MO, TN, NC, TX, OK and KS, for 180 days as a common carrier over irregular routes. Supporting shipper(s): T & T Chemical, Inc., P.O. Box 782, El Dorado, AR 71730. Send protests to: William H. Land, Jr., 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 111401 (Sub-567TA), filed May 11, 1979. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Blvd., P.O. Box 632, Enid, OK 73701. Representative: Victor R. Comstock (same address as applicant). *Gasoline,* in bulk, in tank vehicles, from the facilities of Atlas Processing Co., at or near Shreveport, LA, and the Pipeline Terminal at or near Arcadia, LA to Henderson, Paris, Mt. Pleasant, Athens, Sulphur Springs, Palestine, Jacksonville, Mineola, and Clarksville, TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Exxon Company, U.S.A., P.O. Box 2180, Houston, TX 77001. Send protests to:

Connie Stanley, TA, ICC, Room 240 Old Post Office, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 112520 (Sub-369TA), filed May 22, 1979. Applicant: McKENZIE TANK LINES, INC., P.O. Box 1200, Tallahassee, FL 32302. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. *Chemicals, in bulk, in tank vehicles,* from Columbus, GA, to points in NC, SC, and TN for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Whitaker Oil Company, 1557 Marietta Road, Atlanta, GA 30318. Send protests to: G. H. Fauss, Jr., DS, ICC, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 112520 (Sub-370TA), filed May 22, 1979. Applicant: McKENZIE TANK LINES, INC., P.O. Box 1200, Tallahassee, FL 32302. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. *Silicon tetrachloride, in bulk,* from the facilities of Degussa, Inc. at or near Mobile, AL to Weston, MI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Stauffer Chemical Company, Westport, CT 06880. Send protests to: G. H. Fauss, Jr., DS, ICC, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 113271 (Sub-58TA), filed May 9, 1979. Applicant: CHEMICAL TRANSPORT, P.O. Box 2644, Great Falls, MT 59403. Representative: Ray F. Koby, P.O. Box 2567, Great Falls, MT 59403. *Charcoal briquettes, fireplace logs, grill lighters, hickory chips and lighter fluid, except in bulk,* from White City, OR and Dickinson, ND to points in AZ, CA, CO, ID, MN, MT, NE, NV, NM, OK, OR, TX, UT, WA, WI, WY and ports of entry on the International Boundary line between the U.S. and Canada located in MN, ND, MT, ID and WA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Husky Industries, Inc., 62 Perimeter Center East, Atlanta, GA 30346. Send protests to: Paul J. Labane, DS, ICC, 2602 First Avenue North, Billings, MT 59101.

MC 113651 (Sub-305TA), filed April 23, 1979. Applicant: INDIANA REFRIGERATOR LINES, P.O. BOX 552, Muncie, IN 47305. Representative: Glen L. Gissing, P.O. Box 552, Muncie, IN 47305. *Canned and prepared foodstuffs* from the facilities of Heinz U.S.A. Division of H. J. Heinz Company, located at or near Fremont & Toledo, OH to points in IA, KS, and MO for 180 days. Supporting shipper: Heinz USA, Div. of H. J. Heinz Company, P.O. Box 57, Pittsburgh, PA 15230. Send protests to: Beverly J. Williams, Trans. Asst., ICC, 46 E. Ohio St., Indianapolis, IN 46204. (Room 429)

MC 114211 (Sub-412TA), filed May 10, 1979. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, IA 50704. Representative: Adelor J. Warren, (same as applicant). *Lumber, lumber mill products and wood products* from the facilities of Potlatch Corporation at Warren and Prescott, AR, to all points in IL, IN, IA, KS, MI, MN, MO, OH, OK, TN, and WI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Potlatch Corporation, P.O. Box 1016, Lewiston, ID 83501. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 115311 (Sub-355TA), filed April 11, 1979. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, GA 31061. Representative: Ralph B. Matthews, P.O. Box 872, Atlanta, GA 30301. *Ground phosphate rock, in bulk, in tank vehicles* from the facilities of Occidental Chemical at or near White Springs, FL to Americus, GA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): International Minerals and Chemicals Corp., 421 E. Hawley St., Mundelin, IL 60060. Send protests to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree St., N.W., Rm. 300, Atlanta, GA. 30309.

MC 115311 (Sub-356TA), filed May 7, 1979. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, GA 31061. Representative: Paul M. Daniell, 1200 Gas Light Tower, 235 Peachtree St., NE, Atlanta, GA 30303. *Canned and preserved foodstuffs* from the facilities of Heinz USA, Div. of H. J. Heinz Co., at or near Greenville, SC to points in AL, GA, LA, MS, the New Orleans, LA commercial zone and points in FL on and west of FL Hwy 79 for 180 days. Supporting shipper(s): Heinz USA, Division of H. J. Heinz Co., P.O. Box 57, Pittsburg, PA 15230. Send protests to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree St., NW, Rm. 300, Atlanta, GA 30309.

MC 115311 (Sub-357TA), filed May 14, 1979. Applicant: J & M TRANSPORTATION CO., INC. P.O. Box 488, Milledgeville, Ga 31061. Representative: Kim G. Meyer, P.O. Box 56387, Atlanta, GA 30343. *Lumber* (1) from the facilities of Hoover Universal Wood Preserving Division of Hoover Universal, Inc., at or near Thomson, GA to points in IL, IN, OH, MI, PA, NY, WV, MD and DE and (2) from the facilities of Hoover Universal Wood Preserving Division of Hoover Universal, Inc. at or near Milford, VA to points in the US in and east of WI, IL, MO, OK and TX for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Hoover Universal Wood Preserving, Division of Hoover Universal, Inc., P.O. Box 746, Thomson, GA 30824. Send protests to: Sara K. Davis, T/A, ICC 1252 W. Peachtree St., NW, Rm. 300, Atlanta, GA 30309.

MC 115651 (Sub-59TA), filed May 8, 1979. Applicant: KANEY TRANSPORTATION, INC., 7222 Cunningham Rd. P.O. Box 39, Rockford, IL 61105. Representative: E. Stephen Heisley, 666 11th St., N.W., Washington, DC 20001. *Paint and paint materials and derivates thereof, varnish, lacquers, driers, shellacs, fillers, thickeners, thinners, and reducing, or removing compounds, in bulk, in tank vehicles,* from the facilities of the Valspar Corporation, Chicago, IL, to points in MN, IA, MO, IN, OH and WI for 180 days. Supporting shipper(s): The Valspar Corporation, 1101 S. 3rd St., Minneapolis, MN 55415. Send protests to: David Hunt, Transportation Assistant, 219, S. Dearborn St., Room 1386, Chicago, IL 60604.

MC 115821 (Sub-44TA), filed May 2, 1979. Applicant: Frank Beelman, d.b.a. Beelman Truck Co., St. Libory, IL 62282. Representative: Ernest A. Brooks, II, 1301 Ambassador Building, St. Louis, MO 63101. *Common, irregular,* Roofing granules, in bulk from the facilities of GAF Corporation at Annapolis, MO to Meridian, MS. An underlying ETA seeks 90 days authority. Supporting shipper(s): GAF Corporation, 3161 Alps Road, Wayne, NJ 07470. Send protests to: Charles D. Little, DS, ICC, Room 414 Leland Office Building, 527 East Capitol Avenue, Springfield, IL 62701.

MC 115831 (Sub-16TA), filed May 18, 1979. Applicant: TIDEWATER TRANSIT COMPANY, INC., P.O. Box 189, Kinston, NC 28501. Representative: Mr. Ralph McDonald, P.O. Box 2246, Raleigh, NC 27602. *Sulfate black liquor (soap skimmings)* from points in NC to points in SC for 180 days. Supporting shipper(s): Weyerhaeuser Company, P.O. Box 787, Plymouth, NC 27962. Send protests to: Mr. Archie W. Andrews, D/S, ICC, P.O. Box 26896, Raleigh, NC 27611.

MC 115841 (Sub-717TA), filed May 16, 1979. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 9041 Executive Park Drive, Suite 110, Bldg 100, Knoxville, TN 37919. Representative: D. R. Beeler (same address as applicant). *(1) Such commodities as are dealt in by discount, variety, department stores, and mail*

order catalog houses (except foodstuffs and commodities in bulk), (2) Furniture in mixed loads with commodities in (1) above (1) from NC and SC to Chicago, IL, and (2) from Chicago, IL to Charlotte, NC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Spiegel, Regency Towers, Oakbrook, IL 60521. Send protests to: Glenda Kuss, TA, ICC, Suite A-422, U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 115841 (Sub-718TA), filed May 16, 1979. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 9041 Executive Park Drive, Suite 110, Bldg 100, Knoxville, TN 37919. Representative: D. R. Beeler (same address as applicant). *Alcoholic beverages* from Plainfield, IL to points in AR, CA, FL, GA, LA, NC and TX, for 180 days. Supporting shipper(s): The Distillers Co. Limited, 143rd St & Van Dyke Rd., Plainfield, IL 60544. Julius Wile Sons & Co., 143rd St., Plainfield, IL 60544. Send protests to: Glenda Kuss, TA, ICC, Suite A-422, U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 115841 (Sub-719TA), filed May 22, 1979. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 9041 Executive Park Drive, Suite 110, Bldg 100, Knoxville, TN 37919. Representative: D. R. Beeler (same address as applicant). *Magazines* from Nashville, TN to Greensboro, NC, for 180 days. Supporting shipper(s): Baird Ward Printing Company, P.O. Box 539, Nashville, TN 37202. Send protests to: Glenda Kuss, TA, ICC, Suite A-422, U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 117730 (Sub-58TA), filed May 7, 1979. Applicant: KOUBENEC MOTOR SERVICE, INC., Route 47, Huntley, IL 60142. Representative: Stephen H. Loeb, Suite 200, 205 West Touhy Ave., Park Ridge, IL 60068. *Auto parts*, from Kankakee, IL; Tipton and Creighton, PA; Anderson, Kokomo, Lowell, Muncie and Vincennes, IN; points in OH and MI to the facilities of American Motors Corporation at Kenosha, WI for 180 days. An ETA has been granted for 90 days. Supporting shipper(s): American Motors Corporation, 5625 25th Ave., Kenosha, WI 53140. Send protests to: David Hunt, Transportation Assistant, 219 S. Dearborn St., Room 1386, Chicago, IL 60604.

MC 117730 (Sub-59TA), filed May 14, 1979. Applicant: Koubenec Motor Service, Inc., Route 47, Huntley, IL 60142. Representative: Stephen H. Loeb, Attorney at Law, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. *Canned and preserved foodstuffs*, from the facilities of Heinz, USA at/near Fremont and Toledo, OH to points in IA, IL, and MO for 180 days. An underlying ETA was granted for 90 days' authority. Supporting shipper(s): Heinz USA, Division of H. J. Heinz Co., P.O. Box 57, Pittsburgh, PA 15230. Send protests to: Annie Booker, TA, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 118270 (Sub-11TA), filed May 21, 1979. Applicant: PRODUCE TRANSPORT SERVICE, 181 West Ramapo Street, Mahwah, NJ 07430. Representative: Joseph F. Hoary, 121 South Main Street, Taylor, PA 18517. *Bananas*. From Portsmouth, VA to Buffalo, Rochester, Syracuse, New York, Mt. Kisco, New York and Newark, NJ, for 180 days, An underlying ETA seeks 90 days authority. Supporting shipper(s): The Best Banana Company, P.O. Box 407, Flushing, NY 11352. Send protests to: Joel Morrows, D/S, ICC, 744 Broad St., Room 522, Newark, NJ 07102.

MC 118831 (Sub-176TA), filed May 2, 1979. Applicant: CENTRAL TRANSPORT, INCORPORATED, P.O. Box 7007, High Point, NC 27264. Representative: Ben H. Keller III, same address as applicant. *Lithium carbonate, in bulk, in hopper type vehicles* from Bessemer City, NC to Kohler, WI for 180 days. Supporting shipper(s): Lithium Corporation of America, 449 N. Cox Road, Gastonia, NC 28052. Send protests to: Archie W. Andrews, D/S, ICC, P.O. Box 26896, Raleigh, NC 27611.

MC 120631 (Sub-4TA), filed May 16, 1979. Applicant: STEPHENS TRUCK LINE, INC., P.O. Box 489, Dickson, TN 37055. Representative: Roland M. Lowell, 618 United American Bank Bldg., Nashville, TN 37219. *Poly film and poly bags, materials and supplies used in manufacture of poly film and poly bags* from La Grange, GA (and its commercial zone) to points in Dickson County, TN, for 180 days. Supporting shipper(s): Interstate Packaging Co., P.O. Box AG, White Bluff, TN 37187. Send protests to: Glenda Kuss, TA, ICC, Suite A-422, U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 121060 (Sub-109TA), filed May 30, 1979. Applicant: ARROW TRUCK LINES, INC., P.O. Box 1416, Birmingham, AL 35201. Representative: William P. Jackson, Jr., 3246 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210. *Iron and steel articles, pipe, valves and hydrants, and supplies and accessories used in the installation thereof*, except in bulk, from the facilities of American Cast Iron Pipe Company at or near Birmingham, AL, to points in the United States in and east of ND, SD, NE, KS, OK, and TX, for 180 days. An underlying ETA seeks *90 days* authority. Supporting shipper(s): American Cast Iron Pipe Co., P.O. Box 2727, Birmingham, AL 35202. Send protests to: Mabel E. Holston, T/A, ICC, Room 1616, 2121 Building, Birmingham, AL 35203.

MC 121470 (Sub-25TA), filed May 9, 1979. Applicant: TANKSLEY TRANSFER COMPANY, 801 Cowan Street, Nashville, TN 37207. Representative: Roy L. Tanksley (same address as applicant). *Iron and steel articles* between the facilities of Volunteer Structures, Inc. at or near Nashville, TN, on the one hand, and on the other, points within the United States (except AK and HI), for 180 days. Restricted to transportation of traffic originating at or destined to the facilities of Volunteer Structures, Inc. at or near Nashville, TN. Supporting shipper(s): Volunteer Structures, Inc., 4108 Dakota Avenue, Nashville, TN 37209. Send protests to: Glenda Kuss, TA, ICC, Suite A-422, U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 121470 (Sub-26TA), filed May 9, 1979. Applicant: TANKSLEY TRANSFER COMPANY, 801 Cowan Street, Nashville, TN 37207. Representative: Roy L. Tanksley (same address as applicant). *Iron and steel articles* between the facilities of Boyce Steel, Inc. at or near Kingston Springs, TN, on the one hand, and on the other, points within the United States (except AK and HI), for 180 days. Restricted to the transportation of traffic originating at or destined to the facilities of Boyce Steel, Inc. at or near Kingston Springs, TN. Supporting shipper(s): Boyce Steel Inc., P.O. Box B, Kingston Springs, TN 37082. Send protests to: Glenda Kuss, TA, ICC, Suite A-422, U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 123061 (Sub-126TA), filed May 7, 1979. Applicant: LEATHAM BROTHERS, INC., 46 Orange Street P.O. Box 16026, Salt Lake City, UT 84116. Representative: Harry D. Pugsley, 1283 E. South Temple, Salt Lake City, UT 84102. *Potash* from Potash, UT to Hillsboro, Junction City and Umatilla, OR; Chehalis, Eltopia, Lynden, Mt. Vernon, Othello, Pasco, Quincy, Royal, Spokand, Toppenish, Walla Walla and Wheeling, WA. for 180 days. An underlying ETA requests 90 days authority. Supporting shipper(s): Western Farmers Association, 201 Elliot Avenue West, Seattle WA 98119, and Texasgulf Chemicals Company, 4509 Creedmoor Rd., P.O. Box 30321, Raleigh, NC 27621. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Building, Salt Lake City, UT 84138.

MC 124141 (Sub-20TA), filed May 4, 1979. Applicant: JULIAN MARTIN, INC., P.O. Box 3348, Batesville, AR 72501. Representative: Theodore Polydoroff, Suite 301, 1307 Dolley Madison Boulevard, McLean, VA 22101. *Plastic materials* (except in bulk), from Houston, TX to Chicago, IL for 180 days as a common carrier over irregular routes. An underlying ETA seeks 90 days authority. Supporting shipper(s): National Polymers, Inc., 2500 Tanglewilde, Suite 496, Houston, TX 77063. Send protests to: William H. Land, Jr., D/S 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 124160 (Sub-27TA), filed May 4, 1979. Applicant: SAVAGE BROTHERS, INCORPORATED, 585 East 500 East, American Fork, UT 84003. Representative: Lon Rodney Kump, 333 East Fourth Street, Salt Lake City, UT84111. *Monosodium phosphate*, in bulk, from Newark, CA to Cache Junction, UT for 180 days. An underlying ETA requests 90 days authority. Supporting shipper(s): Walton Feed, Incorporated, 5740 North 7000 West, Cache Junction, UT. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Building, Salt Lake City, UT 84138.

MC 124170 (Sub-131TA), filed May 3, 1979. Applicant: FROSTWAYS, INC., 3000 Chrysler Service Drive, Detroit, MI 48207. Representative: William J. Boyd, P.C., 6000 Enterprise Drive, Suite 222, Oak Brook, IL 60521. *Meat, meat products, meat by-products and articles distributed by meat packinghouses*, as described in Section A, C, and D of Appendix I to the Report in Descriptions in Motor Carrier Certificates 61 M.C.C. 209 and 766 (except hides and commodities in bulk); between the facilities of Lauridsen Foods, Inc. located at or near Britt, IA and the facilities of Armour and Company at or near Mason City, IA, on the one hand, and, on the other, points in AL, CT, FL, GA, IL, IN, KY, LA, MA, ME, MD, DE, MI, MS, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VA, VT, WV and DC. For 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Armour Food Co., Greyhond Tower, Phoenix, AZ 85077. Send protests to: C. R. Flemming, D/S, I.C.C., 225 Federal Building, Lansing, MI 48933.

MC 124170 (Sub-132TA), filed May 21, 1979. Applicant: FROSTWAYS, INC., 3000 Chrysler Service Drive, Detroit, MI 48207. Representative: William J. Boyd, 600 Enterprise Drive Suite 222, Oak Brook, IL 60521. *Canned and Preserved Foodstuffs* from the facilities of Heinz USA at or near Pittsburgh, PA to points in NJ and to points in NY on and south of Hwy 84, and on and east of Hwy 87. For 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Heinz USA, P.O. Box 57, Pittsburgh, PA 15230. Send protests to: C. R. Flemming, D/S, I.C.C., 225 Federal Building, Lansing, MI 48933.

MC 124170 (Sub-133TA), filed May 11, 1979. Applicant: FROSTWAYS, INC., 3000 Chrysler Service Drive, Detroit, MI 48207. Representative: William J. Boyd, P. C., 600 Enterprise Drive, Suite 222, Oak Brook, IL 60521. *Canned and Preserved Foodstuffs* from the facilities of Heinz U.S.A. at or near Pittsburgh, PA to points in Michigan, and in each case restricted to traffic originating at the named facilities and destined to the named state. For 180 days. Supporting shipper(s): Heinz USA, P.O. Box 57, Pittsburgh, PA 15230. Send protests to: C. R. Flemming, D/S, I.C.C., 225 Federal Building, Lansing, MI 48933.

MC 124251 (Sub-70TA), filed April 19, 1979. Applicant: JACK JORDAN, INC., 3681 South Dixie Road, Dalton, GA 30720. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. *Chemical compounds used in the carpet and water treatment industries and rubber preservatives, in bulk, in tank vehicles* from Hamilton County, TN to points in AL, AR, FL, GA, KY, IL, IN, VA, LA, WV, NC, SC, MS, TX, MO, OH, PA and NJ for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Alco Chemcial Corporation, 909 Mueller Dr., Chattanooga, TN 37406. Send protests to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree St., N.W., Rm. 300, Atlanta, GA 30309.

MC 125470 (Sub-52TA), filed May 4, 1979. Applicant: MOORE'S TRANSFER, INC., P.O. Box 1151, Norfolk, NE 68701. Representative: Lavern R. Holdeman, Peterson, Bowman, Swanson, & Johanns, P.O. Box 81849, Lincoln, NE 68501. *Salt and salt products*, from Hutchinson, KS to points in IL and WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Carey Salt, Division of Interpace Corporation, 1800 Carey Blvd., Hutchinson, KS 67501. Send protests to: Carroll Russell, ICC, Suite 620, 110 No. 14th St., Omaha, NE 68102.

MC 125951 (Sub-44TA), filed May 17, 1979. Applicant: SILVEY REFRIGERATED CARRIERS, INC., 7000 West Center Road, Suite 325, Omaha, NE 68106. Representative: Robert M. Cimino, same address as applicant. *Retail store fixtures and equipment, materials and supplies used in the manufacture thereof*, between the facilities of Lozier Corporation at or near Omaha, NE; McClure and Elizabethtown, PA; Scottsboro, AL; and Kansas City, MO; on the one hand, and, on the other, points in NY, NJ, OH, MA, PA, ME, AL, MO, IN, and NE, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Lozier Corporation, 4401 N. 21st, Omaha, NE 68110. Send protests to: Carroll Russell, ICC, Suite 620, 110 No. 14 St., Omaha, NE 68102.

MC 126681 (Sub-4TA), filed May 3, 1979. Applicant: SCOTTY'S TRUCK LINE, INC., 524 Johnson Avenue, (P.O. Box 350, Cabool, MO 65689, accounting office), Jonesboro, AR 72401. Representative: Beth Hamilton, 803 Metrecal T.R., Cabool, MO 65689. *Wooden beverage boxes* from Newport, AR to all points in OH, IN, KY, IL, and Bradshaw, PA, for 180 days as a contract carrier over irregular routes. An underlying ETA seeks 90 days authority. Supporting shipper(s): Associated Wood Products, Inc., P.O. Box 40, Newport, AR 72112. Send protests to: William H. Land, Jr., DS, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 126930 (Sub-24TA), filed May 14, 1979. Applicant: BRAZOS TRANSPORT CO., 339 East 34th Street, Lubbock, TX 79404. Representative: Richard Hubbert, P.O. Box 10237, Lubbock, TX 79408. *Gypsum rock* in bulk from Fort Dodge, IA to points in NE and IL, for 180 days. An underlying ETA seeks up to 90 days authority. Supporting shipper: Gold Bond Building Products, Division National Gypsum Company, 2001 Rexford Road, Charlotte, NC 28211. Send protests to: Martha Powell, Transportation Assistant, Interstate Commerce Commission, Room 9A27, Federal Building, Fort Worth, TX 76102. Supporting shipper(s): Gold Bond Building Products, Division National Gypsum Company, 2001 Rexford Road, Charlotte, NC 28211. Send protests to: Martha Powell, Room 9A27, Federal Building, 819 Taylor Street, Fort Worth, TX 76102.

MC 127921 (Sub-3TA), filed May 14, 1979. Applicant: COOLEY TRANSPORT, INC., P.O. Box 225, Rt. 8, Inman, SC 29349. Representative: Steven L. Weiman, Suite 145, 4 Professional Drive, Gaithersburg, MD 20760. *Salt, in bulk*, from the facilities of Cargill, Inc., Spartanburg, SC to points in VA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Cargill, Inc., P.O. Box 150, Watkins Glen, NY 14981. Send protests to: E. E. Strotheid, D/S, ICC, Rm. 302, 1400 Bldg., 1400 Pickens St., Columbia, SC 29201.

MC 128951 (Sub-25TA), filed May 10, 1979. Applicant: ROBERT H. DITTRICH, d.b.a. BOB DITTRICH TRUCKING, 1000 North Front Street, New Ulm, MN 56073. Representative: Rodney H. Jeffery, same address as applicant. *Dry fertilizer and fertilizer ingredients, in bulk,* between Willmar, MN and points in NE, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Martrex, Incorporated, P.O. Box 159, Chanhassen, MN 55317. Send protests to: Delores A. Poe, TA, ICC, 414 Federal Building & U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 134131 (Sub-13TA), filed April 19, 1979. Applicant: R & S TRANSIT, INC., 1323 West Locust, Springfield, MO 65803. Representative: Tom B. Kretsinger, Kretsinger & Kretsinger, 20 East Franklin, Liberty, MO 64068. *Meat, Meat Products & Meat By-Products, and articles distributed by meat packinghouses* as described in Sections A & C of Appendix I to the report in Description in Motor Carrier Certs. 61 M.C.C. 209 & 766 [except hides and commodities in bulk], from the facilities of Foremost Packing Co. located at or near Eat Moline, IL, Kohrs Cold Storage at or near Davenport, IA, and Clinton Packing Co. at or near Clinton, MO to Stockton, CA, for 180 days. Supporting shipper: Agmar, Inc., 240 Chester St., St. Paul, MN 55107.. Send protests to: John V. Barry, DS, ICC, 600 Federal Bldg., 911 Walnut St., Kansas City, MO 64106.

MC 134131 (Sub-14TA), filed May 7, 1979. Applicant: R & S TRANSIT, INC., 1323 West Locust, Springfield, MO 65803. Representative: Tom B. Kretsinger, Kretsinger & Kretsinger, 20 East Franklin, Liberty, MO 64068. *Charcoal and Charcoal Briquettes and Materials, equipment and supplies used in the manufacture or distribution of charcoal and charcoal briquettes,* between Branson, MO and points in AZ, CA, IL, IA and WI, for 180 days. Supporting shipper: Husky Industries, Inc., 62 Perimeter Center East, Atlanta, GA 30346. Send protests to: John V. Barry, DS, ICC, 600 Federal Bldg., 911 Walnut St., Kansas City, MO 64106..

MC 134501 (Sub-52TA), filed May 22, 1979. Applicant: INCORPORATED CARRIERS, LTD., a division of Brooks International, Inc., P.O. Box 3128, Irving, TX 75061. Representative: T. M. Brown, P.O. Box 1540, Edmond, OK 73034. (1) *new furniture,* from Beatrice, NE to points in WA, OR, ID, UT, MT, ND, SD, MN, WI, IL, MI, KY, OH, VA, WV, MD, DC, DE, PA, NJ, NY, CT, MA, RI, VT, HN, ME, and Cocke, Knox, and Hamblin Counties, TN; and (2) *new fixtures and furnishings,* from Beatrice, NE to points in the US (except AK and HI), for 180 days. An underlying ETA for 90 days filed. Supporting shipper: The Store Kraft Manfuacturing Co, P.O. Box 807, Beatrice, NE 68310. Send protests to: Opal M. Jones, Trans. Asst., Interstate Commerce Commission, Room 9A27 Federal Building, 819 Taylor Street, Fort Worth, TX 75202.

MC 134501 (Sub-53TA), filed May 22, 1977. Applicant: INCORPORATED CARRIERS, LTD., a division of Brook International, Inc., P.O. Box 3128, Irving, TX 75061. Representative: T. M. Brown, P.O. Box 1540, Edmond, OK 73034. *Used and reconditioned hospital furniture* between the facilities of Diversified Medical, Inc., at Broken Arrow, Tulsa, and Oklahoma City, OK; and Bedford, TX, on the one hand, and, on the other, points in the US (except AK and HI) for 180 days. Underlying ETA for 90 days filed. Supporting shipper(s): Diversified Medical, Inc., 2901 East 74th Place, Tulsa, OK 74136. Send protests to: Opal M. Jones, Trans. Asst., Interstate Commerce Commission, Room 9A27 Federal Building, 819 Taylor Street, Fort Worth, TX 75202.

MC 134730 (Sub-11TA), filed May 25, 1979. Applicant: METALS TRANSPORT, INC., 528 S. 108th St., West Allis, WI 53241. Representative: M. H. Dawes, same address as applicant. Contract carrier; irregular routes; *Scrap metals* between Milwaukee, WI on the one hand, and, on the other, Grand Rapids, MI; Butler, IN; and Indianapolis, IN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Afram Bros. Co., 900 S. Water St., Milwaukee, WI 53204. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 134730 (Sub-12TA), filed May 14, 1979. Applicant: METALS TRANSPORT, INC., 528 S. 108th St., West Allis, WI 53214. Representative: M. H. Dawes, same address as applicant. Contract carrier; irregular routes; *Scrap Brass and brass rod* between Milwaukee and Wauwatosa, WI on the one hand, and, on the other, Montpelier, OH and Indianapolis, IN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Milwaukee Faucets, Inc., 4250 N. 124th St., Milwaukee, WI. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 134940 (Sub-6TA), filed April 30, 1979. Applicant: VERNON KUFAHL d.b.a. KUFAHL TRUCKING, 4704 North 32nd Avenue, Wausau, WI 54401. Representative: Michael J. Wyngaard, 150 East Gilman Street, Madison, WI 53703. *Contract carrier:* irregular routes: *Such commodities as are manufactured, processed, sold, used, distributed or dealt in by manufacturers, converters, and printers of paper and paper products* (except commodities in bulk) from the facilities of Wausau Papers, Inc., at or near Brokaw, WI to points in MN, IL, MI, IN, OH, IA and MO. Restriction: Restricted to service to be performed under a continuing contract or contracts with Wausau Papers, Inc. Authority sought for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Wausau Papers, Inc., Brokaw, WI 54417. Send protests to: Mr. John E. Ryden, DS, ICC, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wisconsin 53202.

MC 135070 (Sub-69TA), filed May 11, 1979. Applicant: JAY LINES, INC., 720 N. Grand, Amarillo, TX 79120. Representative: Gailyn Larsen, P.O. Box 82816, Lincoln, NE 68501. *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in Section A and C of Appendix 1 to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and skins and commodities in bulk) from the facilities utilized by John Morrell & Co. at or near Memphis, TN to points in MA, NJ, NY, PA, and VA, for 180 days. An underlying ETA seeks up to 90 days authority. Supporting shipper: John Morrell & Co., 208 S. LaSalle Street, Chicago, IL 60604. Send protests to: Martha Powell, Transportation Assistant, Room 9A27 Federal Building, 819 Taylor Street, Fort Worth, TX 76102.

MC 135170 (Sub-39TA), filed May 18, 1979. Applicant: TRI-STATE ASSOCIATES, INC., P.O. Box 188, Federalsburg, MD 21632. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. *Contract carrier:* irregular routes: *Containers and container closures,* from Baltimore, MD to Akron, OH, under a continuing contract with American Can Company, for 90 days. An underlying ETA seeks 90 days. Supporting shipper(s): Richard E. Begler, American Can Company, American Lane, Greenwich, CT 06830. Send protests to: W. L. Hughes, DS, ICC, 1025 Federal Bldg., Baltimore, MD 21201.

MC 135170 (Sub-42TA), filed May 16, 1979. Applicant: TRI-STATE ASSOCIATES, INC., P.O. Box 188, Federalsburg, MD 21632. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. *Contract carrier:* irregular routes: *Plastic containers,* from Havre De Grace, MD to points in VA, under contract with Owens-Illinois, Inc., Toledo, OH, for 90 days. An underlying

ETA seeks 90 days. Supporting shipper(s): Jack R. Simmons, Owens-Illinois, Inc., Toledo, OH 43666. Send protests to: W. L. Hughes, DS, ICC, 1025 Federal Bldg., Baltimore, MD 21201.

MC 135231 (Sub-36TA), filed May 16, 1979. Applicant: NORTH STAR TRANSPORT, INC., Route 1, Highway 1 and 59 West, Thief River Falls, MN 56701. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Ammunition, small arms,* and *materials, supplies and equipment (except commodities in bulk) used in the manufacture and distribution of ammunition and steel junction boxes,* from Anoka, MN to points in MT, CO, NM, AZ, UT, NV, ID, OR, WA, CA and WY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Federal Cartridge Corporation, 9th & Tyler Street, Anoka, MN 55303. Send protests to: Harold E. Farsdale, DS, ICC, Room 268, Fed. Bldg. & U.S. Post Office, 657 2nd Avenue North, Fargo, ND 58102.

MC 135231 (Sub-37TA), filed May 3, 1979. Applicant: NORTH STAR TRANSPORT, INC., Route 1, Highway 1 and 59 West, Thief River Falls, MN 56701. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Lead shot,* in barrells, from Dayton, NV to Anoka, MN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Federal Cartridge Corp., 9th and Tyles St., Anoka, MN 55303. Send protests to: DS, ICC, Room 268 Fed. Bldg., 657 2nd Avenue North, Fargo, ND 58102.

MC 135231 (Sub-38TA), filed May 4, 1979. Applicant: NORTH STAR TRANSPORT, INC., Route 1, Highway 1 and 59 West, Thief River Falls, MN 56701. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. (1) *Sound reproducing equipment,* and (2) *Parts, materials and supplies used in the manufacture of (1) above,* from Blue Earth, MN to points in the United States (except Alaska and Hawaii), restricted to traffic originating at and destined to the above named origins and destinations, for 180 days. Supporting shipper(s): Telex Communications, Inc., 501 First Avenue N.W., Rochester, MN 55901. Send protests to: DS, ICC, Room 268 Fed. Bldg., 657 2nd Avenue North, Fargo, ND 58102.

MC 135410 (Sub-64TA), filed May 2, 1979. Applicant: COURTNEY J. MUNSON d.b.a. MUNSON TRUCKING, P.O. Box 266, Monmouth, IL 61462. Representative: Daniel O. Hands, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. *Common, irregular,* Canned fruit juices and sauces from the facilities of Keystone Foods, Inc., at North East and Erie, PA to points in the U.S. Supporting shipper(s): Keystone Foods, Inc., 63 Wall Street, North East, PA 16428. Send protests to: Charles D. Little, DS, ICC, Room 414 Leland Office Building, 527 East Capitol Avenue, Springfield, IL 62701.

MC 135410 (Sub-65TA), filed May 3, 1979. Applicant: COURTNEY J. MUNSON d.b.a. MUNSON TRUCKING, P.O. Box 266, Monmouth, IL 61462. Representative: Stephen H. Loeb, Suite 200, 205 West Touhy Ave., Park Ridge, IL 60068. *Common, irregular,* ferrosilicon from Keokuk, IA to Baltimore, MD and New York, NY and points in their commercial zones. Supporting shipper(s): NABA, Inc., 170 Broadway, New York, NY 10038. Send protests to: Charles D. Little, DS, ICC, Room 414 Leland Office Building, 527 East Capitol Avenue, Springfield, IL 62701.

MC 135410 (Sub-66TA), filed April 26, 1979. Applicant: COURTNEY J. MUNSON, d.b.a. MUNSON TRUCKING, Box 266, Monmouth, IL 61462. Representative: Stephen H. Loeb, Suite 200, 205 West Touhy, Park Ridge, IL 60068. *Such commodities as are dealt in by retail and wholesale grocery and drug stores* (except commodities in bulk) between the facilities of Procter & Gamble at or near Cincinnati, OH on the one hand, and, on the other, points in IL and MO. Supporting shipper(s): The Procter & Gamble Distributing Company, P.O. Box 599, Cincinnati, OH 45201. Send protests to: Charles D. Little, D/S, ICC, Room 414 Leland Building, 527 East Capitol Avenue, Springfield, IL 62701.

MC 135410 (Sub-67TA), filed April 26, 1979. Applicant: COURTNEY J. MUNSON d.b.a. MUNSON TRUCKING, Box 266, Monmouth, IL 61462. Representative: Stephen H. Loeb, Suite 200, 205 West Touhy, Park Ridge, IL 60068. *Cranberry and prune products* (except in bulk) from Middleboro, MA to points in IA, IL, IN, OH, MI, WI, and KS. Supporting shipper(s): Ocean Spray Cranberries, Inc., Bridge Street, Middleboro, MA 02346. Send protests to: Charles D. Little, District Supervisor, ICC, Room 414 Leland Building, 527 East Capitol Avenue, Springfield, IL 62701.

MC 135640 (Sub-7TA), filed May 8, 1979. Applicant: STALEY EXPRESS, INC., 2501 North Brush College Road, Decatur, IL 62526. Representative: Fritz R. Kahn, Suite 1000, 1660 L Street, N.W., Washington, D.C. 20036. *Contract, irregular,* Iron castings in steel bins from Decatur, IL to Buffalo, NY and Mt. Clemens, MI and empty containers on return, restricted to the transportation of shipments originating at, or destined to the plant sites or storage facilities of Wagner Castings Company at Decatur, IL. Supporting shipper(s): Wagner Castings Company, P.O. Box 1319, Decatur, IL 62525. Send protests to: ICC, Room 414 Leland Building, 527 East Capitol Avenue, Springfield, IL 62701.

MC 135811 (Sub-14TA), filed May 16, 1979. Applicant: GARDNER TRUCKING CO., INC., P.O. Drawer 493, Walterboro, SC 29488. Representative: Theodore Polydoroff, 1250 Connecticut Avenue NW., Washington, D.C. 20036. *Contract carrier,* irregular routes; *Materials, equipment and supplies used in the manufacture of welders and welding products (except in bulk),* from Folcroft, PA to the facilities of Miller Electric Manufacturing Co., at or near Appleton, WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Miller Electric Mfg. Co., 718 So. Bounds St., Appleton, WI. Send protests to: E. E. Strotheid, D/S, ICC, Rm. 302, 1400 Bldg., 1400 Pickens St., Columbia, SC 29201.

MC 135861 (Sub-52TA), filed May 1, 1979. Applicant: LISA MOTOR LINES, INC., P.O. Box 4550), Fort Worth, TX 76106. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103. *Contract carrier*—irregular routes: *Toilet preparations,* from Burbank, CA, to points in TX, for the account of Andrew Jergens Company, for 180 days. An underlying ETA seeking 90 days authority filed. Supporting shipper(s): Andrew Jergens Company, 99 West Verdugo Ave., Burbank, CA 91502. Send protests to: Martha A. Powell, T/A, I.C.C., Room 9A27 Fed. Bldg., 819 Taylor St., Fort Worth, TX 76102.

MC 136511 (Sub-59TA), filed May 11, 1979. Applicant: VIRGINIA APPALACHIAN LUMBER CORPORATION, 9640 Timberlake Road, Lynchburg, VA 24507. Representative: Lester R. Gutman, 666 Eleventh Street, N.W., 805 McLachlen Bank Building, Washington, D.C. 20001. *New furniture and furniture parts,* from Graham Co., NC to points in AZ, CA, CO, ID, MT, NM, NV, OK, OR, TX, UT, WA and WY for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Burlington Furniture, P.O. Box 907, Lexington, NC 27292. Send protests to: Charles F. Myers, DS, ICC, Room 10-502 Federal Bldg., 400 North 8th Street, Richmond, VA 23240.

MC 138701 (Sub-3TA), filed May 22, 1979. Applicant: G.D. & K. INC., 500 W. Main Street, Wyckoff, NJ 07481. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. Contract, irregular. *Disposal medical devices, health products and*

radioactive materials, between Columbus, MS, Spartansburg, SC, Chicago, IL, parsippany, NJ, Kansas City, MO and Kansas City, KS, on the one hand, and, on the other points in the US except AK and HI, under a continuing contract(s) with Isomedix, Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Isomedix, Inc., 80 South Jefferson Road, Whippany, NJ 07981. Send protests to: Joel Morrows, D/S, ICC, 744 Broad St., Room 522, Newark, NJ 07102.

MC 140241 (Sub-55TA), filed May 14, 1979. Applicant: DALKE TRANSPORT, INC., Box 7, Moundridge, KS 67107. Representative: William B. Barker, 641 Harrison, Topeka, KS 66603. *Petroleum and Petroleum Products*, in containers, from El Dorado, KS to points and places in the states of CO, IL, IA, MN, NE, ND, SD & WI; common, irregular. Supporting shipper(s): Getty Refining and Marketing Co., P.O. Box 1650, Tulsa, OK 74102. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 101 Litwin Bldg., Wichita, KS 67202.

MC 141921 (Sub-59TA), filed May 18, 1979. Applicant: SAV-ON TRANSPORTATION, INC., 143 Frontage Rd., Manchester, NH 03108. Representative: John A. Sykes, same address as applicant. *Malt beverages, pallets, and related advertising material*, between Merrimack, NH and Columbus, OH, for 180 days. An underlying ETA seeks 90 days authority. Supporting shippers(s): Anheuser-Busch, Inc., 1000 D.W. Highway, Merrimack, NH 03054. Send protests to: Ross J. Seymour, DS, ICC, Rm 3, 6 Loudon Rd., Concord, NH 03301.

MC 141940 (Sub-3TA), filed May 24, 1979. Applicant: R.B. BATOR TRUCKING, INC., Route 116, East Cheshire, MA 01225. Representative: Same. *Ground limestone* in bulk, from Adams, MA to Frackville and Hazelton, PA, for 180 days. An underlying ETA was granted for 90 days. Supporting shipper(s): Pfizer Inc., 260 Columbia Street, Adams, MA 01220. Send protests to: David M. Miller, DS, ICC, 436 Dwight Street, Springfield, MA 01103.

MC 142080 (Sub-5TA), filed May 9, 1979. Applicant: LITE TRANSPORT, INC., 4 Ash Street, Townsend, MA 01469. Representative: Frederick T. O'Sullivan, P.O. Box 2184, Peabody, MA 01960. *Contract carrier:* irregular routes: Paper and paper products from Cincinnati and Hamilton, OH to Boston, Braintree, E. Longmeadow, Holyoke, Lowell, Salem, Townsend, Ware, Westfield and Wilmington, MA; Pawtucket and Providence, RI; Concord, Hanover, Merrimack and Nashua, NH; Danielson, E. Norwalk, Hamden, Hartford, Norwich, Portland, Rocky Hill, Windsor and West Haven, CT. An underlying ETA seeks *90 days* authority. Supporting shipper(s): Champion International Corp., Knightsbridge Drive, Hamilton, OH 45020. Send protests to: Glenn A. Eady, Transportation Specialist, Interstate Commerce Commission, 150 Causeway Street, Boston, MA 02114.

MC 142310 (Sub-20TA), filed May 16, 1979. Applicant: H.O. WOLDING, INC., Box 56, Nelsonville, WI 54458. Representative: Wayne Wilson, 150 E. Gilman St., Madison, WI 53703. *Frozen foods* from Lake City, PA to Plover, WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Ore-Ida Foods, Inc., P.O. Box 10, Boise, ID 83707. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., RM. 619, Milwaukee, WI 53202.

MC 142330 (Sub-13TA), filed May 1, 1979. Applicant: PONY EXPRESS COURIER CORPORATION, P.O. Box 4313, Atlanta, GA 30302. Representative: Francis J. Mulcahy (same as applicant). *Unexposed, exposed and processed film and prints and incidental dealer handling supplies* between all points in AL, GA, KY, FL, NC, SC, TN, VA and WV. Restricted to the transportation of shipments having an immediately prior or subsequent movement by air and further restricted to the transportation of shipments originating at or destined for the plant site of Photo Services, Inc. at Cincinnati, OH for 180 days. Supporting shipper(s): Photo Service, 933 Meadow Gold Lane, Cincinnati, OH 45203. Send protests to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree St., N.W., Rm. 300, Atlanta, GA 30309.

MC 142350 (Sub-3TA), filed May 22, 1979. Applicant: BEVERAGE TRUCKING, INC., 80 Baldarelli Court, Springfield, Massachusetts 01104. Representative: Patrick A. Doyle, 60 Robbins Road, Springfield, MA 01104. Contract carrier: irregular routes: *Beer*, from Oswego and Onondaga Counties, NY to ME, NH, VT, MA, CT and RI, for 180 days. An underlying ETA was granted for 90 days. Applicant intends to tack authority. Supporting shipper(s): Miller Brewing Company, 3939 West State Street, Milwaukee, WI 53208. Send protests to: David M. Miller, DS, ICC, 436 Dwight Street, Springfield, MA 01103.

MC 142680 (Sub-9TA), filed April 18, 1979. Applicant: SUMMER TIMBER COMPANY, INC., P.O. Box 104, Cuba, AL 36907. Representative: Virgil H. Smith, Suite 12, Phoenix Blvd., Atlanta, GA 30349. *Lumber and crossties*, (1) from the facilities of Kelley Sawmill Co., Inc. at or near Lisman, AL, to Mobile and Baldwin Counties, AL (Restricted to the transportation of shipments having an immediately subsequent movement by water); and, (2) from the facilities of Kelley Sawmill Co., Inc. at or near Lisman, AL to MS. For 180 days. Supporting shipper(s): Kelley Sawmill Co., Inc., P.O. Box 536, Butler, AL 36904. Send protests to: Mabel E. Holston, T/A, ICC, Room 1616—2121 Building, Birmingham, AL 35203.

MC 142941 (Sub-47TA), filed May 7, 1979. Applicant: SCARBOROUGH TRUCK LINES, INC., 1313 N. 25th Ave., Phoenix, AZ 85009. Representative: Lewis P. Ames, 111 W. Monroe, 10th Floor, Phoenix, AZ 85003. *Paper and paper products*, from the facilities of American Can Co., located at or near Menasha and Neenah, WI to points in AZ and GA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: American Can Co., P.O. Box 702, Neenah, WI 54956. Send protests to: Ronald R. Mau, District Supervisor, 2020 Federal Bldg., 230 N. 1st Ave., Phoenix, AZ 85025. Supporting shipper(s): American Can Co., P.O. Box 702, Neenah, WI 54956. Send protests to: Ronald R. Mau, District Supervisor, 2020 Federal Bldg., 230 N. 1st Ave., Phoenix, AZ 85025.

MC 142941 (Sub-48TA), filed May 16, 1979. Applicant: SCARBOROUGH TRUCK LINES, INC., 1313 N. 25th Ave., Phoenix, AZ 85009. Representative: Lewis P. Ames, 111 W. Monroe, 10th Floor, Phoenix, AZ 85003. *Paper and paper products*, between Kaukauna, WI on the one hand, and on the other, points in the United States (except AK, HI and WI), for 180 days. SUPPORTING SHIPPER: Thilmany Pulp and Paper Co., Kaukauna, WI 54130. SEND PROTESTS TO: Ronald R. Mau, District Supervisor, 2020 Federal Bldg., 230 N. 1st Ave., Phoenix, AZ 85025. Supporting shipper(s): Thilmany Pulp & Paper Co., Kaukauna, WI 54130. Send protests to: Ronald R. Mau, District Supervisor, 2020 Federal Bldg., 230 N. 1st Ave., Phoenix, AZ 85025.

MC 143061 (Sub-4TA), filed May 8, 1979. Applicant: ELECTRIC TRANSPORT, INC., P.O. Box 338, Eden, NC 27288. Representative: Kim G. Meyer, P.O. Box 56387, Atlanta, GA 30343. Contract carrier—irregular route. *Such commodities as are dealt in or used by a manufacturer of electrical products (except commodities which because of size or weight require*

special equipment and commodities in bulk) for the account of General Electric Co., (1) from Muskogee, OK to Asheboro, NC (and their respective commercial zones) and, (2) between the facilities of General Electric Co. at or near Asheboro, NC, on the one hand, and, on the other, the facilities used by General Electric Co., at Atlanta, GA; Mansfield, MA; Broadview, IL; Edison NJ; Columbus, OH; Tukwila, WI; Grand Prairie, TX; Laurel MD; Lenexa, KS; San Leandro and Garden Grove, CA (and their respective commercial zones), for 180 days. An underlying ETA seeking 90 days authority has been filed. Supporting shipper(s): General Electic Co., 1285 Boston Avenue, Bldg. 23EW, Bridgeport, CT 06602. Send protests to: Mr. Archie W. Andrews, D/S, ICC, P.O. Box 26896, Raleigh, NC 27611.

MC 143091 (Sub-2TA), filed May 16, 1979. Applicant: R AND R TRUCKING, INC., 1257 E. Reno, P.O. Box 17570, Oklahoma City, OK 73111. Representative: G. Timothy Armstrong, 200 North Choctaw, (P.O. Box 24), El Reno, OK 73036. *Common* carrier: *Regular* route: General commodities (except those of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment); (1) between Oklahoma City, OK and Broken Bow, OK, serving all intermediate points (except no service authorized to intermediate points between Norman, OK and Ada OK), and the off-route point of Wright City, OK: from Oklahoma City over U.S. Hwy 77 to junctionn OK Hwy 39, then over OK Hwy 39 to junction OK Hwy 3, then over OK Hwy 3 to junction OK Hwy 99, then over OK Hwy 99 to junction U.S. Hwy 70, then over U.S. Hwy 70 to Broken Bow and return over the same route; (2) between Oklahoma City, OK and Broken Bow, OK, serving all intermediate points (except no service authorized to intermediate points between Midwest City, OK and Atoka, OK), and the off-route point of Wright City: from Oklahoma City over Interstate Hwy 40 to junction OK Hwy 3 at Shawnee, OK, then over OK Hwy 3 to Broken Bow, and return over the same route; (3) between Clayton, OK and Paris, TX, over U.S. Hwy 271, and return over the same route, serving all intermediate points; (4) between Tupelo, OK and Durant, OK, over OK Hwy 48, and return over the same route, serving all intermediate points; (5) between Caddo, OK and the OK–TX boundary line, over U.S. Hwy 75, and return over the same route, serving all intermediate points, and (6) between Oklahoma City, OK and Madill, OK, serving no intermediate points, as an alternate route for operating convenience only: From Oklahoma City, OK over Interstate Hwy 35 to junction U.S. Hwy 70, then over U.S. Hwy 70 to Madill, and return over the same route, for 180 days. Note: Applicant intends to interline freight with other carriers at Oklahoma City, OK. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are approximately 22 supporting shipper statements. They may be examined at the office listed below or at Headquarters in Washington, D.C. Send protests to: Connie Stanley, Transportation Assistant, Interstate Commerce Commission, Room 240 Old Post Office & Court House Bldg., 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 143250 (Sub-5TA), filed May 14, 1979. Applicant: WILDCAT CONSTRUCTION CO., INC., P.O. Box 145, St Albans Bay, VT 05481. Representative: S. L. Watts, TDS, Inc., 1050 Waltham Street, Lexington, MA 02173. Contract carrier, irregular routes: *Alcoholic beverages, carbonated beverages, malt beverages, and other products used in processing, distribution and marketing thereof,* between the shipping points of Plattsburgh Distributing Co., Inc. in Clinton, Essex, Franklin, Hamilton and Warren Counties, NY on the one hand, and, on the other, points in AL, CT, DC, DE, FL, GA, IL, IN, KY, MA, MD, ME, MI, MS, NH, NC, OH, PA, RI, TN, VA, VT and WV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Plattsburgh Distributing Co., Inc., 215 Sharron Avenue, Plattsburgh, NY 12901. Send protests to: ICC, PO Box, 548 Montpelier, VT 05602.

MC 143540 (Sub-17TA), filed May 2, 1979. Applicant: MARINE TRANSPORT COMPANY, P.O. Box 2142, Wilmington, NC 28402. Representative: Ralph McDonald, P.O. Box 2246, Raleigh, NC 27602. *Soybean flour in bags* from the facilities of Ralston Purina Company at or near Louisville, KY; Red Wing, MN; Memphis, TN; and Hager City, to Wilmington, NC for 180 days. An underlying ETA has been filed seeking 90 days authority. Supporting shipper(s): Ralston Purina Company, Checkerboard Square, St. Louis, MO 63188. Send protests to: Archie W. Andrews, D/S, ICC, P.O. Box 26896, Raleigh, NC 27611.

MC 143651 (Sub-9TA), filed May 4, 1979. Applicant: BLACKHAWK EXPRESS, INC., Lake View, IA 51450. Representative: Kenneth F. Dudley, 611 Church St., P.O. Box 279, Ottumwa, IA 52501. *Compounds, tree or weed killing, NOI, in containers, in barrels, boxes, or crates,* from Des Moines, IA to points in MN, ND, SD, KS, NE, MO, IL, and IN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Amoco Oil Company, 200 East Randolph Drive, Chicago, IL 60601. Send protests to: Carroll Russell, ICC, Suite 620, 110 No. 14th St., Omaha, NE 68102.

MC 143701 (Sub-14TA), filed May 16, 1979. Applicant: HODGES FREIGHT LINES, INC., P.O. Box 73–J, Metairie, LA 70033. Representative: Lester C. Arvin, 814 Century Plaza Building, Wichita, KS 67202. Applicant is seeking authority to operate as a common carrier over irregular routes transporting *roofing and materials and supplies used in the manufacture thereof* from the facilities of Delta Roofing Mills, Inc., a division of Republic Gypsum, Inc., at or near Slidell, LA to points and places in AL, AR, FL, GA, MS, and TX, for 180 days. Applicant has filed an underlying ETA for 90 days. Supporting shipper(s): Delta Roofing Mills, Inc., a division of Republic Gypsum, Inc., P.O. Drawer C, Duke, OK. Send protests to: Robert J. Kirspel, DS, ICC, T–9038 Federal Bldg., 701 Loyola Ave., New Orleans, LA 70113.

MC 144531 (Sub-1TA), filed May 15, 1979. Applicant: SULLI-VAN LINES, INC., 43 Cortland Avenue, Highland Park, MI 48203. Representative: Lillian Ryan, 43 Courtland Avenue, Highland Park MI 48203. *Contract Carrier:* irregular routes: *Recycleable scrap rags* between all points in the United States. For 180 days. Supporting shipper(s): O'Brien Textiles Corporation, 43 Cortland Avenue, Highland Park, MI 48203. Send protests to: C. R. Flemming, D/S, I.C.C., 225 Federal Building, Lansing, MI 48933.

MC 144591 (Sub-2TA), filed May 7, 1979. Applicant: FUSARO TRANSPORTATION, INC., Ridge Hill Road, Assonet, MA 02702. Representative: Michael R. Werner, P.O. Box 1409, 167 Fairfield Road, Fairfield, NJ 07006. Contract-irregular, *Piece goods, and materials, supplies and equipment used in the manufacture thereof* (except commodities in bulk), between points in FL, AL, GA, SC, VA, MD, DC, DE, NC, PA, CT and RI on the one hand, and, on the other, points in NY, NJ and MA, for 180 days. Supporting shipper(s): Dana Mills, Inc., 3348 Commercial Avenue, Northbrook, IL 60062. Send protests to: Gerald H. Curry, DS, ICC, 24 Weybosset Street, Room 102, Providence, RI 02903.

MC 144630 (Sub-20TA), filed March 30, 1979. Applicant: STOOPS EXPRESS, INC., 2239 Malibu Court, Anderson, IN

46011. Representative: Donald W. Smith, Suite 945—9000 Keystone Crossing, Indianapolis, IN 46240. (1) *Cosmetics, toilet preparations, jewelry and such merchandise sold, used or distributed by Avon Products, Inc.* and (2) *crude ground talc,* (1) from Deerfield, Glenview and Morton Grove, IL to Monrovia, Pasadena, CA: Billings, MT; and Cheyenne, WY and (2) from Grand Island, NE to Deerfield, Glenview, and Morton Grove, IL, for 180 days. Supporting shipper(s): Avon Products, Inc., 6901 Golf Road, Morton Grove, IL. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm. 429, Indianapolis, IN 46204.

MC 144901 (Sub-2TA), filed May 23, 1979. Applicant: INTERMODAL SYSTEMS, INC., P.O. Box 4952, Kansas City, MO 64112. Representative: Arthur J. Cerra, P.O. Box 19251, Kansas City, MO 64141. *General Commodities* (except foodstuffs when moving in temperature-controlled vehicles and except commodities in bulk, Class A and B explosives, household goods as defined by the Commission and commodities which require the use of special equipment) between points in CA, IL, IN, MI, OH and WI. *Restricted* to shipments which either originate at or are destined to points in CA and which involve substitution of trailer-on-flat-car service for a portion of the through movement, for 180 days. Supporting shipper(s): There are 40 statements of support attached to application which may be examined at the ICC in Washington, D.C. or copies which may be examined at the field office named below. Send protests to: John V. Barry, DS, ICC, 600 Federal Bldg., 911 Walnut Street, Kansas City, MO 64106.

MC 145150 (Sub-8TA), filed May 16, 1979. Applicant: HAYNES TRANSPORT CO., INC., P.O. Box 9, R.R. 2, Salina, KS 67401. Representative: Clyde N. Christey, Suite 110L, Ks. Credit Union Bldg., 1010 Tyler, Topeka, KS 66612. *Jet fuel, grade JP4, NMFC, 155250, in bulk,* from the facilities of the E-Z Serve, Inc., Refinery located at or near Shallow Water, KS. to FP2500 Peterson AFB, CO, FP4621 McConnell AFB, KS; FP6152 KS ANG Forbes ANGB, KS; W55CVC Ft Riley, KS, EZ9428 Boeing Co., Wichita, KS, EY9111 Cessna Co., Wichita, KS, FP6061 CO ANG Buckley AFB, Denver, CO, W51HU8 Ft. Carson Butts Field, CO and EP6501 WY ANG Cheyenne, WY. common, irregular, 160 days; Supporting shipper(s): Chief, Regulatory Law Office, U.S. Army Legal Services Agency, Falls Church, VA 22041; Send protests to: M. E. Taylor, DS, ICC, 101 Litwin Bldg., Wichita, KS 67202. Supporting shipper(s): Chief, Regulatory Law Office, U.S. Army Legal Services Agency, 5611 Columbia Pike, Falls Church, VA 22041. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 101 Litwin Bldg., Wichita, KS 67202.

MC 145360 (Sub-3TA), filed May 14, 1979. Applicant: THOM'S TRANSPORT COMPANY, INC., Box 405, Blackshear, GA 31516. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. *Lumber,* from Thomasville, GA to points in AL, AR, FL, GA, IL, IN, KY, LA, MD, MO, MS, NC, OH, SC, TN, VA, and WV, for 180 days. Supporting shipper(s): A. T. & N. Lumber Service, Inc., 630 Campbell Street, P.O. Box 2014, Thomasville, GA 31792. Send protests to: G. H. Fauss, Jr., DS, ICC, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 145371 (Sub-3TA), filed May 11, 1979. Applicant: MFCH, INC., Route 1, Kings, IL 61045. Representative: Daniel O. Hands, Suite 200, 205 West Touhy, Park Ridge, IL 60068. (1) *Cleaning compounds and textile softeners,* from the facilities of Proctor and Gamble Distribution Company, near Lima, OH to IL and MO; (2) *Paper, paper products, cellulose products and textile softeners,* from facilities of Proctor & Gamble, Green Bay, WI to Long Beach, Modesto, Oxnard and Sacramento, CA and points in IL, IN, IA, KS, MI, MN, MO and NE; (3) *Paper, paper products and cellulose products,* from the facilities of Proctor and Gamble, Neelys Landing, MO to Long Beach, Modesto, Oxnard and Sacramento, CA; Denver, CO; Memphis, TN and points in IL, IN and OH; and (4) *Paper, paper products and cellulose products,* from the facilities of Proctor and Gamble Paper Products Company, Cheboygan, MI to points in IL and IN, restricted in parts (1), (2), (3) and (4) to the transportation of shipments originating at the named origins and destined to the named destinations, for 180 days. An underlying ETA was granted for 90 days authority. Supporting shipper(s): Proctor and Gamble Paper Products Company, P.O. Box 599, Cincinnati, OH 45201. Send protests to: Annie Booker, TA, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 145421 (Sub-1TA), filed April 4, 1979. Applicant: ED BURNS d.b.a. ED BURNS AND SONS, Rural Route #1, Denver, IN 46926. Representative: Robert A. Kriscunas, 1301 Merchants Plaza, Indianapolis, IN 46204. *Soybean meal* from the facilities of Bunge Corporation (Indiana) at or near Logansport, IN to points in MI for 180 sayd. Restricted to a contract or continuing contracts with Bunge Corporation (Indiana). Supporting shipper: Bunge Corporation (IN), R.R. #2, P.O. Box 113, Logansport, IN 46847. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm. 429, Indianapolis, IN 46240.

MC 145441 (Sub-41TA), filed May 18, 1979. Applicant: A.C.B. TRUCKING, INC., P.O. Box 5130, North Little Rock, AR 72119. Representative: E. Lewis Coffey, (same as applicant). *Caulking and glazing compounds; adhesive paste; chemicals and silicone chemicals; plastic materials; and lubricating grease* in vehicles equipped with mechanical refrigeration, from Elizabethtown and Carrollton, KY to points in CA, OR, and WA, for 180 days as a common carrier over irregular routes. Supporting shipper(s): Dow Corning Corporation, P.O. Box 1592, Midland, MI 48640. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 145601 (Sub-4TA), filed March 20, 1979. Applicant: MORGAN COUNTY TRUCKING, INC., 1010 East Nutter Street, Martinsville, IN 46151. Representative: Warren C. Moberly, 777 Chamber of Commerce Bldg., Indianapolis, IN 46204. *Sewer pipe and fittings,* from Brazil, IN, to points in IL, IA, KY and MI, for 180 days. Supporting shipper(s): Logan Clay Products, P.O. Box 196, Brazil, IN 47834. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm 429, Indianapolis, IN 46204.

MC 145750 (Sub-2TA), filed May 3, 1979. Applicant: C. S. TRUCK SERVICE, 930 Caroline Street, O'Fallon, IL 62269. Representative: Charles Sizemore, 930 Caroline Street, O'Fallon, IL 62269. *Contract, irregular,* Ice cream, sherberts, ice cream novelties and related dairy products, and materials, equipment, and supplies used in the production and distribution of the above commodities between O'Fallon, IL on the one hand and on the other points in KY and TN. Supporting shipper(s): Prairie Farms Dairy, Inc., U.S. Hwy. 50 & South Oak, O'Fallon, IL 62269. Send protests to: Charles D. Little, DS, ICC, Room 414 Leland Office Building, 527 East Capitol Avenue, Springfield, IL 62701.

MC 145760 (Sub-5TA), filed May 15, 1979. Applicant: JOHNSON TRANSPORTATION CO., 1327 Hwy. 13 N., Columbia, MS 39439. Representative: Fred W. Johnson, Jr., P.O. Box 22628, Jackson, MS 39205. *Conduit, sewer and water pipe, clay pipe, valves, hydrants,*

parts and accessories from the facilities of Can-Tex Industries, at or near Cannelton, IN, Sparta, TN and Mineral Wells, TX to points in AL, AR, CO, DE, FL, GA, IL, IN, KS, KY, LA, MI, MS, MO, NJ, NM, NC, OH, OK, SC, TN, TX, VA and WV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Can-Tex Industries, P.O. Box 340, Mineral Wells, TX 76067. Send protests to: Alan Tarrant, D/S, ICC, Rm. 212, 145 E. Amite Bldg., Jackson, MS 39201.

MC 145981 (Sub-6TA), filed May 29, 1979. Applicant: ACE TRUCKING CO., INC., 1 Hachensack Avenue, S. Kearny, NJ 07032. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Conveyor systems, and materials, equipment, and supplies used in the manufacture and sale of conveyor systems (except commodities in bulk) between Carlstadt, NJ, on the one hand, and, on the other, points in the states of AZ, CA, CO, GA, IL, LA, MO, NC, SC, and TX, for 180 days. Supporting shipper(s): W & H Conveyor Systems, Inc., 120 Asia Place, Carlstadt, NJ 07072. Send protests to: Robert E. Johnston, DS, ICC, 744 Broad Street, Room 522, Newark, NJ 07102.

MC 146250 (Sub-2TA), filed March 23, 1979. Applicant: PILKINGTON TRUCKING, INC., P.O. Box 782, Lapel, IN 46051. Representative: Robert A. Kriscunas, 1301 Merchants Plaza, Indianapolis, IN 46204. *Sand, in dump vehicles,* from Utica, IL, to the facilities of Brockway Glass Company, Inc. at Lapel, IN, for 180 days. Supporting shipper: Brockway Glass Company, Inc., Brookside Road, Lapel, IN 46051. Send protests to: Beverly J. Williams, Transportation Assistant, ICC 46 E. Ohio St., Rm 429, Indianapolis, IN 46204.

MC 146310 (Sub-2TA), filed May 16, 1979. Applicant: RAINBOW TRANSPORT INC., 941 Fairmount Avenue, Elizabeth, NJ 07201. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, N.W., Washington, D.C. 20001. (1) Power transmission equipment, glassware, and plastic dinnerware, and cover paper unprinted, in containers, between ports in the New York, NY commercial zone, on the one hand, and, on the other Westfield, NY, and Erie, Jeannette and Lake City, PA; and (2) empty containers on return for 180 days. Restricted: In Paragraphs (1) and (2) above to the transportation of traffic having a prior or subsequent movement by water. An underlying ETA seeks 90 days authority. Supporting shipper(s): Renold Inc., Bourne Street, P.O. Box A, Westfield, NY 14787; The B. D. Company, 2011 West 12th Street, Erie, PA 16512; A. P. Roman Co., Inc., Suite 4539, One World Trade Center, New York, NY 10048; Harry Hyman & Son, Inc., 254 West 54th Street, New York, NY 10019. Send protests to: Robert E. Johnston, DS, ICC, 744 Broad Street, Room 522, Newark, NJ 07102.

MC 146601 (Sub-3TA), filed May 4, 1979. Applicant: POTEAT MOTOR LINES, INC., 522 12th Ave., SW, Hickory, NC 28601. Representative: Robert D. Hoagland, Esq., 1204 Cameron Brown Bldg., 301 S. McDowell St., Charlotte, NC 28204. *Pulpboard and fibreboard* from the facilities of Chesapeake Paperboard Co., Baltimore, MD to points and places in NC on and west of US Highway 1, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): The Chesapeake Paperboard Company, Fort Ave and Woodall St., Baltimore, MD 21230. Send protests to: D/S Terrell Price, 800 Briar Creek Rd, Rm CC516, Mart Office Building, Charlotte, NC 28205.

MC 146700 (Sub-2TA), filed May 18, 1979. Applicant: TRAVELERS TRANSPORTATION CO. INC., Room 8, Commonwealth Pier 5, Boston, MA 02114. Representative: J. Albert Johnson, 8 Whittier Place, Boston, MA 02114. *Contract carrier:* irregular routes: *Frozen food products* between points in MI and points in RI, MA, NH, VT, ME, CT, NY, NJ, PA and OH. Supporting shipper(s): Chef Pierre, Inc., Box 1009, Traverse City, MI. Send protests to: Glenn A. Eady, T/S, Interstate Commerce Commission, 150 Causeway Street, Room 501, Boston, MA 02114.

MC 146701 (Sub-6TA), filed April 2, 1979. Applicant: WEAVER TRUCKING CO., INC., P.O. Box 45, Eton, GA 30724. Representative: Archie B. Culbreth, Suite 202—2200 Century Parkway, Atlanta, GA 30345. *Contract Carrier: irregular routes: Carpets, carpeting, rugs and carpet samples* from Eton and Chatsworth, GA, to points in the US (except AK and HI), under a continuing contract(s) with Diamond Carpet and Rug Mills, Inc., Eton, GA, Kimberly Carpet Mills, Chatsworth, GA; and Lanas Carpet Co., Inc., Eton, GA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Kimberly Carpet Mills, Industrial Park, Chatsworth, GA 30705. Lanas Carpet Co., Inc., Box 46, Eton, GA 30724. Send protests to: Sara K. Davis TA, ICC, 1252 W. Peachtree St., N.W., Room 300, Atlanta, GA 30309.

MC 146721 (Sub-1TA), filed May 4, 1979. Applicant: JESSE F. BURNETT, 2626 E. 219th Place, Long Beach, CA 90810. Representative: (same as Applicant). *Cement asbestos fibre conduit or pipe, plastic pipe and fittings and insulating material (calcium silicate and fibre combine)* from the facilities of Johns-Manville located at Long Beach/Carson, CA to points in AZ, CO, NM, and TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Jons-Manville Sales Corp., 2600 Campus Drive, San Mateo, CA. Send protests to: Irene Carlos, P.O. Box 1551, Los Angeles, CA 90053.

MC 146890 (Sub-2TA), filed May 10, 1979. Applicant: C & E TRANSPORT, INC. d.b.a., C. E. ZUMSTEIN CO., P.O. Box 27, Lewisburg, OH 45338. Representative: Dwight L. Koerber, Jr., 805 McLachlen Bank Bldg., 666 Eleventh St., NW, Washington, D.C. 200001. *Glass,* from the facilities of PPG Industries, Inc., located at or near Kebert Park, PA to Crystal City, MO, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): PPG Industries, Inc., 1 Gateway Center, Pittsburgh, PA 15222. Send protests to: DS/ICC, 101 N. 7th St., Philadelphia, PA 19106.

MC 146890 (Sub-3TA), filed May 11, 1979. Applicant: C & E TRANSPORT, INC. d.b.a., C. E. ZUMSTEIN CO., P.O. Box 27, Lewisburg, OH 45338. Representative: Michael D. Bromley, 666 Eleventh St., NW, Washington, D.C. 20001. *Adhesives, cleaning, preserving and sealing compounds and products, solvents, stains, pastic carpeting, carpet strip and moldings, and equipment and supplies* used in the installation thereof, from Kalamazoo, MI and Dayton, OH to points in the U.S. in and east of MT, WY, CO, and NM, for 189 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Roberts Consolidated, 600 N. Baldwin Park Blvd., City of Industry, CA 91749. Send protests to: DS/ICC, 101 N. 7th St., Philadelphia, PA 19106.

MC 146940 (Sub-1TA), filed May 17, 1979. Applicant: LUMBEE TRUCKING COMPANY, INC., Route 2, Box 139, Maxton, NC 28364. Representative: William P. Farthing, Jr., 1100 Cameron-Brown Building, Charlotte, NC 28204. *Canned foodstuffs* from the facilities owned or utilized by Campbell Soup Company, at or near Maxton, NC to points in AL, FL, GA, NC, SC, TN, and VA; (2) *materials, supplies and/or equipment* (except in bulk) used in the manufacturing and distribution of canned foodstuffs from points in AL, FL, GA, NC, SC, TN, and VA to the facilities owned or utilized by Campbell Soup Company, at or near Maxton, NC, for 180 days. An underlying ETA seeking 90 days authority has been filed.

Supporting shipper(s): Campbell Soup Company, Route 2, Box 98, Maxton, NC 28364. Send protests to: Mr. Archie W. Andrews, D/S, ICC, P.O. Box 26896, Raleigh, NC 27611.

MC 146961 (Sub-1TA), filed May 2, 1979. Applicant: INTERLAKE SYSTEMS, INC., 601 Hilltop Road, Cinnaminson, N.J. 08077. Representative: George A. Olsen, P.O. Box 357, Gladstone, N.J. 07934. *Powdered iron and by-products,* (1) from the facilities of Hoeganaes Corp. located at or near Riverton, NJ to points in MI, IN, IL, OH, WI, TN, KY, MS, PA, IA, (2) from the facilities of Hoeganaes Corp. located at or near Gallatin, TN to points in MS, OH, MI, IL, WI, IA, IN, KY, PA, NJ, and (3) *materials, equipment and supplies* used in the manufacture or sale of the foregoing commodities (except commodities in bulk in tank vehicles) from the above destination states to the facilities of Hoeganaes Corp. located at or near Riverton, NJ and Gallatin, TN, for 180 days. An underlying ETA seeks 90 day authority. Supporting shipper(s): Hoeganaes Corporation, Taylor's Lane, Riverton, N.J. 08077. Send protests to : District Supervisor, ICC, 428 East State Street, Room 204, Trenton, N.J. 08608.

MC 146990 (Sub-1TA), filed May 10, 1979. Applicant: J. R. PORTER, INC., Rt. 5, Box 589, South Point, OH 45680. Representative: R. William Berry, 406 Second Ave., Chesapeake, OH 45619. *Iron and steel products,* from Ashland, KY, to all points in OH, WV, PA and NJ, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Armco, Inc., 703 Curtis St., Middletown, OH 45043. Send protests to: J. A. Niggemyer, DS, 416 Old P. O. Bldg., Wheeling, WV 26003.

MC 146990 (Sub-2TA), filed May 24, 1979. Applicant: J. R. PORTER, INC., Rt. 5, Box 589, South Point, OH 45680. Representative: R. William Berry, 406 Second Ave., Chesapeake, OH 45619. *Iron and steel products,* from Ashland, KY to all points in NY, IN, MI and MD, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Armco, Inc., 703 Curtis St., Middletown, OH 45043. Send protests to: J. A. Niggemyer, DS, 416 Old P. O. Bldg., Wheeling, WV 26003.

MC 147000 (Sub-1TA), filed April 30, 1979. Applicant: BOB LOPEZ, d.b.a., EL BANDIDO TRUCKING, 6622 Manchester, Buena Park, CA 90620. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. *Contract:* irregular: *Food and food products, except in bulk,* from the facilities of RJR Foods, Inc., at or near Anaheim, Fullerton, Gustine, La Habra, Ontario, and Placentia, CA, to points in AZ, NV and UT, under a continuing contract(s) with RJR Foods, Inc., for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): RJR Foods, Inc., P.O. Box 3037, Winston-Salem, NC 27102. Send protests to: Irene Carlos, TA, ICC, P.O. Box 1551, Los Angeles, CA 90053.

MC 147010 (Sub-1TA), filed May 1, 1979. Applicant: WHALEN TRUCKING, INC., 301 Prairie, Waverly, IL 62692. Representative: Robert T. Lawley, 300 Reisch Building, Springfield, IL 62701. *Common, irregular,* Anhydrous ammonia, liquid and dry fertilizer from Louisiana, MO to points in IL; and dry fertilizer from Springfield, IL to points in IN, IA, KY, MO, OH, and WI. Supporting shipper(s): Midstate Warehouse, Inc., RR4-Box 236, Springfield, IL 62707. Send protests to: Charles D. Little, DS, ICC, Room 414 Leland Office Building, 527 East Capitol Avenue, Springfield, IL 62701.

MC 147011 (Sub-1TA), filed: May 1, 1979. Applicant: STEVE SHAFFER, d.b.a. STEVE SHAFFER TRUCKING, 633 North Locust, Arcola, IL 61910. Representative: Robert T. Lawley, 300 Reisch Building, Springfield, IL 62701. *Contract, irregular,* Trenchers, pavers, heavy construction equipment and parts used in the manufacture of construction equipment for the account of International Trencher Service, Inc., from Baltimore, MD to Arcola, IL and points in MI and OH and (b) from Arcola, IL to points in the U.S. except AK and HI. An underlying ETA seeks 90 days authority. Supporting shipper(s): International Trencher Service, Inc., P.O. Box 66, Arcola, IL 61910. Send protests to: Charles D. Little, DS, ICC, Room 414 Leland Office Building, 527 East Capitol Avenue, Springfield, IL 62701.

MC 147071 (Sub-1TA), filed May 9, 1979. Applicant: GERVING TRUCK LINE, INC., Box 107, Glen Ullin, ND 58631. Representative: Charles E. Johnson, 418 East Rosser Avenue, P.O. Box 1982 Bismarck, ND 58501. *Motor vehicles,* in truckaway, secondary movements, between Bismarck, ND, on the one hand, and, on the other, Minneapolis, MN, Chicago, IL, Kansas City, MO, Billings, MT, Marengo, IL, Denver, CO, Mason City, IA, Omaha, NE, and Missoula, MT, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Bergley's Used Cars, 104 W. Main, Bismarck, ND 58501. Ned Nastrom Motors, 100 West Broadway, Bismarck, ND 58501. Wentz Used Cars, 1102 Airport Road, Bismarck, ND 58501. Holms Ford, Box 818, Bismarck, ND 58501. Hank's Datsun, Inc., 2100 East Broadway, Bismarck, ND 58501. Send protests to: DS, ICC, Bureau of Operations, Room 268 Fed. Bldg. & U.S. Post Office, 657 2nd Avenue North, Fargo, ND 58102.

MC 147081 (Sub-1TA), filed May 15, 1979. Applicant: INTERSTATE CARTAGE CO., INC., 550 Donaldson Center, Greenville, SC 29605. Representative: John H. Lumkin, Jr., 1250 SCN Center, Columbia, SC 29201. *Contract carrier;* irregular routes: *Plastic bottles, base cups, synthetic plastic granules, plastic preforms, and equipment and supplies used in the manufacture, distribution and sale of plastic bottles, base cups and plastic preforms,* between the plant site and warehouse facilities of Sewell Plastics Company, Inc., Mauldin, SC, on the one hand, and, on the other, the plant site and warehouse facilities of Sewell Plastics Company, Inc., Mecklenburg County, NC and Fulton County, GA; and between the plant site and warehouse facilities of Sewell Plastics Company, Inc., Mauldin, SC and points and places in SC, NC, GA, and TN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Sewell Plastics Company, Inc., P.O. Box 5619, Greenville, SC 29606. Send protests to: E. E. Strotheid, D/S, ICC, Rm. 302, 1400 Bldg., 1400 Pickens St., Columbia, SC 29201.

MC 147141 (Sub-1TA), filed May 9, 1979. Applicant: LUJO TRUCKING CO., INC., 121 Braley Road, East Freetown, MA 02717. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. Contract-irregular, (1) *Plastic articles (except in bulk), cushioned envelopes, and packaging machinery,* from Hyannis, MA to points in the United States (except AK, HI, and MA), and (2) *Equipment, materials and supplies used in the manufacture and distribution of plastic articles, cushioned envelopes, and packaging machinery* (except in bulk), from the destinations named in (1) above to Hyannis, MA, under continuing contracts with Sentinel Foam Products, Inc. and Packaging Industries, Inc., Airport Road, Hyannis, MA 02601, for 180 days. Supporting shipper(s): Sentinel Foam Products, Inc., Airport road, Hyannis, MA 02601. Packaging Industries, Inc., Airport Road, Hyannis, MA 02601. Send protests to: Gerald H. Curry, DS, ICC, 24 Weybosset Street, Room 102, Providence, RI 02903.

MC 147150 (Sub-1TA), filed May 2, 1979. Applicant: TRYPORT TRANSPORTATION, INC., 1425 S. Main St., Pittston, PA 18640. Representative: Ronald Cobert, Suite 501–1730 M. St.,

N.W., Washington, D.C. 20036. (1) *General commodities (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment)* between points in Broome and Chemung Counties, NY and Lackawanna, Lehigh, Luzerne, Northampton and Wayne Counties, PA, on the one hand, and, on the other, points in CA, CO, IL, MI, MN, MO, OR, TX, and WA, and (2) *printed matter* between Philadelphia and Scranton, PA, Binghamton, and New York, NY, and St. Louis and Troy, MO, on the one hand, and, on the other, points in CT, IL, IN, KY, MA, MD, MI, MN, MO, NJ, NY, OH, PA, TN, VT and WI. Supporting shipper(s): Northeastern Pennsylvania Shippers, Cooperative Assoc., Inc., Pittston, PA 18640. Harper & Row Publishers, Keystone Industrial Park, Scranton, PA 18512. Send protests to: I.C.C., 101 N. 7th St. Rm. 620, Phila., PA 19106.

MC 147180 (Sub-1TA), filed May 3, 1979. Applicant: GEORGE W. BURNETT, INC., 145 Ganson Street, Buffalo, NY 14203. Representative: JOHN R. HAMLETT, 2200 Main Place Tower, Buffalo, NY 14202. *Cement in bulk and in bags,* from Buffalo, NY to points and places in OH and PA, for 180 days. Supporting shipper: National Gypsum Company, Cement Division, P.O. Box 887, Southfield, MI 48037. Send protests to: Richard H. Cattadoris, DS, ICC, 910 Federal Building, 111 W. Huron Street, Buffalo, NY 14202.

MC 147181 (Sub-1TA), filed May 2, 1979. Applicant: MARCH TRANSPORT CO., 3401 West Pershing Road, Chicago, IL 60632. Representative: Charles A. Webb, 1800 M Street N.W., Suite 800-South, Washington, D.C. 20036. *General commodities (except those of unusual value, Classes A & B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment),* restricted to traffic moving on freight forwarder bills of lading or having a prior or subsequent move by a freight forwarder, (1) between points in the Los Angeles, CA commercial zone, on the one hand, and, on the other, points in CA within 100 miles of Los Angeles, CA; (2) between points in the Oakland, CA commercial zone, on the one hand, and, on the other points in CA within 100 miles of Oakland, CA. Supporting shipper(s): Clipper Express Co., 3401 W. Pershing Road, Chicago, IL 60632. Send protests to: Annie Booker, TA, ICC, 1386 Dirksen Bldg., 219 So. Dearborn St., Chicago, IL 60604.

MC 147191 (Sub-1TA), filed May 4, 1979. Applicant: PETER HOLMAN TRUCKING, INCORPORATED, 3504 South Federal Hwy., Fort Pierce, FL 33450. Representative: Dwight L. Koerber, Jr., 805 McLachlen Bank Bldg., 666 Eleventh St., N.W., Washington, D.C. 20001. *Bananas,* from Norfolk, VA and points in its commercial zone to points in FL, GA, NC, SC, AL, and TN for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): The Best Banana Company, 3616 E. Virginia Beach Blvd., Norfolk, VA 23502. Send protests to: Donna M. Jones, T/A, ICC, Suite 101, 8410 N.W. 53rd Terr., Miami, FL 33166.

By the Commission.

H. G. Homme, Jr.,

Secretary.

[FR Doc. 79-21277 Filed 7-9-79; 8:45 am]

BILLING CODE 7035-01-M

Sunshine Act Meetings

Federal Register
Vol. 44, No. 133
Tuesday, July 10, 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).

CONTENTS

	Items
Civil Rights Commission	1
Consumer Product Safety Commission	2, 3
Equal Opportunity Commission	10, 11
Federal Communications Commission	4, 5
Federal Maritime Commission	6
Federal Reserve System	7
Securities and Exchange Commission	8
Tennessee Valley Authority	9

1

COMMISSION ON CIVIL RIGHTS.

PLACE: Room 512, 1121 Vermont Avenue N.W., Washington, D.C.

DATE AND TIME: Monday, July 9, 9 a.m.–12:30 p.m; 2 p.m.–5 p.m. Tuesday, July 10, 9 a.m.–12 noon; 1:30 p.m.–4 p.m.

STATUS: Meeting open to public.

MATTERS TO BE CONSIDERED: Monday, July 9, 9 a.m.–12:30 p.m.

I. Approval of Agenda.
II. Approval of Minutes of Last Meeting.
III. Staff Director's Report.
A. Status of Funds.
B. Personnel Report.
C. Office Directors' Report.
D. Correspondence.
1. Letter from HUD Assistant Secretary Sterling Tucker.
IV. Report on civil rights developments in the Eastern Region.
V. State Advisory Committee Re-charter and Interim Appointment.
A. Mississippi.
B. Tennessee.
VI. Status report and recommendations on religious discrimination enforcement efforts.
VII. Discussion on Title IX Policy Interpretation.

Monday, July 9, 2–5 p.m.

VIII. Review of employment component of Health Insurance Research design.
IX. Status report on Small Business Administration set-aside provision.
X. Action re Alabama Advisory Committee report on State government employment.
XI. Review of Missouri Advisory Committee report on Race Relations in the Kingdom of Calloway.
XII. Review of Nevada Advisory Committee report: Public Forum on Women's Rights and Responsibilities.
XIII. Discussion of Los Angeles police-community relations.

Tuesday, July 10, 9 a.m.–12 noon; 1:30 p.m.–4 p.m.

XIV. Review and approval of FY 1981 program and budget.

FOR FURTHER INFORMATION PLEASE CONTACT: Barbara Brooks, Office of Congressional and Public Liaison (202) 254-6697.

[S-1348-79 Filed 7-6-79; 11:00 am]
BILLING CODE 6335-01-M

2

CONSUMER PRODUCT SAFETY COMMISSION.

Agenda

TIME AND DATE: 10 a.m., Wednesday, July 11, 1979.

LOCATION: Room 456 Westwood Towers, 5401 Westbard Avenue, Bethesda, Maryland.

STATUS: Open to the public.

MATTERS TO BE DISCUSSED:

1. *Chain Saws: Update.* In June 1978, the Commission decided to participate in an effort by the Chain Saw Manufacturers Association (CSMA) to develop a voluntary standard to address the risks of injury associated with chain saw kickback. At this briefing, the Commission will discuss the progress of this project with CSMA, the Standards Review Board of the effort, and the appropriate Commission staff.

2 p.m.

2. *Briefing on TV Receivers: Extension/Revocation.* The staff will brief the Commission on (1) a technical feasibility study on a system performance requirement for containment of TV fires, (2) an analysis of TV fire incident data, and (3) the upgrading of voluntary standards for television receivers. The Commission will decide at a later meeting, tentatively scheduled for July 19, 1979, whether to continue a proceeding concerning fire hazards associated with television receivers or terminate the 1975 notice of proceeding to develop such a standard.

Briefing on Child-proof Matches Petition, CP-16. The staff will brief the Commission on the issues raised by a petition from Consumer Alert, Inc., which requests the Commission to amend the matchbook standard (16 CFR Part 1202) to exempt Commission-accepted, child-resistant covers from the requirement that the striking surface be located on the back of the cover.

CONTACT PERSONS FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Assistant Secretary, Suite 300, 1111 18th Street, N.W., Washington, D.C., telephone (202) 634-7700.

Agenda approved June 29, 1979.

[S-1350-79 Filed 7-6-79; 3:28 pm]
BILLING CODE 6355-01-M

3

CONSUMER PRODUCT SAFETY COMMISSION.

Agenda

TIME AND DATE: 9:30 a.m., Thursday, July 12, 1979.

LOCATION: Third floor hearing room, 1111 18th Street, NW., Washington, D.C.

STATUS: Part open, part closed.

MATTERS TO BE DISCUSSED: A. Open to the public.

1. *Rust Removers Petition, HP 78-12.* The Commission will consider a petition in which Arden J. Bradshaw of Mankato, Minnesota, asks CPSC to ban or label rust removers containing hydrofluoric acid.
2. *Section 15 Procedures and Delegation.* The Commission will consider delegation of authority options to the Product Defect Correction Division of Compliance and Enforcement (CEPD). Staff from CEPD briefed the Commission on Section 15 activities during the last quarter at the June 28, 1979, Commission Meeting.
3. *Mattel "Battlestar Galactica" Toys, ID 79-47.* The Commission will consider a proposed corrective action plan from Mattel, Inc., concerning certain "Battlestar Galactica" toys.
4. *Decubitus Mattresses: FFA Exemption.* The Commission will consider a draft Federal Register notice to propose an exemption of decubitus and absorbent mattress pads and padding from the mattress flammability standard (16 CFR Part 1632).

B. Closed to the public.

5. *Aluminum Wire.* The staff will discuss with the Commission issues related to the Commission's jurisdiction over aluminum wire systems and components of aluminum wire systems pursuant to the decision of the U.S. Court of Appeals in *CPSC* v. *Anaconda* (Closed under exemption 10: Litigation).

CONTACT PERSON: Sheldon D. Butts, Assistant Secretary, Suite 300, 1111 18th Street N.W., Washington, D.C. 20207 (202) 634-7700.

Agenda approved June 29, 1979.

[S-1351-79 Filed 7-6-79; 3:28 pm]
BILLING CODE 6355-01-M

4

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 2 p.m., Thursday, July 5, 1979.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Emergency closed Commission meeting.

MATTERS TO BE CONSIDERED:

Internal Personnel Matters

The prompt and orderly conduct of Commission business requires that less than 7-days notice be given consideration of this matter.

Additional information concerning this meeting may be obtained from the FCC Public Affairs Office, telephone number (202) 632-7260.

Issued: July 5, 1979.

[S-1354-79 Filed 7-6-79; 3:28 pm]

BILLING CODE 6712-01-M

5

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 9:30 a.m., Thursday, July 12, 1979.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Closed Commission meeting following the open meeting.

MATTERS TO BE CONSIDERED:

Agenda, Item No., and Subject

Complaints and compliance—1—Field investigation into the operation of Radio Stations WJLB and WMZK-FM, Detroit, Michigan, licensed to Booth American Company.

Complaints and compliance—2—Field investigation into the operation of Radio Stations WHAV-AM-FM, Haverhill, Massachusetts, licensed to WHAV Broadcasting Company, Inc.

Assignment and transfer—1—Assignment of license of station WGTU(TV), Traverse City, Michigan, and the construction permit of station WGTU(TV), Sault Ste. Marie, Michigan from Michigan Television Network, Inc. to Panax Television, Inc., which were granted on May 31, 1979, pursuant to authority delegated to the Chief, Broadcast Bureau.

Hearing—1—Petition for Reconsideration of Commission Order, FCC 78-474, released July 7, 1978, in the San Diego, California, television assignment proceeding (Docket No. 20589).

Hearing—2—Draft Decision in the Rochester, N.Y., proceeding (Docket No. 20477) involving the license renewal applications of Rust Communications Group, Inc. for stations WHAM and WHFM(FM).

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from the FCC Public Affairs Office, telephone number (202) 632-7260.

Issued: July 6, 1979.

[S-1355-79 Filed 7-6-79; 3:28 pm]

BILLING CODE 6712-01-M

6

FEDERAL MARITIME COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: July 5, 1979; 44 FR 39334.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: July 10, 1979.

CHANGE IN THE MEETING: Date changed from July 10, 1979 to July 9, 1979. Time changed from 10 a.m. to 1:30 p.m.

[S-1356-79 Filed 7-6-79; 3:41 pm]

BILLING CODE 6730-01-M

7

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

TIME AND DATE: 10 a.m., Friday, July 13, 1979.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Summary Agenda

Because of its routine nature, no substantive discussion of the following item is anticipated. This matter will be voted on without discussion unless a member of the Board requests that the item be moved to the discussion agenda.

1. Report to the Federal Deposit Insurance Corporation regarding the competitive factors involved in the proposed merger of Bank of Chincoteague, Inc., Chincoteague, Virginia, with Farmers & Merchants National Bank in Onley, Onley, Virginia.

Discussion Agenda

1. Proposed revisions to Regulation Z (Truth in Lending) regarding methods of calculating and disclosing annual percentage rates. (Proposed earlier for public comment; docket no. R-0195).

2. Any agenda items carried forward from a previously announced meeting.

Note.—This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for $5 per cassette by calling (202) 452-3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452-3204.

Date: July 5, 1979.

Theodore E. Allison,

Secretary of the Board.

[S-1352-79 Filed 7-6-79; 3:28 pm]

BILLING CODE 6210-01-M

8

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.

DATE PREVIOUSLY ANNOUNCED: Thursday, June 28, 1979.

CHANGES IN MEETING:

Additional Items

The following additional item will be considered at an open meeting scheduled for Thursday, July 5, 1979, at 10 a.m.:

Consideration of whether to object to a proposed staff position with respect to a request from Shearson Hayden Stone Inc. and Loeb Rhoades, Hornblower & Co. for a no-action position under Securities Exchange Act Rule 10b-10. For further information, please contact Jeffrey L. Steele at (202) 755-7587.

The following additional items will be considered at a closed meeting scheduled for Thursday, July 5, 1979, following the 10 a.m. open meeting:

Regulatory matter bearing enforcement implications and institution of injunctive action.

Regulatory matter bearing enforcement implications and formal order of investigation.

Litigation matter.

Chapter X proceeding.

Consideration of amicus participation.

Chairman Williams, Commissioners Loomis, Evans, Pollack and Karmel determined that Commission business required the above changes and that no earlier notice thereof was possible.

At times changes in commission priorities require alterations in the scheduling or 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.

July 5, 1979.

[S-1349 Filed 7-6-79; 11:00 am]

BILLING CODE 8010-11-M

9

TENNESSEE VALLEY AUTHORITY (Meeting No. 1222).

TIME AND DATE: 7:30 p.m., Thursday, July 12, 1979.

PLACE: Lee County Library, 219 Madison Street, Tupelo, Miss.

STATUS: Open.

MATTER FOR DISCUSSION: 1. Policy statement on cogeneration.

MATTERS FOR ACTION:

New Business

Personnel Actions

1.* Change of status for W. F. Willis from Manager of Management Services to General Manager, Knoxville, Tenn.

2.* Change of status for John S. Bynon from Assistant to the General Manager to Assistant General Manager, Knoxville, Tenn.

3.* Change of status for Billy Joe Bond from Assistant to the Manager of Agricultural and Chemical Development to Assistant General Manager, Knoxville, Tenn.

4.* Change of status for William R. Norwood from Assistant to the Manager of Engineering Design and Construction to Assistant General Manager, Knoxville, Tenn.

5.* Change of status for Ralph D. Carnathan from Assistant Director of Economic Development to Director of Commerce, Office of Community Development, Knoxville, Tenn.

Project Authorization

1. No. 3443—Wood Heater Demonstration Project.

Power Items

1. New Power Contract with Murphy, North Carolina.

2. New Power Contract with Maryville, Tennessee.

3. New Power Contract with Lexington, Tennessee.

4. Lease Agreement with Electric Power Board of the city of Scottsboro, Alabama—Lease of TVA's Scottsboro-Ridgeway 46-kV Line and related arrangements for electric service.

5. Lease and Amendatory Agreement with Monroe County Electric Power Association—TVA's Smithville 161-kV and Monroe County Substations.

6. Standard Form Letter Agreement to implement reduction in TVA's charges to distributors for commercial and industrial engineering service under Electrical Development Contract.

7. Acquisition of additional uranium properties in Campbell County, Wyoming, under Contract TV-36479A with American Nuclear Corporation.

Real Property Transactions

1. Filing of condemnation suits.

Unclassified

1. Letter Agreement with U.S. Department of Energy covering arrangements for coal cleaning studies.

2. Letter Agreement with Maury County Board of Public Utilities covering arrangements for adjustment of water pipeline necessitated by construction of road project at Columbia Dam and Reservoir.

3. Contract with Louisville and Nashville Railroad Company for rebuilding Louisville and Nashville Railroad Bridge across Tennessee River at Bridgeport, Alabama.

4. Amendment to Interagency Agreement with U.S. Environmental Protection Agency for an Occupational Noise Control Project.

5. Memorandum of Understanding between U.S. Department of the Interior, Bureau of Reclamation and TVA covering access to TVA expertise in geologic evaluation of engineering problems.

6. Dismissal of TVA's claim against Herbert Turner Coal Company under Contract 74P-26-T2 arising out of failure to supply total amount of coal.

7. TVA Policy Code relating to Floodplain Management and Protection of Wetlands.

8. Revised Budget Plan for 1979—Mid-Year Review.

CONTACT PERSON FOR MORE INFORMATION: James L. Bentley, Director of Information, or a member of his staff can respond to requests for information about this meeting. Call (615) 632-3257, Knoxville, Tenn. Information is also available at TVA's Washington Office (202) 245-0101.

Dated: July 5, 1979.

[S-1353-79 Filed 7-6-79; 3:28 am]

BILLING CODE 8120-01-M

*These items were approved by individual Board members. This would five formal ratification to the Board's action.

10

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: S-1287-79 and S-1294-79

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 am (eastern time), Tuesday, July 3, 1979.

CHANGE IN THE MEETING: The following matter was added to the agenda for the open portion of the meeting:

Resolution of Commendation for Issie Jenkins, Acting General Counsel.

A majority of the entire membership of the Commission determined by recorded vote that the business of the Commission required this change and that not earlier announcement was possible.

In favor of Change: Eleanor Holmes Norton, Chair; Daniel E. Leach, Vice Chair; Ethel Bent Walsh, Commissioner, Armando M. Rodriguez, Commissioner; and J. Clay Smith, Jr., Commissioner.

CONTACT PERSON FOR MORE INFORMATION: Marie D. Wilson, Executive Officer, Executive Secretariat, at (202) 634-6748.

This notice issued July 3, 1979.

[S-1357-79 Filed 7-6-79; 3:57 pm]

BILLING CODE 6570-06-M

11

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

TIME AND DATE: 9:30 a.m., Tuesday, July 10, 1979.

PLACE: Commission Conference Room, No. 5240, on the fifth floor of the Columbia Plaza Office Building, 2401 E Street NW., Washington, D.C. 20506.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED:

Open to the Public

1. Proposed Questionnaire requesting information on the impact of Federal equal employment opportunity programs and activities, to be sent to Employers.

2. Draft Annual Report required by Executive Order 12067.

3. Proposed Non-Competitive Contract for Advice and Consultation on Special Examining Unit Operation of the Personnel Division.

4. Proposed Revision of Internal Operating Procedures of the Office of Review and Appeals.

5. Report on Evaluation Criteria and Statistics in connection with the Federal Employee Complaint Pilot Program.

6. Report on Commission Operations by the Executive Director.

Closed to the Public

Litigation Authorization; General Counsel Recommendations.

Note.—Any matter not discussed or concluded may be carried over to a later meeting.

CONTACT PERSON FOR MORE INFORMATION: Marie D. Wilson, Executive Officer, Executive Secretariat, at (202) 634-6748.

This notice issued July 3, 1979.

[S-1358-79 Filed 7-6-79; 3:57 pm]

BILLING CODE 6570-06-M

Reader Aids

Federal Register
Vol. 44, No. 133
Tuesday, July 10, 1979

INFORMATION AND ASSISTANCE

Questions and requests for specific information may be directed to the following numbers. General inquiries may be made by dialing 202-523-5240.

Federal Register, Daily Issue:

202-783-3238	Subscription orders (GPO)
202-275-3054	Subscription problems (GPO)
	"Dial-a-Reg" (recorded summary of highlighted documents appearing in next day's issue):
202-523-5022	Washington, D.C.
312-663-0884	Chicago, Ill.
213-688-6694	Los Angeles, Calif.
202-523-3187	Scheduling of documents for publication
523-5240	Photo copies of documents appearing in the Federal Register
523-5237	Corrections
523-5215	Public Inspection Desk
523-5227	Finding Aids
523-5235	Public Briefings: "How To Use the Federal Register."

Code of Federal Regulations (CFR):

523-3419	
523-3517	
523-5227	Finding Aids

Presidential Documents:

523-5233	Executive Orders and Proclamations
523-5235	Public Papers of the Presidents, and Weekly Compilation of Presidential Documents

Public Laws:

523-5266 -5282	Public Law Numbers and Dates, Slip Laws, U.S. Statutes at Large, and Index
275-3030	Slip Law Orders (GPO)

Other Publications and Services:

523-5239	TTY for the Deaf
523-5230	U.S. Government Manual
523-3408	Automation
523-4534	Special Projects

FEDERAL REGISTER PAGES AND DATES, JULY

38437-38816 2
38817-39150 3
39151-39370 5
39371-40050 6
40051-40274 9
40275-40490 ..... 10.

CFR PARTS AFFECTED DURING JULY

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

1 CFR
305 38817
480 38826
Proposed Rules:
Ch. I 40070

3 CFR
Administrative Orders:
Presidential Determinations:
No. 73-10 of Jan. 2, 1973 (Amended by No. 79-11 of June 21, 1979) 38437
No. 79-11 of June 21, 1979 38437

5 CFR
711 39371
Proposed Rules:
871 40313

7 CFR
2 38439
26 38439
301 38829
900 39151
905 40051
908 39151
910 39371
917 ..... 38447, 40051
930 39152
946 40052
947 38830
948 38829
958 39152
967 38830
1446 40053
1464 40275
1700 39372
1701 39372
1803 38440
1822 38440
1823 38440
1872 38440
1901 38440
1902 38440
1933 38440
1942 ..... 38440, 38931
1943 38440
1945 38440
1955 38440
Proposed Rules:
Ch. IX 39413
1 39409
210 40004
220 40004
226 ..... 39078, 39413
917 40071
924 38531
947 38531
1049 40313
1701 ..... 40319, 40321
1804 39432
1924 39432
3100 40258

8 CFR
Proposed Rules:
103 39183

9 CFR
73 40276
82 39374
204 39151

10 CFR
Ch. II 40055
205 39375
430 39153
460 40044
461 40262
490 39344
Proposed Rules:
25 38533
95 38533
211 40321
212 ..... 40324, 40329, 40330
490 39467
580 40330
585 40330
903 39184

11 CFR
100 39338
110 39338
114 39338

12 CFR
265 38448
340 39381
346 40056
541 39108
542 39108
543 39108
544 39108
545 39108
546 39108
547 39108
548 39108
549 39108
551 39108
552 39108
555 39108
556 39108
701 ..... 39182, 39382, 39383
Proposed Rules:
Ch. VII 38560
103 39183
206 38543
340 39469

14 CFR

39 ... 39153, 39154
71 ... 38449, 38450, 39154, 39155
73 ... 38450
95 ... 39155
300 ... 39384
1214 ... 39384

Proposed Rules:

Ch. II ... 40333
61 ... 38563
63 ... 38563
71 ... 38566–38569, 39191

15 CFR

30 ... 38832, 40064

16 CFR

13 ... 38451, 38833
1209 ... 39938, 39983
1404 ... 39993

Proposed Rules:

Ch. II ... 38854
13 ... 39191, 40333
423 ... 38570
1201 ... 38857
1700 ... 39195

17 CFR

230 ... 38810
240 ... 38810
249 ... 39386
250 ... 38810
260 ... 38810
270 ... 40064

Proposed Rules:

231 ... 38792
239 ... 39196
241 ... 38792
251 ... 38792
270 ... 39197
275 ... 40072

18 CFR

154 ... 38834
287 ... 38837
290 ... 40064

Proposed Rules:

Ch. I ... 38857
157 ... 40072
292 ... 38863, 38872

19 CFR

159 ... 38839

Proposed Rules:

141 ... 38571, 40075
142 ... 40075

20 CFR

404 ... 38452
416 ... 38456
725 ... 38840

Proposed Rules:

404 ... 38879
416 ... 38879

21 CFR

145 ... 40276
193 ... 38841, 40281, 40282
522 ... 39387, 40283
556 ... 39388
558 ... 39387, 40283
561 ... 38841, 40282
573 ... 40283
601 ... 40284
610 ... 40284
650 ... 40284

Proposed Rules:

145 ... 40336
172 ... 40343
182 ... 40343
203 ... 40016
433 ... 39469

22 CFR

42 ... 38842

Proposed Rules:

7 ... 39473
50 ... 39473
51 ... 39473

23 CFR

660 ... 40065
667 ... 40065

24 CFR

510 ... 38842
2205 ... 39198

Proposed Rules:

Subtitle A ... 38572
Subtitle B ... 38572
58 ... 38572
570 ... 40075

25 CFR

Proposed Rules:

52 ... 40345
53 ... 40349

26 CFR

1 ... 38458

Proposed Rules:

1 ... 39200, 39201, 39476, 39477
31 ... 38572, 39477

27 CFR

201 ... 39389

Proposed Rules:

201 ... 38573
240 ... 40351

28 CFR

2 ... 38459

29 CFR

850 ... 38459
1627 ... 38459

Proposed Rules:

Ch. XII ... 40354
524 ... 38910
525 ... 38910

30 CFR

Proposed Rules:

250 ... 40355

31 CFR

515 ... 38843

32 CFR

1289 ... 38461
1810 ... 39390

Proposed Rules:

701 ... 38910

33 CFR

165 ... 38470

36 CFR

1228 ... 39332

Proposed Rules:

222 ... 40355

39 CFR

10 ... 40066
111 ... 39471, 39852
233 ... 39161
242 ... 39855
243 ... 39855
247 ... 39855
248 ... 39855
257 ... 39855
258 ... 39855

Proposed Rules:

310 ... 40076
320 ... 40076

40 CFR

35 ... 39328
52 ... 38471, 38473, 38843
65 ... 38476, 38477
80 ... 39390
180 ... 38843–38845
434 ... 39391

Proposed Rules:

35 ... 38575
51 ... 40359
52 ... 38578, 38587, 38912, 39234, 39480–39485, 40078, 40360, 40361
65 ... 38603
81 ... 38585, 38587, 39486, 40078
120 ... 39486
425 ... 38746
1500 ... 39233, 39236
1510 ... 39233, 39236

41 CFR

Ch. I ... 38478
7–7 ... 39162
7–13 ... 39162
101–19 ... 39392
101–27 ... 39392

Proposed Rules:

14R–9 ... 39201

44 CFR

64 ... 40290, 40293
67 ... 39165–39175, 39394–39403, 40086–40098, 40294–40310

Proposed Rules:

67 ... 39230, 39231, 39508

45 CFR

1069.4 ... 38479
116a ... 39404

Proposed Rules:

Ch. XII ... 38607
71 ... 38605
233 ... 38606
1110 ... 39509

46 CFR

25 ... 38778
33 ... 38778
35 ... 38778
75 ... 38778
78 ... 38778
94 ... 38778
97 ... 38778
108 ... 38778
109 ... 38778
161 ... 38778
164 ... 38778
167 ... 38778
180 ... 38778
185 ... 38778
192 ... 38778
196 ... 38778
505 ... 39176

Proposed Rules:

536 ... 38913, 39232
538 ... 39232
552 ... 39232

47 CFR

0 ... 39179
1 ... 38481, 39179
2 ... 39179, 40310
18 ... 39179
68 ... 38847
73 ... 38481, 38845, 38848, 39179, 40311
81 ... 38848, 39179
83 ... 38848, 39179
87 ... 39179
90 ... 40310
94 ... 39179

Proposed Rules:

1 ... 38913
64 ... 39513
73 ... 38917, 39550
76 ... 38918
90 ... 39555

48 CFR

Proposed Rules:

3 ... 38608
30 ... 38608
31 ... 38608
50 ... 38608

49 CFR

396 ... 38523
831 ... 39181
845 ... 39181
1033 ... 38844, 38850, 39405–39407, 40067, 40068
1056 ... 40068
1082 ... 38527
1125 ... 38851

Proposed Rules:

Ch. X ... 38609, 39555
222 ... 38608
229 ... 38609
230 ... 38609
1011 ... 39558
1056 ... 38918
1100 ... 39558
1127 ... 39560

50 CFR

26 ... 38852
32 ... 39408
285 ... 39182
653 ... 38529

Proposed Rules:

17 ... 38611
611 ... 39564, 40099
672 ... 40099

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

COST ACCOUNTING STANDARDS BOARD

42239 9-20-78 / Accounting for insurance costs; cost accounting standards

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

Last Listing July 5, 1979