9-24-79
Vol. 44 No. 186
Pages 54977-55120

federal register

Monday
September 24, 1979

Highlights

54977 **National School Lunch Week, 1979** Presidential proclamation

54979 **American Education Week, 1979** Presidential proclamation

55065 **Undergraduate International Studies Program** HEW/OE invites application for new projects; apply by 12-5-79

55066 **International Studies** HEW/OE solicits applicants for noncompeting continuation for its graduate and undergraduate studies, apply by 12-21-79

55002 **Superior Program Achievement** Justice/U.S. Parole Commission adopts rule governing decisions to advance presumptive release dates for prisoners based upon certain findings; effective 11-1-79

55108, 55119 **Federal Assistance** HEW/Sec'y proposes specific regulations regarding nondiscrimination on the basis of age in programs and activities; comments by 11-23-79 (2 documents) (Part II of this issue)

55012 **Financial Assistance** CSA establishes criteria and procedures for CDC non-equity business programs; effective 10-24-79

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Highlights

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.

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Area Code 202-523-5240

55001 **Property Improvement** HUD increases maximum loan amount and term for multiple dwellings; effective 10-24-79

55054 **Overseas Communications** FCC sets forth policy for future licensing of facilities

55026 **Certain Man-Made Fiber Textile Products** CITA announces additional import controls on products from the Republic of Korea

54993 **Privacy Act** NASA publishes interim regulations; comments by 11-23-79

55101 **Sunshine Act Meetings**

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55108 **Part II, HEW/Sec'y**

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Presidential Documents

Title 3—

The President

Proclamation 4691 of September 20, 1979

National School Lunch Week, 1979

By the President of the United States of America

A Proclamation

Active, growing youngsters need good food to do well in school. And since the eating habits established in childhood affect later tastes and practices, school meals also provide a unique opportunity to understand and enjoy good nutrition. The National School Lunch Program, established in 1946, now provides nourishing lunches to 26 million school children each school day. The United States Department of Agriculture sets nutritional standards to these meals but the quality and appeal of school lunches depend on another vital ingredient: people who care.

Therefore, I want to pay special tribute to the thousands of people—parents, teachers, principals, school food service workers, State and local officials—who make the school lunch program work in 94,000 schools across the country. They determine whether the cafeteria is a pleasant and welcoming place, whether the food served is actually eaten, whether children come to think of good nutrition as punishment or pleasure.

In recognition of the School Lunch Program's contribution to America's youth, the Congress, by a joint resolution of October 9, 1962 (76 Stat. 779; 36 U.S.C. 168), has designated the week beginning the second Sunday of October in each year as National School Lunch Week, and has requested the President to issue annually a proclamation calling for its appropriate observance.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby urge the people of the United States to observe the week of October 14, 1979, as National School Lunch Week and give special attention to activities that will promote good nutrition for America's youth.

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

Jimmy Carter

[FR Doc. 79-29682
Filed 9-20-79; 2:29 pm]
Billing code 3195-01-M

Presidential Documents

Proclamation 4692 of September 20, 1979

American Education Week, 1979

By the President of the United States of America

A Proclamation

Our nation has come a long way toward realizing the Founders' dream of having an educated electorate, so that all our people might share fully in freedom, justice and opportunity. In this International Year of the Child, as we join with other nations to understand and meet the needs of children around the world, we are especially aware of the importance of education.

The theme of this year's American Education Week, "Teach All the Children", acknowledges both our goal and what must be done to accomplish it. The responsibility for educating our children lies not just with the schools, but with parents and communities as well.

Every American has a responsibility to make sure that our children do not merely pass through school systems, but actually receive the education they need. To do that, we must find ways to reach every child—regardless of race, sex, religion, national origin or economic background, and responding to particular needs because of physical or mental handicaps or special talents. We must respect and nourish each child's unique potential.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby designate the week beginning November 11, 1979, as American Education Week.

I ask for the support of every American in helping to create challenging educational opportunities that will help develop the diverse abilities of children, and to help nurture in each a sense of excellence and respect for all mankind.

I urge individuals and groups to work with schools in their communities to ensure that they are able to "Teach All the Children" well.

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

Jimmy Carter

[FR Doc. 79-29785
Filed 9-21-79; 10:35 am]
Billing code 3195-01-M

Rules and Regulations

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

DEPARTMENT OF AGRICULTURE

Soil Conservation Service

7 CFR Part 650

Compliance With NEPA; Editorial Corrections to Published Rules

AGENCY: U.S. Department of Agriculture, Soil Conservation Service (SCS).

ACTION: Editorial corrections to final rules.

SUMMARY: This notice identifies and corrects several editorial deficiencies in rules published by SCS relating to compliance with NEPA.

EFFECTIVE DATE: September 24, 1979.

FOR FURTHER INFORMATION CONTACT: Gary A. Margheim, Acting Director, Environmental Services Division, Soil Conservation Service, U.S. Department of Agriculture, P.O. Box 2890, Washington, D.C. 20013, Telephone 202-447-3839.

SUPPLEMENTARY INFORMATION: On August 29, 1979, SCS published in the Federal Register (44 FR 50576) its final rules for compliance with NEPA. Several editorial deficiencies have been noted in this rule. This notice corrects those deficiencies as follows:

Amend Subpart A as follows:

Section 650.3 is amended by revising (b)(9) to read as follows:

§ 650.3 Policy.

* * * * *

(b) * * *

(9) Advocate the retention of important farmlands and forestlands, prime rangeland, wetlands, or other lands designated by State or local governments. Whenever proposed conversions are caused or encouraged by actions or programs of a Federal agency, licensed by or require approval by a Federal agency, or are inconsistent with local or State government plans, provisions are to be sought to insure that such lands are not irreversibly converted to other uses unless other national interests override the importance of preservation or otherwise outweigh the environmental benefits derived from their protection. In addition, the preservation of farmland in general provides the benefits of open space, protection of scenery, wildlife habitat, and in some cases, recreation opportunities and controls on urban sprawl.

* * * * *

Section 650.4 is amended by revising paragraph (f) to read as follows:

§ 650.4 Definition of terms.

* * * * *

(f) *Nonproject actions.* Nonproject actions consist of technical and/or financial assistance provided to an individual, group, or local unit of government by SCS primarily through a cooperative agreement with a local conservation district, such as land treatment recommended in the Conservation Operations, Great Plains Conservation, Rural Abandoned Mine, and Rural Clean Water Programs. These actions may include consultations, advice, engineering, and other technical assistance that land users usually cannot accomplish by themselves. Nonproject technical and/or financial assistance may result in the land user installing field terraces, waterways, field leveling, on farm drainage systems, farm ponds, pasture management, conservation tillage, critical area stabilization and other conservation practices.

Dated: September 14, 1979.

William M. Johnson,

Deputy Administrator for Technical Services.

[FR Doc. 79-29414 Filed 9-21-79; 8:45 am]
BILLING CODE 3410-16-M

7 CFR Part 650

Compliance With NEPA; Editorial Corrections to Published Rules

AGENCY: U.S. Department of Agriculture, Soil Conservation Service (SCS).

ACTION: Editorial Corrections to Final Rules.

SUMMARY: This notice identifies and corrects several editorial deficiencies in rules published by SCS relating to Flood Plain Management and Protection of Wetlands.

EFFECTIVE DATE: September 24, 1979.

FOR FURTHER INFORMATION CONTACT: Gary A. Margheim, Acting Director, Environmental Services Division, Soil Conservation Service, U.S. Department of Agriculture, P.O. Box 2890, Washington, DC 20013, Telephone 202-447-3839.

SUPPLEMENTARY INFORMATION: On July 30, 1979, SCS published in the Federal Register (44 FR 44461) its final rules on Flood Plain Management and Protection of Wetlands. Several editorial deficiencies have been noted in these rules. This notice corrects those deficiencies as follows: Section 650.26 is amended by revising paragraphs (c)(2)(i)(A), (c)(3) (i) and (ii) as follows:

§ 650.26 Protection of wetlands.

* * * * *

(c) * * *

(2) * * *

(i) * * *

(A) SCS may provide technical and financial assistance to alter wetlands types 1 and 2, including conversion to cropland, pastureland, or other uses, only under the following very limited circumstances. The decision to provide technical assistance must be based on an environmental evaluation that indicates that the land has been cultivated to produce food, feed, fiber and/or oilseed for at least 3 of the 5 years before the request for assistance and that there is no practicable alternative. Assistance in Minnesota, South Dakota, and North Dakota is to be given in accordance with item (ii)(c). SCS will encourage the preservation of wetlands types 1 and 2 that are adjacent to wetlands types 3 through 20 and are needed to maintain a balanced aquatic or semiaquatic ecosystem. If a land user decides to alter types 1 and 2 or to convert them to other uses, SCS will encourage this application of conservation land treatment measures needed to reduce erosion and sedimentation and protect environmental values. SCS also will encourage decisions to preserve key areas and, where possible, to include enhancement measures on such areas.

* * * * *

(3) * * *

(i) For project activities, the SCS Administrator may grant exceptions on a case-by-case basis if necessary to

meet identified irrigation water management (water quality and water conservation) objectives.

(ii) For nonproject activities, state conservationists may grant exceptions on a farm-by-farm basis if irrigation water management (water quality and water conservation) objectives conflict with wetland protection. SCS will evaluate economic, environmental, and other pertinent factors in such proposed actions.

* * * * *

Dated: September 14, 1979.

William M. Johnson,

Deputy Administrator for Technical Services.

[FR Doc. 79-29415 Filed 9-21-79; 8:45 am]

BILLING CODE 3410-16-M

Agricultural Marketing Service

7 CFR Part 1125

[Milk Order No. 125]

Milk in the Puget Sound, Wash., Marketing Area; Order Suspending Certain Provisions

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Suspension of rule.

SUMMARY: This action suspends certain order provisions relating to how much milk that is not needed for fluid (bottling) use may be moved directly from farms to manufacturing plants and still be priced under the order. Two cooperative associations requested the suspension so that they can continue the efficient disposition of milk not needed for fluid use while still maintaining producer status under the order for their dairy farmer members regularly associated with the market.

DATE: Order of suspension is effective September 24, 1979, for the months of September 1979 through January 1980.

FOR FURTHER INFORMATION CONTACT: Maurice M. Martin, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-7183.

SUPPLEMENTARY INFORMATION: Prior document in this proceeding:

Notice of proposed suspension—issued August 17, 1979, published August 23, 1979 (44 FR 49462).

This order of suspension is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and of the order regulating the handling of milk in the Puget Sound, Washington, marketing area.

Notice of proposed rulemaking was published in the Federal Register (44 FR 49462) concerning a proposed suspension of certain provisions of the order. Interested persons had an opportunity to comment in writing on the proposed suspension. Only the proponents of the suspension filed comments concerning the suspension. Their comments supported the suspension.

After considering all relevant material, including the proposal in the notice, the comments received and other available information, it is found and determined that for the months of September 1979 through January 1980 the following provisions of the order do not tend to effectuate the declared policy of the Act:

In § 1125.13(c) (1) and (3), the words "70 percent during the months of September through January, and."

Statement of Consideration

This action removes the limit on the amount of producer milk that a cooperative association or other handlers may divert from pool distributing plants to nonpool plants or to commercial food processing establishments in Pacific County, Washington, during the months of September 1979 through January 1980. The order now provides that a cooperative association may divert during the months of September through January not more than 70 percent of its total producer milk which it causes to be delivered to pool distributing plants or diverted from such plants. In the case of a pool distributing plant, the 70 percent limit applies to the milk of producers (for which the operator of such plant is the handler during the month) received at or diverted from such plant.

Jersey-Dari, Inc., and Northwest Guernsey Association (through their marketing agent, Dari-Marketing Services) who represent some of the producers on the market requested the suspension. The basis for the request is that recently the associations lost a substantial part of their fluid milk sales in the market because one distributing plant stopped purchasing milk from them and another distributing plant discontinued operations. They state that since other fluid outlets are not immediately available the two cooperatives now must move to nonpool manufacturing plants the milk formerly moved to these distributing plants. This situation, according to the proponent cooperatives, is aggravated by the fact that this year milk production of their member producers is substantially higher than year-ago levels.

In view of these changes in marketing conditions, the cooperatives expect their reserve milk supplies during September 1979 through January 1980 to exceed the quantity of producer milk that may be diverted under the order's diversion limitations. The cooperatives indicated that without the suspension a substantial part of the milk of their member producers who have regularly supplied the fluid market would have to be moved uneconomically if such milk is not to be excluded from the pool beginning September 1979. The cooperatives also indicated that the suspension for the period September 1979 through January 1980 would provide the necessary time to adjust their marketing operations and reorganize the cooperatives to meet the order's present diversion requirements.

On the basis of the data, views, and arguments filed, it is concluded that without the suspension, the cooperatives would be forced to make uneconomic shipments of a substantial part of their member milk that has been associated with the market on a regular basis in order to qualify it for pooling beginning with this September. The suspension will facilitate the diversion of such milk and thus avoid the need for the cooperatives to make uneconomic movements of milk in order to maintain continued pool status for a substantial part of the milk of their member producers.

It is hereby found and determined that 30 days' notice of the effective date thereof is impractical, unnecessary, and contrary to the public interest in that:

(a) This suspension is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area in that the most efficient method of handling milk not needed for the fluid market is by direct movement from producers' farms to manufacturing outlets. The suspension allows for such economical movements of milk while the dairy farmers involved retain producer status;

(b) This suspension does not require of persons affected substantially or extensive preparation prior to the effective date; and

(c) Notice of proposed rulemaking was given to interested parties and they were afforded opportunity to file written data, views, or arguments concerning the suspension. No views were received in opposition to the proposed suspension.

Therefore, good cause exists for making this order effective upon publication in the Federal Register (September 24, 1979).

It is therefore ordered, That the aforesaid provisions of the order are

hereby suspended for the months of September 1979 through January 1980.

(Authority: Secs. 1–19, 48 Stat. 31, as amended [7 U.S.C. 601–674]).

Signed at Washington, D.C., on September 18, 1979.

Jerry C. Hill,

Deputy Assistant Secretary for Marketing & Transportation Services.

[FR Doc. 79-29466 Filed 9-21-79; 8:45 am]

BILLING CODE 3410-02-M

Farmers Home Administration

7 CFR Part 1944

Housing; Farmers Home Administration Tenant Grievance and Appeals Procedure

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration (FmHA) adds a regulation for projects financed under the Rural Rental Housing Loan Program and Farm Labor Housing Loan and Grant Program to provide a grievance and appeals procedure for tenants and an appeal right for persons who have been denied admission as tenants. The intended effect of this new regulation is to provide a means whereby a tenant can present a grievance against or appeal an FmHA borrower-landlord's proposed adverse action, such as termination of the lease and eviction. The appeal right also would extend to persons who have been denied admission to occupancy as tenants. This action is needed since at present the only grievance and appeals procedure in existence for tenants in FmHA-financed rental units and those denied admission to occupancy as tenants is the recourse available under the Fair Housing Act of Title VIII of the Civil Rights Act of 1968, which provides protection against discrimination because of race, color, religion, sex, marital status, or national origin. Legislation and public comment have indicated a need for such procedures.

EFFECTIVE DATE: September 24, 1979. However, comments are invited and must be received by November 23, 1979. FmHA will consider all comments and will republish within 105 days from the date of publication.

ADDRESSES: Submit an original and conformed copy of all written comments to the Office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6346, Washington, D.C. 20250. All written comments made pursuant to this notice will be available for public inspection at the address given above.

FOR FURTHER INFORMATION CONTACT: M. K. Smith, Housing Management Specialist, 202–447–7207.

SUPPLEMENTARY INFORMATION: FmHA adds a new Subpart L to Part 1944, Subchapter H, Chapter XVIII, Title 7, Code of Federal Regulations. Section 503 of the Housing and Community Development Amendments of 1978, Pub. L. 95–557, dated October 31, 1978, amended Section 510 of the Housing Act of 1949 to expressly provide, among other things, for an appeals procedure to tenants in FmHA-financed dwelling units and persons denied admission as tenants. There is an immediate need for such tenant grievance and appeal procedure to resolve problems and disputes between tenants and owners in FmHA financed projects that are being experienced. 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 rule effective less than 30 days after publication of this document in the Federal Register; therefore, Subpart L of Part 1944 is added and reads as follows:

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PART 1944—HOUSING

Subpart L—Farmers Home Administration Tenant Grievance and Appeals Procedure

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§ 1944.551 Purpose.

The purpose of this Subpart is to set forth uniform requirements and recommendations for grievance and appeals procedures in all Rural Rental Housing (RRH) and Labor Housing (LH) projects, financed by Farmers Home Administration (FmHA) under Sections 514, 515, and 516 of the Housing Act of 1949. This procedure is in addition to a tenant's rights and duties under a lease. This procedure for appeals does not apply to rent increases authorized by FmHA in accordance with the requirements of Exhibit F of Subpart G of Part 1802 of this Chapter (FmHA Instruction 430.2), where tenants are provided an opportunity to provide comments to FmHA on a borrower's Notice of Proposed Rent Increase.

This procedure does not apply to discrimination complaints, which will be handled in accordance with Subparts C, D, and E of Part 1822 of this Chapter (FmHA Instructions 444.4, 444.5, and 444.6).

§ 1944.552 Objective.

The objective of this Subpart is to ensure the fair treatment of tenants while providing for an equitable manner by which borrowers can operate, maintain, and safeguard rental projects. The right to appeal under this Subpart shall also extend to persons who seek admission as tenants.

§ 1944.553 Definitions.

(a) *Applicant.* For the purpose of this Subpart applicant shall mean a person whose application for admission to occupancy in a RRH or LH project has been rejected as well as persons who have been denied an application for admission and is one of the parties to the hearing.

(b) *Tenant.* A tenant is an eligible lessee occupant of an RRH or LH project and is one of the parties to the hearing.

(c) *Borrower.* The borrower (landlord) is the owner or the owner's authorized representative, of an RRH or LH project and is also one of the parties to the hearing.

(d) *Eviction.* Eviction means dispossession of the tenant from an RRH or LH unit as a result of termination of the tenancy, including a termination before the end of the lease term.

(e) *Grievance.* A dispute which a tenant may have with respect to a borrower's action or failure to act in accordance with the lease and/or FmHA regulations which results in denial, significant reduction, or termination of benefits.

(f) *Hearing.* A hearing, as used in this Subpart is an informal proceeding at which a tenant's grievance or appeal of a borrower's adverse action or decision or an applicant's appeal of a rejected application is heard before an impartial hearing officer or hearing panel.

(g) *Lease.* A lease is the written agreement between the borrower and tenant, approved by FmHA.

§ 1944.554 Reasons for grievance and appeal.

(a) Grievance and appeal provide a means whereby a tenant in an FmHA financed rental project is afforded an

opportunity to meet with a borrower and to obtain a hearing if the tenant has a grievance relating to a borrower's action or failure to act in accordance with the lease and/or FmHA regulations which results in a denial, significant reduction, or termination of benefits, or if a tenant contests a borrower's notice or proposed adverse action as provided in accordance with 1944.555(b) of this regulation. This may include:

(1) Failure to maintain the premises in such manner that provides decent, safe, and sanitary housing.

(2) Violation of lease covenants and rules.

(3) Modification of lease.

(4) Rule changes.

(5) Rent increases not authorized by FmHA in accordance with Exhibit F of Subpart G of Part 1802 of this Chapter.

(6) Termination of lease.

(7) Eviction.

(b) Grievance and appeal provide an appeal right for a person, other than one who is clearly not eligible for occupancy under FmHA regulations, whose application for admission to occupancy in a RRH or LH project has been rejected as well as persons who have been denied an application for admission.

(c) This Subpart shall not apply to disputes between tenants not involving the borrower.

§ 1944.555 Informal settlement of grievances and appeals.

(a) *General.* Borrowers and applicants or tenants are encouraged to settle disputes through informal meetings without resorting to the hearing process further described in this Subpart.

(b) *Notice to applicant or tenant.* In the case of a borrower's proposed adverse action which results in a denial of admission to occupancy, termination of a lease, or eviction, the borrower must notify the applicant or tenant in writing giving specific reasons for the proposed action. The notice must also advise the applicant or tenant of his/her right to respond to the notice within 5 days after receipt, in accordance with paragraph 1944.555(c). The borrower must send the notice by first-class mail, properly stamped an addressed or, in the case of tenants, deliver a copy of the notice to the premises.

(c) *Presentations of grievances or responses to notice of proposed adverse actions.* Within five days after occurrence of the grievance or receipt of a notice of proposed adverse action, an applicant or tenant shall personally present to the borrower or borrower's designee, either orally or in writing, any grievance or response to a borrower's notice of proposed adverse action. The borrower shall prepare a summary of any discussion within five days after the informal meeting and one copy shall be given to the tenant and one retained in the borrower's files. A copy of the summary shall be sent to the FmHA District Director. The summary shall specify the names of the participants, date of meeting, the nature of the proposed disposition of the grievance or response to the notice of proposed adverse action and the specific reasons therefor, and the procedures by which a hearing may be obtained if the applicant or tenant is not satisfied. Exhibit A should be used as a guide.

§ 1944.556 Procedure for obtaining a hearing.

(a) *Request for hearing.* The applicant or the tenant shall submit to the borrower a written request for a hearing within five days after receipt of the summary of any informal meeting. The written request shall specify:

(1) The reasons for the grievance or contest of the borrower's proposed action, and

(2) The action or relief sought.

(b) *Selection of hearing officer or hearing panel.* In order to properly evaluate grievances and appeals, the borrower shall have a hearing officer or hearing panel for each project. The hearing officer shall be an impartial, disinterested person selected jointly by the borrower and the tenant and who is willing to render his/her services without compensation. If the borrower and the tenant cannot agree on a hearing officer, they shall each appoint a member to a hearing panel and the members so selected shall select a third member. Members of the hearing panel must be willing to render their services without compensation. The hearing officer or hearing panel would have the authority to reverse the borrower's decision.

(c) *Standing hearing panel.* In lieu of the procedure set forth in paragraph (b) of this section for each grievance or appeal presented, a borrower may provide that a standing panel be organized for each project. Such a panel may be organized soon after initial rent-up or at any time in the case of existing projects. Such a panel will be selected and have a membership as follows:

(1) Permanent panelist(s) of the tenants would be elected by the tenants. Either two alternates could be elected or three panelists of the tenants could be elected with equal status. The tenant in this latter case would designate one of the three tenant panelists to participate in the hearing. All tenants would be notified of the time, date, and purpose of the meeting to elect permanent hearing panelists at least two weeks before the appointed date. The notice shall be conspicuously posted in the rental office and in each apartment building or structure and the meeting shall be held at a place which is convenient and accessible to the tenants.

(2) Permanent borrower panelist(s) selected by the borrower. One or two alternates may also be designated.

(3) A permanent mutual panelist, to serve as the chair, selected by the other two persons or groups, including alternates, in which case each "group" gets one vote.

(4) All standing hearing panel members serve one year and may be re-elected. They must be willing to render their services without compensation.

(5) A panel for a hearing shall consist of 3-one tenant panelist, one borrower panelist and the chair.

(d) *Examination of records.* The tenant shall have the opportunity to examine before the hearing and, at the expense of the tenant, to copy all documents, records, and regulations of the borrower that are relevant to the hearing unless otherwise prohibited by law.

(e) *Scheduling of hearing.* A hearing shall be scheduled to be held within 15 days after receipt of the tenant's request for a hearing at a time and place mutually convenient to both parties. If the parties cannot agree on a meeting place or time, the hearing officer or hearing panel will designate the place or time.

(f) *Escrow deposit.* An escrow deposit of rental payments may be used by tenants in the case of a grievance involving a rent increase not authorized by FmHA or failure of the borrower to maintain the property in a decent, safe, and sanitary manner. The tenant must deposit into escrow the amount required by the lease when the rent is due, until the complaint is resolved through informal discussion or by the hearing officer or panel. The rent shall be deposited in a financial institution or with an independent agent. Failure to make timely escrow payments shall result in a termination of the tenant grievance and appeals procedure and all sums immediately will become due and payable under the lease.

(g) *Failure to request a hearing.* If the tenant does not request a hearing within the time provided by § 1944.556, the borrower's disposition of the grievance or appeal shall become final.

§ 1944.557 Procedures governing the hearing.

(a) The hearing will be an informal proceeding before a hearing officer or hearing panel at which evidence may be

received without regard to whether that evidence could be employed in judicial proceedings.

(b) The hearing shall be structured so as to provide the basic safeguards for both the borrower and the tenant, which shall include:

(1) The right of both parties to be represented by counsel or other person chosen as his or her representative.

(2) The right of the tenant to a private hearing unless he/she requests a public hearing.

(3) The right of the tenant to present evidence and arguments in support of his/her grievance or appeal, to refute evidence relied upon by the borrower, and to confront and cross-examine all witnesses on whose testimony or information the borrower relies.

(4) The right of the borrower to present evidence and arguments in support of his/her decision, to refute evidence relied upon by the tenant, and to confront and examine all witnesses on whose testimony or information the tenant relies.

(5) A decision based solely and exclusively upon the facts presented at the hearing.

(c) The hearing officer or hearing panel may render a decision without proceeding with the hearing if the hearing officer or hearing panel determines that the issue has been previously decided in another proceeding involving the same project in which the tenant resides.

(d) At the hearing the tenant must present evidence that he/she is entitled to the relief sought and thereafter the borrower will present evidence showing the basis of its action or failure to act against that which the grievance or appeal is directed.

(e) The hearing shall be conducted informally by the hearing officer or hearing panel and oral or documentary evidence pertinent to the facts and issues raised by the grievance or notice of proposed adverse action may be received without regard to admissibility under the rules of evidence applicable to judicial proceedings. The hearing officer or hearing panel shall require that the borrower, the tenant or applicant, counsel and other participants or spectators conduct themselves in an orderly manner. Failure to comply with the directions of the hearing officer or hearing panel to obtain order may result in exclusion from the proceedings or in a decision adverse to the interests of the disorderly party and granting or denial of the relief sought, as appropriate.

(f) If the tenant (or tenant's representative) fails to appear at a scheduled hearing, the hearing officer or hearing panel may make a determination to postpone the hearing for not to exceed five business days or may make a determination that the party has waived his or her right to a hearing under this regulation. Both the tenant and the borrower shall be notified of the determination of the hearing officer or hearing panel.

§ 1944.558 Decision of the hearing officer or hearing panel.

(a) The hearing officer or hearing panel shall prepare a written decision, together with the reasons therefor, within 10 calendar days after the hearing. The written decision must be specific as to the facts presented which were the basis upon which the decision was rendered. Copies of the decision shall be sent to the borrower, the tenant or applicant, and the FmHA District Director.

(b) The decision of the hearing officer or hearing panel shall be binding upon the parties to the hearing unless the parties to the hearing are notified by the District Director that the decision is contrary to FmHA regulations. Such notification will specify the FmHA regulation that the decision is contrary to and the hearing officer or hearing panel shall amend the decision to comply with the regulation(s) within 10 days of receipt of the notice.

(c) Upon notification from the District Director that the decision is in compliance with FmHA regulations, the decision is binding upon the borrower and tenant, and the borrower and tenant shall take the necessary action, or refrain from any actions, necessary to carry out the decision.

§ 1944.559 Responsibilities of the FmHA District Director.

(a) The District Director will encourage the borrower and tenant or applicant to resolve grievances and appeals through informal discussion; however, upon receipt of a summary of informal discussion as required by § 1944.555(c) of this Subpart, the District Director will immediately review the summary to ascertain that the tenant or applicant has received a copy of the summary and a copy of the procedures to obtain a hearing if matters could not be resolved through informal discussion.

(b) Upon receipt of the decision by the hearing officer or hearing panel in accordance with § 1944.558(a) of this Subpart, the District Director will immediately review the decision to determine its compliance with FmHA regulations.

(c) The District Director will notify the parties to the hearing within 5 working days after receipt of the copy of the decision whether:

(1) The decision is in compliance with FmHA regulations.

(2) The decision is contrary to FmHA regulations and is reversed.

§§ 1944.560–1944.600 [Reserved]

Attachment: Exhibit A.

Exhibit A—Summary of Meeting

Name and address of borrower: _____

Name and address of project: _____

Name and address of complainant: _____

Date of meeting: _____

Participants in meeting: _____

Decision and specific reasons therefor: _____

Tenant's acknowledgement: I hereby acknowledge receipt of a copy of this summary and have been advised of my rights to use the attached procedures to obtain a hearing if I so choose.

_____

Tenant

Procedures for obtaining a hearing: The following procedures may be used to obtain a hearing if you are not satisfied with the decision made as a result of our discussion on: (date)_____.

1. *Request for a hearing:* Send a written request for a hearing within five days after you receive this notice to the address shown in the summary. Indicate specifically (1) the reason for your grievance or your contest of our proposed action and (2) the action or relief you seek.

2. *Selection of hearing officer or hearing panel.* (Strike out paragraph not needed).

(a) As you probably already know, a Standing Hearing Panel is available to conduct the hearing.

(b) We need to meet soon after your request for a hearing is received to select a hearing officer/hearing panel.

3. *Scheduling of hearing:* The hearing will be scheduled to be held within 15 days after we receive your request for a hearing. It will be held at a time and place convenient for both of us. If we cannot agree on a place, the hearing officer/hearing panel will designate the place.

Examination of records: You have the opportunity before the hearing to examine and, at your own expense, to copy all documents, records, and regulations that are relevant to the hearing unless otherwise prohibited by law.

Procedures governing hearing:

1. The hearing will be an informal proceeding before a hearing officer or hearing panel at which both parties will have an opportunity to present their sides of the dispute.

2. Both parties may be represented by legal counsel or another person of one's choice.

3. You have a right to a private hearing, unless you request a public hearing.

4. Both parties have the right to present evidence, arguments, and witnesses to support their sides of the dispute, to refute evidence relied upon by the other party, and to confront and cross-examine all witnesses.

5. A decision will be based solely and exclusively upon the facts presented at the hearing.

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

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 James Thornton that the emergency nature of this rule warrants publication without opportunity for public comments at this time. A draft impact analysis statement has been prepared and is available from the Office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6346, Washington, D.C. 20250.

This final rule will be scheduled for review under provisions of Executive Order 12044 and Secretary's Memorandum 1955.

Authorities: 42 U.S.C. 1480; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70.

Dated: September 11, 1979.

Gordon Cavanaugh,

Administrator, Farmers Home Administration.

[FR Doc. 79-29417 Filed 9-21-79; 8:45 am]

BILLING CODE 3410-07-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

10 CFR Part 212

[ERA-R-77-16]

Mandatory Petroleum Price Regulations; Adjustments to the Lower and Upper Tier Crude Oil Price Ceilings To Reflect Impact of Inflation

Correction

In FR Doc. 79-27979 appearing on page 52172 in the issue of Friday, September 7, 1979, the table in § 212.77 should have read as set forth below:

Appendix

* * * * *

Schedule No. 16 of Monthly Price Adjustments, Effective September 1, 1979

Month	Lower tier, May 15, 1973, posted price [1] (plus)	Upper tier, Sept 30, 1975, posted price [2] (plus)
1976:		
February	1.35	−1.32
March	1.38	−1.25
April	1.41	−1.18
May	1.45	−1.11
June	1.48	−1.05
July	1.48	−1.05
August	1.48	−1.05
September	1.48	−1.05
October	1.48	−1.05
November	1.48	−1.05
December	1.48	−1.05
1977:		
January	1.48	−1.25
February	1.48	−1.25
March	1.48	−1.70
April	1.48	−1.70
May	1.48	−1.70
June	1.48	−1.70
July	1.48	−1.70
August	1.48	−1.70
September	1.51	−1.44
October	1.54	−1.18
November	1.57	− .92
December	1.59	− .87
1978:		
January	1.61	− .82
February	1.63	− .77
March	1.66	− .71
April	1.69	− .65
May	1.72	− .59
June	1.75	− .52
July	1.78	− .45
August	1.81	− .38
September	1.86	− .28
October	1.91	− .17
November	1.96	− .06
December	1.99	.01
1979:		
January	2.02	.08
February	2.05	.15
March	2.09	.23
April	2.13	.31
May	2.17	.39
June	2.21	.48
July	2.25	.57
August	2.29	.66
September	2.33	.76
October	2.37	.86
November	2.41	.96

[1] The price referred to in 10 CFR 212.73(b)(1) or in 212.73(c)(1), 212.73(c)(3), and 212.73(c)(4).

[2] The price referred to in 10 CFR 212.74(b)(1).

BILLING CODE 1505-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 79-CE-17-AD; Amdt. 39-3578]

Airworthiness Directive; Cessna Model 441 Airplanes

Note.—This document originally appeared in the Federal Register for Friday, September 21, 1979. It is reprinted in this issue to meet requirements for publication on an assigned day of the week.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), applicable to Cessna Model 441 airplanes. The AD requires (1) installation of a new horizontal stabilizer assembly, left and right elevator assemblies, and elevator trim tab control system, (2) inspection and modification or, if necessary, replacement of the tailcone shelf assembly and, (3) ground and flight checks of the airplanes with the new components installed. The AD is necessary to assure continued structural integrity of certain components in the horizontal tail assembly.

EFFECTIVE DATE: September 19, 1979.

COMPLIANCE: As prescribed in the body of the AD.

ADDRESSES: Cessna Propjet Service Information Letter PJ79-15, Revision #1, and Cessna Service Kit Instructions Number SK441-27, dated September 18, 1979, applicable to this AD, may be obtained from Cessna Aircraft Company, Marketing Division, Attention: Customer Service Department, Wichita, Kansas 67201; Telephone (316) 685-9111. Copies of the service letter and the service kit instructions are contained in the Rules Docket, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106 and at Room 916, 800 Independence Avenue, S.W., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: William L. (Bud) Schroeder, Aerospace Engineer, Engineering and Manufacturing Branch, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106; telephone (816) 374-3446.

SUPPLEMENTARY INFORMATION: On May 22, 1979, both left elevator trim tab actuator jack screws failed in flight on a Cessna Model 441 airplane. The airplane landed safely. Inspection of the failed jack screws showed that the failure was due to fatigue. In view of the seriousness of this type of failure, the low time-in-service since new on the failed components (143 hours), the inability to explain the dual failure and the likelihood that these components on other Model 441 airplanes could fail, the Airworthiness Certificates on all Cessna Model 441 airplanes were suspended until further notice on May 25, 1979. Following this action, the manufacturer designed a new heavier elevator trim tab actuator. During certification flight testing of this new actuator, fatigue cracks developed in the left elevator and the horizontal stabilizer. At this time, it was discovered that vibratory type loads of sufficient magnitude to cause fatigue failure of certain horizontal stabilizer assembly components was caused by a lack of proper bonding in the honeycomb leading edge material on

the horizontal stabilizer. As a result of this discovery, Cessna redesigned the elevators and horizontal stabilizer assemblies utilizing conventional rib-sheet metal type leading edge construction. The new components have now passed all tests and inspections required for certification and have been approved by the FAA. Cessna has issued Propjet Service Information Letter Number PJ79-15, Revision #1 and associated Service Kit Instructions Number SK441-27, dated September 18, 1979, making the new components, and instructions for installing them, available for in-service Model 441 airplanes. Accordingly, since the condition described herein is likely to exist or develop on other airplanes of the same type design, the FAA is issuing an AD applicable to Cessna Model 441 airplanes. The AD requires (1) installation of a new horizontal stabilizer assembly, left and right elevator assemblies, and elevator trim tab control system, (2) inspection and modification or, if necessary, replacement of the tailcone shelf assembly and, (3) ground and flight checks of the airplanes after the new components are installed, all in accordance with Cessna Propjet Service Information Letter Number PJ79-15, Revision #1, and Cessna Service Kit Instructions Number SK441-27, dated September 18, 1979. In addition, the AD requires owners/operators to notify their local FAA GADO/FSDO/EMDO Office as to when and where their 441 is to be modified.

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

Adoption of the Amendment

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

Cessna: Applies to Model 441 (Serial Numbers 441-0001 through 441-0106 and 441-0109) airplanes certificated in all categories.

Compliance: Required as indicated unless already accomplished. To preclude failure of the elevator trim tab actuator jack screws, accomplish the following:

(A) At least 24 hours prior to initiating compliance with this AD, each owner/operator shall contact his local FAA GADO/FSDO/EMDO (whichever is applicable) and advise them of the following:

1. Registration number and serial number of each of their Cessna Model 441 airplanes, and

2. When and where each of the airplanes is to have this AD accomplished.

Note

GADO stands for General Aviation District Office

FSDO stands for Flight Standards District Office

EMDO stands for Engineering and Manufacturing District Office

(B) Prior to the next flight install, (1) a new horizontal stabilizer assembly, left and right elevator assemblies, elevator trim tab control system and, (2) inspect and modify or, if necessary, replace the tailcone shelf assembly, all in accordance with Cessna Propjet Service Information Letter Number PJ79-15, Revision #1, and Cessna Service Kit Instructions Number SK441-27, dated September 18, 1979.

(C) Prior to approving the airplane for return to service, revise airplane weight and balance report to reflect the change in weight, moment and center of gravity location, as outlined in Federal Aviation Regulations (FAR) 43.5 and 91.31, resulting from these modifications.

(D) An appropriately rated Repair Station or the Authorized Inspector who inspected the work must make an entry in the airplane maintenance records, that are to be transferred with the airplane, showing that this AD has been complied with and approving the airplane for return to service.

(E) Prior to carrying any person in the airplane other than a crew member, perform a flight check of the airplane in accordance with FAR 91.167 and instructions in Cessna Propjet Service Information Letter Number PJ79-15, Revision §1.

(F) Return to Cessna and/or destroy components removed from the airplane during compliance with this AD in accordance with instructions in Cessna Propjet Service Information Letter PJ79-15, Revision #1.

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

This Amendment becomes effective September 19, 1979.

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

Note:—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the final evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing to FAA, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

Issued in Kansas City, Missouri on September 19, 1979.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 79-29604 Filed 9-20-79; 10:04 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 79-EA-40; Amdt. 39-3570]

AVCO Lycoming; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule amends AD 79-04-05 applicable to AVCO Lycoming type aircraft engines with certain Bendix Fuel Injectors installed. This amendment will revise the applicability of AD 79-04-05 so as to delete certain serial numbered injectors which had been incorrectly included in the original airworthiness directive.

EFFECTIVE DATE: September 26, 1979. Compliance is required as set forth in the AD.

ADDRESS: AVCO Lycoming Service Bulletins may be acquired from the manufacturer at AVCO Lycoming Division, Williamsport, Pennsylvania 17701.

FOR FURTHER INFORMATION CONTACT: E. Manzi, Propulsion Section, AEA-214, Engineering and Manufacturing Branch, Federal Building, J.F.K. International Airport, Jamaica, New York 11430; Tel. 212-995-2894.

SUPPLEMENTARY INFORMATION: In view of the relaxatory nature of the amendment, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

Adoption of the Amendment

Accordingly, and pursuant to the authority delegated to me by the Administrator, Section 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended, by amending AD 79-04-05, as follows:

Amend the applicability paragraph of AD 79-04-05 as follows:

Applies to all fuel injected Lycoming series engines equipped with the following Bendix Injector Models and Parts List Numbers:

Model	*Parts List and Issue*	*Serial Numbers*
RSA-5AB1	2524254-4	63758 thru 65862
	2524712-1	63503 thru 66027
RSA-5AD1	2524054-4	62999 thru 66243
	2524147-6	65988 thru 65997
	2524171-4	64361 thru 65060
	2524213-4	61032 thru 66290
	2524291-4	63678 thru 65867
	2524297-3	64428 thru 64432
	2524307-3	64828 thru 66854
	2524335-3	65721 thru 66820

Model	Parts List and Issue	Serial Numbers
RSA-5AD1	2524359-3	62401 thru 65412
	2524450-2	61392 thru 65987
	2524550-1	64635 thru 65887
	2524673-1	63643 thru 64265
	2524682-1	65071 thru 65499
	2524723-1	61928 thru 65231
	2524469(B)	64915 thru 65338
RSA-10AD1	2524163-7	63742 thru 65720
	2524175-3	63399 thru 66941

and to all Lycoming fuel injected engines irrespective of parts list number or serial number whose Bendix Injector Models RSA-5AD1, RSA-5AB1, and RSA-10AD1 have been overhauled by a Bendix Authorized Warrant Repair Station or by AVCO Lycoming between April 1, 1977, and August 14, 1978, and to all Lycoming fuel injected engines irrespective of parts list number or serial number, whose Bendix Models RSA-5AB1, RSA-5AD1, and RSA-10AD1 fuel injectors have been overhauled after March 31, 1977, by repair stations other than the above in which the fuel diaphragm has been replaced with a new P/N 2529471 diaphragm assembly.

Effective Date: This amendment is effective September 26, 1979.

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

Issued in Jamaica, New York, on September 12, 1979.

Brian J. Vincent,

Acting Director, Eastern Region.

[FR Doc. 79-29458 Filed 9-21-79; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 79-CE-15-AD; Amdt. 39-3574]

Airworthiness Directive; Cessna Model 441 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), applicable to Cessna Model 441 airplanes. The AD requires a change of the engine control wiring to prevent the possibility of unselected operation of the fuel control shutoff valve and an ensuing unplanned engine stoppage. It also requires the insertion of an enclosed temporary revision to the Pilot's Operating Handbook and FAA Approved Airplane Flight Manual to provide revised instructions needed for proper operation during various engine start and stop conditions.

EFFECTIVE DATE: October 1, 1979.

COMPLIANCE: As prescribed in the body of the AD.

ADDRESSES: Cessna Propjet Service Information Letters PJ79-27 dated July 30, 1979, and PJ79-24 dated August 7, 1979, applicable to this AD, may be obtained from Cessna Aircraft Company, Marketing Division, Attention: Customer Service Department, Wichita, Kansas 67201; Telephone (316) 685-9111. Copies of these service letters are contained in the Rules Docket, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106 and at Room 916, 800 Independence Avenue, S.W., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: Edward N. Mossman, Aerospace Engineer, Engineering and Manufacturing District Office Number 43, Room 238, Mid-Continent Airport, Wichita, Kansas 67209; Telephone (316) 942-4281.

SUPPLEMENTARY INFORMATION: During the F&R flight program on the Cessna Model 441 airplane, which was planned to demonstrate the reworked elevator trim tab actuator system, there were five occurrences of unplanned right engine stoppage. Following the second occurrence the airplane was instrumented to determine the cause of the engine stoppage. This instrumentation showed that a short duration electrical pulse was being impressed on the fuel control valve solenoid which caused it to close and stop the engine. To correct this condition Cessna Aircraft Company has issued Propjet Service Information Letter PJ79-27, which provides instructions to rewire the solenoid operated fuel control valve and engine stop switch. In conjunction with these wiring changes, Cessna has also issued Propjet Service Information letter PJ79-24, which provides Revision 7 to the Pilot's Operating Handbook and FAA Approved Airplane Flight Manual. This revision includes needed instructions for operating the rewired engine controls. Because any unplanned engine stoppage that would occur during a critical phase of flight operation could adversely affect airplane control and result in an unsafe condition, the FAA is issuing an AD applicable to certain serial numbers of Cessna Model 441 airplanes, making compliance with the modification procedures set forth in Cessna Propjet Service Information Letter PJ79-27 mandatory. The AD further requires the insertion of an enclosed temporary revision to Section 4 of Revison 6 of the Pilot's Operating Handbook and FAA Approved Airplane Flight Manual until it can be replaced by a permanent copy of Revision 7, which is attached to Cessna Propjet Service Information Letter PJ79-24.

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

Adoption of the Amendment

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

CESSNA: Applies to Model 441 (Serial Numbers 441-0001 through 441-0109) airplanes.

Compliance: Required as indicated unless already accomplished. To preclude an unplanned engine stoppage, accomplish the following:

(A) Prior to the next flight

(1) Rewire the engine control wiring in accordance with the instructions provided by Cessna Propjet Service Information Letter PJ79-27, dated July 30, 1979.

(2) Temporarily insert the following procedures, which supersede the existing procedures of the same subject in Section 4 of Revision 6 of the Pilot's Operating Handbook and FAA Approved Airplane Flight Manual, and operate the airplane in accordance with these insertions:

Ground Operations Engine Clearing Procedure

Natural draining of fuel and fuel vapors from the engine will occur by allowing the engine to remain static for a minimum of three minutes.

If a motoring procedure is preferred:

1. Battery Switch—ON.
2. Engine Stop Button—PUSH momentarily to close electric fuel shutoff.
3. Ignition Override Switch—CHECK OFF.
4. Propeller—CLEAR and on start locks.

Caution.—Use of the Starter Motor Switch prior to pushing the engine stop button will result in unwanted fuel in the engine and a possible engine start-up. Ensure that fuel and ignition are shut off prior to activating the Starter Motor Switch.

5. Starter Motor Switch—LIFT cover guard and hold switch in desired position until engine reaches 15% RPM.
6. Battery Switch—OFF.

Note.—Do not attempt a restart until EGT is less than 200°C. Do not exceed starter duty cycle presented in Section 2.

Inflight Engine Clearing Procedure

Note.—The STARTER MOTOR switch is deactivated in flight. Engine rotation is accomplished through use of the unfeathering pump switch.

Natural draining of fuel and fuel vapors from the engine will occur by allowing the engine to remain static for a minimum of 30 seconds.

1. Engine Stop Button—PUSH momentarily to close electric fuel shutoff.

2. Ignition Override Switch—CHECK OFF.
3. Condition Lever—TAKEOFF, CLIMB AND LANDING.

Caution.—Use of the Unfeathering Pump Switch prior to pushing the engine stop button will result in unwanted fuel in the engine and a possible engine start-up. Ensure that fuel and ignition are shut off prior to activating the Unfeathering Pump Switch. Do not allow the engine to continuously NTS between 18% and 28% RPM.

4. Unfeathering Pump Switch—ACTUATE and hold until 10% to 15% RPM is achieved.
5. Condition Lever—EMER. SHUTOFF.

Note.—Do not attempt a restart until EGT is less than 200°C.

Note.—This Airworthiness Directive, or a duplicate thereof may be used as a temporary amendment to the Pilot's Operating Handbook and FAA Approved Airplane Flight Manual and carried in the aircraft as a part of the Pilot's Operating Handbook and FAA Approved Airplane Flight Manual until replaced by a permanent copy of Revision 7, dated August 7, 1979, to the Pilot's Operating Handbook and FAA Approved Airplane Flight Manual, which is attached to Cessna Prop-jet Service Information Letter PJ79-24, dated August 7, 1979. (B) Any equivalent method of compliance with this AD must be approved by the Chief, Engineering and Manufacturing Branch, FAA Central Region.

This amendment becomes effective October 1, 1979.

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

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the final evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing to FAA, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

Issued in Kansas City, Missouri on September 14, 1979.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 79-29460 Filed 9-21-79; 8:45 am]
BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 79-WE-21-AD; Amdt. 39-3575]

McDonnell Douglas DC-10 Airplanes; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Final rule.

SUMMARY: This action publishes in the Federal Register and makes effective to all persons an amendment adopting an airworthiness directive (AD) which was previously made effective to all known operators of McDonnell Douglas Model DC-10-10, -10F, and -40 Series airplanes by telegraphic message dated July 20, 1979. This AD is required because of failure of the bolts attaching the aft mount of the Number 1, Number 2, and Number 3 engines on the DC-10-10 Series, and the Number 1 and Number 3 engines on the DC-10-40 to the pylon bulkhead, which could result in loss of engine retention strength capability.

DATES: Effective October 1, 1979, and was effective earlier for all recipients of the telegram dated July 20, 1979.

ADDRESSES: The applicable service information may be obtained from: McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training C1-750 (54-60).

Also, a copy of the service information may be reviewed at, or a copy obtained from: Rules Docket in Room 916, FAA, 800 Independence Avenue, S.W., Washington, D.C. 20591, or Rules Docket in Room 6W14, FAA Western Region, 15000 Aviation Boulevard, Hawthorne, California 90261.

FOR FURTHER INFORMATION CONTACT: Kyle L. Olsen, Executive Secretary, Airworthiness Directive Review Board, Federal Aviation Administration, Western Region, P.O. Box 92007, World Way Postal Center, Los Angeles, California 90009. Telephone: (213) 536-6351.

SUPPLEMENTARY INFORMATION: An emergency airworthiness directive (AD) was adopted on July 20, 1979, and made effective immediately upon receipt of a telegram to all known U.S. Operators of the DC-10-10, -10F, and -40 Series airplanes. This AD required a one time manual inspection of the bolts that attach the aft support assembly of the Number 1, 2, and 3 engines to the pylon. This AD was necessary because one operator reported failure of three of the four main bolts attaching the wing engine aft support assembly to the pylon. Investigations revealed that the bolts failed because of stress corrosion.

Subsequent to the issuance of this AD, the manufacturer has developed a nondestructive test procedure to detect cracks in these bolts. The manual inspection will detect any failed bolts, but may not detect a cracked bolt.

In addition, the design of the DC-10-40 does not utilize these bolts in the Number 2 engine installation, this amendment is being corrected accordingly.

Therefore, the FAA is amending the telegraphic AD to (1) correct the applicability, (2) make the initial manual inspection requirements effective to all persons, (3) require a nondestructive test to determine if any of the bolts are cracked, and (4) allow reversion to normal inspection intervals when inconel bolts are installed.

Since it was found that immediate corrective action was required, notice of public procedure thereon was impractical and contrary to the public interest and good cause existed to make the AD effective immediately as to all operators of the McDonnell Douglas Model DC-10-10, -10F, and -40 Series airplanes. These conditions still exist and the AD is hereby published in the Federal Register as an amendment to Section 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

Adoption of the Amendment

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

McDonnell Douglas Applies to McDonnell Douglas Model DC-10-10, -10F, and -40 Series airplanes certificated in all categories with more than 3,000 hours' total time in service.

Compliance required as indicated.

To prevent failures of the bolts attaching the aft engine mount to the pylon bulkheads of the Number 1, 2, and 3 engines on the DC-10-10 and -10F, and the Number 1 and Number 3 engines of the DC-10-40 airplanes accomplish the following, unless already accomplished subsequent to July 19, 1979, or unless the bolts have been replaced within the last 3,000 hours' time in service:

(a) Before further flight, check the integrity of each of the four main aft mount to pylon bulkhead bolts, by applying heavy manual force using a box wrench approximately twelve inches long.

(b) If there is any movement of the nut, the bolt must be removed and replaced with a serviceable bolt of the same part number or an FAA approved equivalent bolt, before further flight.

NOTE.—Douglas Telex DC-10-COM47/HEW covers this same subject.

(c) Within 600 hours' time in service after the effective date of this AD and thereafter at intervals of each engine removal/change, but not to exceed 3,600 hours' time in service, inspect the four main aft mount to pylon bulkhead bolts, in accordance with the nondestructive test procedures in McDonnell Douglas DC-10 Service Bulletin 54-72 dated 27 August 1979.

(d) If there is a crack indication, before further flight, replace with a serviceable bolt of the same part number or an FAA approved equivalent bolt.

(e) These special inspections may be discontinued and normal maintenance inspections resumed after installation of inconel bolts (77711-10-34 series 10) or (77711-12-34 series 40).

(f) Alternate inspections, modifications or other actions which provide an equivalent level of safety may be used when approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(g) Special flight permits may be issued in accordance with FARs 21.197 and 21.199 to operate airplanes to a base for the accomplishment of the inspections required by this AD.

This amendment becomes effective October 1, 1979.

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

Issued in Los Angeles, California on September 13, 1979.

William R. Krieger,

Acting Director, FAA Western Region.

[FR Doc. 79-29459 Filed 9-21-79; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 79-ASW-39]

Alteration of Transition Area: Big Spring, Tex.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of the action being taken is to alter the transition area at Big Spring, Tex. The intended effect of the action is to release unnecessary controlled airspace designated for aircraft executing instrument approach procedures to the Big Spring Municipal Airport. The circumstance which created the need for the action is the relocation of the municipal airport from Howard County Airport to the previously designated Webb Air Force Base, Big Spring, Tex.

EFFECTIVE DATE: November 29, 1979.

FOR FURTHER INFORMATION CONTACT: Manuel R. Hugonnett, Airspace and Procedures Branch (ASW-536), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101; telephone 817-624-4911, extension 302.

SUPPLEMENTARY INFORMATION:

History

In Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR 71) as republished (44 FR 442) the Big Spring, Tex., transition area is designated for the protection of aircraft executing instrument approach procedures to the former Howard County Airport and Webb Air Force Base, Big Spring, Tex. The closure of Webb Air Force Base and subsequent relocation of the municipal airport to the closed base necessitate the revocation of a portion of the transition area. This action will release the constraints and, in effect, the impact on the user imposed by the transition area. Therefore, public circularization of this action was not considered necessary.

The Rule

This amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR 71) alters the Big Spring, Tex., transition area.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (44 FR 442) is amended, effective 0901 GMT, effective November 29, 1979, as follows.

In Subpart G, 71.181 (44 FR 442), the Big Spring, Tex., transition area is altered as follows:

Big Spring, Tex.

That airspace extending upward from 700 feet above the surface within a 9.5-mile radius of the Big Spring Municipal Airport (latitude 32°12'51" N., longitude 101°31'24" W.)

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

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Fort Worth, Tex., on September 11, 1979.

Henry N. Stewart,

Acting Director, Southwest Region.

[FR Doc. 79-29457 Filed 9-21-79; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 79-ASW-27]

Alteration of Control Zone and Transition Area: Silver City, N. Mex.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of the action being taken is the alteration of the control zone and transition area at Silver City, NM. The intended effect of the action is to provide additional controlled airspace for aircraft executing new instrument approach procedures to the Silver City-Grant County Airport. The circumstance which created the need for the action is the scheduled installation of a partial instrument landing system (ILSP) at the Silver City-Grant County Airport. In addition, higher performance aircraft are using the airport which requires additional airspace.

EFFECTIVE DATE: November 29, 1979.

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

SUPPLEMENTARY INFORMATION:

History

On July 19, 1979, a notice of proposed rule making was published in the Federal Register (44 FR 42220) stating that the Federal Aviation Administration proposed to alter the Silver City, NM, control zone and transition area. Interested persons were invited to participate in this rule making proceeding by submitting written comments on the proposal the Federal Aviation Administration. No objections were received to the proposal. Except for editorial changes this amendment is that proposed in the notice.

The Rule

This amendment to Subpart F and Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) alters the Silver City, NM, control zone and transition area. This action provides controlled airspace for the protection of aircraft executing instrument approach procedures to the Silver City-Grant County Airport.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administration, Subpart F and Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (44 FR 353) and (44 FR 442) are amended, effective 0901 GMT, November 29, 1979, as follows:

1. To amend 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (44 FR 353) by altering the Silver City NM, control zone:

Silver City, NM

Within a 6.5-mile radius of the Silver City-Grant County Airport (latitude 32°37'56" N., longitude 108°09'15" W.) and within 3 miles either side of the Silver City VORTAC 140° radial extending from the 6.5-mile radius zone to 8.5 miles southeast of the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

2. To amend 71.181 (14 FR Part 71) as republished (44 FR 442) by altering the Silver City, NM, transition area:

Silver City, NM

That airspace extending upward from 700 feet above the surface within a 10.5-mile radius of the Silver City-Grant County Airport (latitude 32°37'56" N., longitude 108°09'15" W.) and within 3.5 miles either side of the 107° bearing from the Cozey LOM (latitude 32°37'56" N., longitude 108°03'44") extending from the 10.5-mile radius to 8.5 miles east of the LOM.

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

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves and established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Fort Worth, Texas, on September 11, 1979.

Henry N. Stewart,

Acting Director, Southwest Region.

[FR Doc. 79-29456 Filed 9-21-79; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 79-WE-12]

Alteration of Control Zone; Santa Maria, Calif., Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction to final rule.

SUMMARY: In the final rule published in the Federal Register of August 16, 1979, Vol. 44, page 47925, under "Amended" page 47926 which reads following * * * "southeast of the VOR." Add: This control zone * * *"should have read delete all following . . . "southeast of the VOR." and add the following: This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

This section corrects the amendment.

EFFECTIVE DATE: September 24, 1979.

ADDRESSEES: Federal Aviation Administration, Air Traffic Division, Chief, Airspace and Procedures Branch, AWE-530, 15000 Aviation Boulevard, Lawndale, California 90261.

FOR FURTHER INFORMATION: Thomas W. Binczak, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261. Telephone: (213) 536-6182.

SUPPLEMENTARY INFORMATION: Federal Register Document 79-25020 was published on August 16, 1979, (44 FR 47925) and amended the hours of operation of the control zone. The action herein corrects the amendment.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Federal Register Document 79-25020 as published in the Federal Register on August 16, 1979, starting on page 47925 is amended on page 47926 as follows:

In § 71.171 under Santa Maria, California delete all following * * * "southeast of the VOR." Add: This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

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

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Los Angeles, California on September 13, 1979.

William R. Krieger,

Acting Director, Western Region.

[FR Doc. 79-29454 Filed 9-21-79; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket Number 79-CE-17]

Designation of Transition Area—Cherokee, Iowa

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this Federal action is to designate a 700-foot transition area at Cherokee, Iowa, to provide controlled airspace for aircraft executing a new instrument approach procedure to the Cherokee, Iowa Municipal Airport based on the Non-directional Radio Beacon (NDB), a navigational aid being installed on the airport. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

EFFECTIVE DATE: November 29, 1979.

FOR FURTHER INFORMATION CONTACT: Dwaine E. Hiland, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-537, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

SUPPLEMENTARY INFORMATION: An instrument approach procedure to the Cherokee Municipal Airport, Cherokee, Iowa, is being established based on a Non-directional Radio Beacon (NDB), a navigational aid being installed on the airport by the City of Cherokee. The establishment of an instrument approach procedure based on this approach aid entails the designation of a transition area at Cherokee, Iowa at and above 700 feet above the ground (AGL) within which aircraft are provided air traffic control service. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

Discussion of Comments

On pages 42220 and 42221 of the Federal Register dated July 19, 1979, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend Section 71.181 of Part 71 of the Federal Aviation Regulations, so as to designate a transition area at Cherokee, Iowa. Interested persons were invited to participate in this rule making proceeding by submitting written comments on the proposal to the FAA.

No comments were received as a result of the Notice of Proposed Rule Making.

Accordingly, Subpart G, Section 71.181 of the Federal Aviation Regulations (14 CFR 71.181) as republished on January 2, 1979, (44 FR 442), is amended effective 0901 GMT November 29, 1979, by adding the following new transition area:

Cherokee, Iowa

That airspace extending upward from 700 feet above the surface within a 6½ mile radius of the Cherokee Municipal Airport (latitude 42°43'55"N, longitude 95°33'22"W), and within 3 miles each side of the 206° true bearing from the Cherokee NDB (latitude 42°43'55"N, longitude 95°33'10"W), extending from the 6½ mile radius area to 8½ miles southwest of the NDB.

(Sec. 307(a), Federal Aviation Act of 1958 as amended (49 U.S.C. 1348); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.69 of the Federal Aviation Regulations (14 CFR 11.69).)

Note.—The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Kansas City, Missouri, on September 12, 1979.

Charles A. Whitfield,

Acting Director, Central Region.

[FR Doc. 79-29461 Filed 9-21-79; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 91

[Docket No. 19510; SFAR No. 42]

Requirements for Flight Operations in the Vicinity of the XIII Winter Olympic Games at Lake Placid, N.Y.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This special regulation establishes for the period January 27 to March 1, 1980, communications requirements for aircraft operating to or from the Clinton County Airport (Plattsburgh, N.Y.) and establishes a temporary flight restriction at Lake Placid, N.Y. These actions are to provide for the safe and efficient use of navigable airspace and safety of persons and property on the ground attendant to the 1980 Winter Olympics. They are in addition to certain local airspace and nonregulatory actions being taken in conjuction with the conduct of the Winter Olympics.

DATES: Effective date: September 24, 1979. Compliance dates: January 27-March 1, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Gene Falsetti, Air Traffic Rules Division (AAT-200), Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-3128.

SUPPLEMENTARY INFORMATION:

Background

In February, 1980, the XIII Winter Olympic Games will be held in the area of Lake Placid, New York, and are expected to generate an appreciable increase in air traffic for the area. Pre-game, game, and post-game activities during January through March, 1980, are expected to generate in excess of several thousand aircraft movements, with the bulk of air traffic demand expected to be felt close-in to the Olympic area in the Lake Placid, Saranac Lake, and Adirondack regions. Neighboring airports are also expected to experience an influx of transient general aviation, air taxi, and air carrier activity. To provide for the safe, orderly, and expeditious movement of this traffic, the FAA has developed and is implementing this Special Federal Aviation Regulation (SFAR).

Temporary Flight Restriction

To enhance safety in connection with the 1980 Winter Olympics and to minimize the possibility of interference with game activities, players, and spectators, a temporary flight restriction is being established over the Lake Placid, New York, area. Circular in shape and with an 8½-mile radius, it encompasses airspace over the games and lodging areas, as well as the designated ground security area which has been determined to be necessary by the New York State Department of Transportation. The temporary flight restriction excludes unauthorized flight in the area up to and including an altitude of 10,000 feet MSL. This altitude will provide at least 5,000 feet of restricted airspace over White Face Mountain, the highest point in the restricted area and the location of numerous Olympic activities. The restriction also provides operational benefit to Air Traffic Control in the movement of IFR traffic arriving at Adirondack Airport by facilitating radar vectoring of ATC-authorized flights for approach to that airport.

The Temporary Flight Restriction will not affect the Lake Placid Airport which lies within the restricted area since it has already been determined by the airport authority that the airport should be closed to fixed-wing traffic during the period covered by this SFAR. The airport's operations will be limited to helicopter support services.

Radio Communications for Clinton County Airport

Clinton County Airport, Plattsburgh, New York, is approximately 30 nautical miles east-northeast of the Olympic area. It is a nontower airport that is open to the public and primarily serves general aviation and air taxi aircraft. A control zone is charted, and instrument approaches are published with approach control and terminal radar services provided by Burlington, Vermont, Tower. Because of its location and facilities, Clinton County is considered one of the neighboring airports likely to attract Olympic visitors.

Clinton County Airport is approximately 3.5 nautical miles northwest of Plattsburgh Air Force Base which is the largest and busiest base in the Strategic Air Command. The proximity of the airports results in a traffic mix of high speed military training and training support aircraft and slower speed general aviation aircraft. With the expected substantial increase of itinerant traffic related to the Olympics, if no corrective action is taken, an environment would exist which could seriously affect flight operations and the safe and efficient use of the affected airspace.

Contributing to this environment is the nature of extensive and ongoing military training, military pilot experience levels and the fact that visiting Clinton County traffic will be generally unfamiliar with local procedures, operations, and geography. Because of this situation the FAA is establishing an additional radio communications requirement for all aircraft arriving or departing Clinton County airport. These aircraft must establish and maintain two-way radio contact with the Plattsburgh Air Force Base Tower while within the Plattsburgh AFB Airport Traffic Area. Supporting the need for this requirement, the military and current users of Clinton County agree that the potential for an unsafe environment can be minimized by Plattsburgh AFB Tower providing traffic information and advisory service via direct radio communication.

Notice of Special Aeronautical Information

A Special Olympic Issue VFR Terminal Area Chart will be published

and made available prior to the effective date of this regulation. Included on the chart are the graphic depiction of:

a. The Plattsburgh Air Force Base Airport Traffic Area;

b. The temporary flight restriction over the Olympic Games area;

c. The temporary control zone at Adirondack Airport being separately developed by FAA's Eastern Region;

d. The Burlington, Vermont, terminal radar service area;

e. Military training routes that traverse the area;

f. The temporary nonregulatory alert area at Plattsburgh;

g. VFR reporting points in the Adirondack area; and

h. Other special graphics and information needed for safe flight operations.

Printed narrative aeronautical information will include:

a. The Clinton County Airport radio communications requirement;

b. Radio frequencies for affected ATC facilities;

c. ATC facility operating dates and times; and

d. Notice that the Airman's Information Manual provides other aeronautical information in graphic and printed form.

The Special Olympic Issue VFR Terminal Area Chart will be published and made available by November 29, 1979. Copies of the chart can be obtained by sending a check or money order for $1.85, made payable to "NOS, Department of Commerce" to: Distribution Division G-44, Office of Aeronautical Charting and Cartography, National Ocean Survey (NOS), Riverdale, MD. 20840, (phone (301) 436-6990).

Issuance of Regulatory NOTAM

If, during the effective period of this SFAR, a need is found to extend or modify the temporary flight restriction or communications requirement, this will be accomplished in the form of a regulatory Notice to Airmen (NOTAM) pursuant to § 91.91 of the Federal Aviation Regulations.

Need for Immediate Adoption

Issuance of this Special Federal Aviation Regulation is timed to complement and support total administrative and operational services provided by local and State government, Olympic planning representatives, other Federal Agencies, and FAA Services and Offices. The most pertinent aeronautical information available to the pilot for the Olympics, including the provisions of this SFAR, are to be displayed or printed in the Special Olympic Issue VFR Terminal Area Chart. The chart is a compendium of aeronautical services and facilities available before, during, and after the Olympic Games, and will be made available in late November 1979.

For the reasons described, it has been determined that safety in air commerce requires the immediate adoption of this regulation. Therefore, I find that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this amendment effective in less than 30 days.

The FAA does, however, intend to review operating experience under this special regulation. Consequently, interested persons are invited to submit such written data, views, or arguments as they may desire regarding this SFAR. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, SW., Washington, D.C. 20591. All communications received on or before March 1, 1980, will be considered by the Administrator and this SFAR may be changed in light of the comments received. All comments submitted will be available for examination in the rules docket.

Adoption of the Amendment

Accordingly, the following Special Federal Aviation Regulation No. 42 is adopted, effective Sept. 24, 1979:

Special Federal Aviation Regulation No. 42

Section 1. To provide for the safe and efficient use of the navigable airspace and the safety of persons and property on the ground attendant to the 1980 Winter Olympics, this Special Federal Aviation Regulation is adopted, and applies during the period of January 27 through March 1, 1980.

Section 2. Unless otherwise authorized or required by ATC, no person may, within the Plattsburgh (New York) Air Force Base Airport Traffic Area, operate an aircraft to or from the Clinton County Airport unless two-way radio communication is established and maintained between that aircraft and the Plattsburgh Air Force Base Tower.

Section 3. Unless otherwise authorized or required by the Boston Air Route Traffic Control Center, no person may operate an aircraft at or below an altitude of 10,000 feet MSL in that area within 8½ statute miles of the point located at latitude 44°16'35" N and longitude 73°57'16" W (approximately 1½ statute miles east-northeast of Lake Placid Airport, New York).

Section 4. If necessary, regulatory Notices to Airmen (NOTAMs) may be issued during the effective period of this SFAR to extend or modify the temporary flight restriction or communication requirement established under this regulation

(Sections 307, 313(a), and 601, Federal Aviation Act of 1958 (49 U.S.C. §§ 1348, 1354(a), and 1421); Section 6(c), Department of Transportation Act (49 U.S.C. § 1655(c) 14 CFR 11.49 and 11.69.))

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044 as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the final evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified above under the caption "FOR FURTHER INFORMATION CONTACT."

Issued in Washington, D.C., on September 14, 1979.

Langhorne Bond,

Administrator.

[FR Doc. 79-29453 Filed 9-21-79; 8:45 am]

BILLING CODE 4910-13-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Part 1212

Protection of Personal Privacy

AGENCY: National Aeronautics and Space Administration.

ACTION: Interim rule with comments requested.

SUMMARY: The National Aeronautics and Space Administration (NASA) is revising its regulations implementing the Privacy Act of 1974, Pub. L. 93-579, 88 Stat. 1896, which currently appear at 14 CFR Part 1212. The revision largely changes the internal agency organization for handling Privacy Act matters and clarifies the regulations to eliminate unnecessary duplication of the statutory language and to use simpler language for ease of use by the public.

DATE: Comments must be received not later than November 23, 1979. Unless a notice is published in the Federal Register indicating changes to be made, this interim regulation shall take effect as a final regulation on December 1, 1979.

ADDRESS: Office of General Counsel, Code GG-1, NASA Headquarters, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Susan McGuire Smith, 202/755-3924.

SUPPLEMENTARY INFORMATION: This revision of NASA's Privacy Act regulations is a fairly extensive rewrite designed to reduce the volume of the regulations, eliminate repetition from the statute (e.g. in the provisions on definitions, exemptions, and penalties), and use simpler language and format.

Following is a summary of the significant changes:

Subpart 1212.3—Authority and Responsibilities

(a) The Associate Deputy Administrator retains only significant decision-making responsibilities, namely, making final agency decisions on appeals, authorizing exemptions, and authorizing extensions for making final decisions on appeals.

(b) The Associate Adminstrator for Management Operations is assigned the overall functional responsibility for Privacy Act implementation. That official may name a NASA Privacy Officer and delegate to the Privacy Officer any of these responsibilities. The Privacy Officer shall report to the Associate Administrator for Management Operations.

(c) System and subsystem managers, as identified in system notices, have direct authority for day-to-day decisions involving either their systems or subsystems. This is largely the case now although they receive this authority through written delegations from line officials. Where there are subsystems of records at NASA field installations, system managers have functional responsibilities for the entire system but will have no line authority over the subsystem managers. The practical effect is to establish a direct link from the NASA Privacy Officer to system managers for operational purposes. This eases existing confusion where the NASA Privacy Officer has to go to system managers, Officials-in-Charge of Headquarters offices, installation privacy officers, Center Directors, and sometimes subsystem managers for information, particularly for information required for the annual report.

(d) Center Directors and Officials-in-Charge of Headquarters Offices will no longer have direct operational responsibilities, although they will exercise line authority over system managers in their organizations. Installation privacy officers may be named by the Center Director, if desired.

Changes are made throughout the regulations reflecting these changed responsibilities.

Subpart 1212.4 (§ 1212.401)—Disclosure Accounting

This revised section clarifies that accountings are not required for disclosures made with the subject's consent, or under authority of the "need to know" or Freedom of Information Act exceptions. However, accountings are recommended under these circumstances. Disclosures of records to subject individuals are considered to be access within the meaning of Subpart 1212.5.

Subpart 1212.2—Maintaining Systems

(a) Systems of other agencies (§ 1212.201) is revised to have more general applicability.

(b) Safeguards (§ 1212.206) is revised to add paragraph (c) indicating that safeguards are not required where the record otherwise is required by law to be released to the public. System notices will so indicate.

The definition of "record" in § 1212.101 is expanded to indicate that identifiers alone do not constitute records. Since the question has occasionally been raised, the clarification is in order.

Subpart 1212.5—Access to Records

(a) Requests for access go to either the installation information center or the responsible system manager. The information center is added to provide a place where individuals may go just for general information when they do not know which system or subsystem manager is involved. The information center is responsible for seeing to it that the request is forwarded to the appropriate system or subsystem manager for response. Or, if the request is too vague or non-specific, the information center will respond, seeking more information or providing information on systems of records and system managers to whom the request should be addressed.

(b) A notarized statement authorizing a representative to see records is no longer an absolute requirement. Instead § 1212.501(b) cross references the identification requirements of § 1212.502, indicating these must be met by both the subject and the representative. The latter section allows requirement of a notarized statement in the system manager's discretion. Experience indicated that requirement of a notarized statement imposes a hardship on the individual that is not necessary in all cases, although the system manager should retain discretion to require it in some cases.

(c) A provision is added to codify advice consistently given when requests cite both the Privacy Act and the Freedom of Information (FOIA). If the request is for records of a third party, FOIA procedures are used; if the request is for an individual's own record, privacy procedures are used. In any case, the individual receives the maximum to which entitled under either law. For example, if releasable under FOIA, but exempt under Privacy then the record must be released.

(d) Section 1212.507 is added to provide for release of records of a deceased individual to the representative of the estate or to next of kin.

Subpart 1212.6—Amendments to Records and Appeals

Rather than requiring the deciding official on an appeal to prepare the NASA addendum to a statement of dispute, the system manager is responsible for this. An addendum is required in each case where a statement of dispute is filed.

14 CFR Part 1212 is revised to read as follows:

PART 1212—PROTECTION OF PERSONAL PRIVACY

Subpart 1212.1—Basic Policy

Sec.
1212.100 Scope of part.
1212.101 Definitions.
1212.102 General policy.

Subpart 1212.2—Requirements for Maintaining Systems of Records

1212.200 Publication of annual system notices.
1212.201 Systems of records of other agencies under NASA's control.
1212.202 Requirements for maintaining systems of records.
1212.203 Requirements for collecting information.
1212.204 Mailing lists.
1212.205 Social security account numbers.
1212.206 Safeguarding information in systems of records.
1212.207 Duplicate copies of records or portions of records.

Subpart 1212.3—Authority and Responsibilities

1212.300 NASA employees.
1212.301 Associate Deputy Administrator.
1212.302 Associate Administrator for Management Operations.
1212.303 Headquarters and field or component installations.
1212.304 System manager.
1212.305 Director of Procurement.
1212.306 Delegation of authority.

Subpart 1212.4—Disclosure of Records

1212.400 Restrictions on disclosure.
1212.401 Accounting of certain disclosures.
1212.402 Access to disclosure accounting.
1212.403 Review of records for accuracy.
1212.404 Notification of disclosure under compulsory legal process.
1212.405 Notification to prior recipients of corrected or disputed records.

Subpart 1212.5—Access to Records

1212.500 Requests for access or general information.
1212.501 Right of access.
1212.502 Identification procedures.
1212.503 Fee schedule.
1212.504 Procedures for responding to requests for access.

Sec.
1212.505 Medical records.
1212.506 Test materials.
1212.507 Release of records of deceased individuals.

Subpart 1212.6—Corrections and Amendments to Records and Appeals

1212.600 Requests for correction or amendment of a record.
1212.601 Procedures and time limits for making initial determinations on requests to correct or amend.
1212.602 Procedures and time limits for appeals.
1212.603 Action on appeals.
1212.604 Procedures for appeal of adverse determinations involving records of other agencies.
1212.605 Time extensions for good cause shown.
1212.606 Correction or amendment of record.
1212.607 Statements of dispute.
1212.608 Disclosure of disputed information.

Subpart 1212.7—Exemptions

1212.700 Exemptions.
1212.701 Systems of records for which exemptions apply.

Subpart 1212.8—Failure to Comply with Requirements of this Part

1212.800 Civil remedies.
1212.801 Criminal penalties.

Authority: The National Aeronautics and Space Act of 1958, as amended, 72 Stat. 429, 42 U.S.C. 2473; The Privacy Act of 1974, 88 Stat. 1896, 5 U.S.C. 552a.

Subpart 1212.1—Basic Policy

§ 1212.100 Scope of part.

This Part 1212 implements the Privacy Act of 1974, as amended (5 U.S.C. 552a; referred to as "the Privacy Act"), and establishes the policies, responsibilities, and procedures for the collection, maintenance, use and dissemination by the National Aeronautics and Space Administration (NASA) of personal information contained in a NASA system of records. This part also establishes procedures for a subject individual to have access to and request correction of information in a record. This part applies to systems of records located at or under the cognizance of NASA Headquarters, NASA Field Installations, and NASA Component Installations, as defined in Part 1201.

§ 1212.101 Definitions.

For the purposes of this part, the following definitions shall apply in addition to definitions contained in the Privacy Act:

(a) The term "record" means any item, collection, or grouping of information about an individual including, but not limited to, education, financial transactions, medical history, and criminal or employment history, and that contains a name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print or a photograph. With the exception of photographs, identifiers alone do not constitute a record.

(b) The term "system or records" means a group of any records from which information is retrieved by the name of the indivudual or by some identifying number, symbol or other identifying particular assigned to the individual.

(c) The term "system manager" means the NASA official who is responsible for a system of records as designated in the system notice of that system of records published in the Federal Register. When a system of records includes portions located at more than one NASA installation, the term "system manager" includes any subsystem manager designated in the system notice as being responsible for that portion of the system of records located at the respective installation.

(d) The term "routine use" means, with respect to the disclosure of a record, the use of the record for a purpose which is compatible with the purpose for which it was collected. Disclosure of a record to those officers and employees of NASA who have a need for the record in the performance of their duties shall not be regarded as a "routine use."

(e) The term "NASA employee" or "NASA official," particularly for the purpose of § 1212.400(b)(1) relating to the disclosure of a record to those who have a need for the record in the performance of their duties, includes employees of a NASA contractor which operates or maintains a NASA system of records for or on behalf of NASA.

(f) The term "NASA information center" refers to information centers established to facilitate public access to NASA records under Part 1206. See § 1206.401 for the address of each NASA information center.

§ 1212.102 General policy.

In compliance with the Privacy Act and in accordance with the requirements and procedures of this part, NASA has an obligation to:

(a) Permit an individual to determine whether there are records pertaining to the individual in a system of records maintained by NASA;

(b) Permit an individual to prevent records pertaining to the indivudual obtained by NASA and placed in a system of records for a particular purpose from being used or made available for another purpose without the individual's consent;

(c) Permit an individual to gain access to information about the individual in a NASA system of records, to have a copy made, and, if appropriate under Subpart 1212.6, to correct or amend the records; and

(d) Maintain any record in a system of records only for a necessary and lawful purpose, assure that the information is current and accurate, and provide adequate safeguards to prevent misuse of the information.

Subpart 1212.2—Requirements for Maintaining Systems of Records

§ 1212.200 Publication of annual system notices.

(a) A system notice for each NASA system of records shall be published annually in the Federal Register in the format prescribed by the Office of Management and Budget and the General Services Administration.

(b) In accordance with reporting requirements issued by the Office of Management and Budget, NASA shall provide to Congress and the Office of Management and Budget advance notice of any proposal to establish or significantly alter any NASA system of records.

§ 1212.201 System of records of other agencies under NASA's control.

(a) The procedures concerning maintenance of and access to records of other agencies under NASA's control shall normally be governed by the regulations of the agency publishing the system notice for the particular system of records.

(b) Any system of records maintained by NASA which is in addition to or substantially different from those of a government-wide nature described in the notice published by another agency shall be regarded as a NASA system of records subject to the requirements of this part, and the NASA system notice shall include a reference to the system notice of the other agency.

§ 1212.202 Requirements for maintaining systems of records.

In maintaining systems of records, the following requirements shall be met:

(a) Maintain only information about an individual relevant and necessary to accomplish a purpose or to carry out a function of NASA authorized by law or by Executive Order of the President.

(b) Maintain records used by NASA officials in making any determination about any individual with such accuracy, relevance, timeliness, and completeness reasonably necessary to assure fairness to the individual in making the determination.

(c) Maintain no record describing how an individual exercises rights guaranteed by the First Amendment to the U.S. Constitution unless expressly authorized by statute or by the individual, or unless required by an authorized law enforcement activity.

§ 1212.203 Requirements for collecting information.

In collecting information for systems of records, the following requirements shall be met:

(a) Information shall be collected to the greatest extent practicable directly from the individual, particularly when the information may result in adverse determinations about the individual's rights, benefits, and privileges under Federal programs. Exceptions to this policy may be made under certain circumstances, such as one of the following:

(1) There is need to verify the accuracy of information supplied by an individual.

(2) The information can only be obtained from a third party.

(3) There is no risk that information collected from third parties, if inaccurate, could result in an adverse determination to the individual concerned.

(4) Provisions are made to verify with the individual information collected from a third party.

(b) Each individual who is asked to supply information shall be informed of the following:

(1) The authority (whether granted by statute, or by Executive Order of the President) for requesting the information;

(2) Whether disclosure is mandatory or voluntary;

(3) The intended official use of the information;

(4) The routine uses which may be made of the information, as published in the system notices;

(5) The effects on the individual, if any, of not providing all or any part of the requested information.

§ 1212.204 Mailing lists.

(a) NASA may maintain for official purposes lists of individuals, their addresses and telephone numbers, including, if appropriate, home addresses and telephone numbers. These lists are not NASA systems of records for the purposes of this part.

(b) NASA will not sell, rent or otherwise disclose mailing lists to anyone except for official purposes of NASA, unless otherwise required by law.

§ 1212.205 Social security account numbers.

(a) It is unlawful for NASA to deny an individual any right, benefit, or privilege provided by law because of the individual's refusal to disclose the individual's social security account number, except where:

(1) The disclosure is required by law; or

(2) The disclosure is from a system of records in existence and operating before January 1, 1975, and was required under statute or regulation adopted before that date to verify the identity of the individual.

(b) Any time an individual is requested to disclose the social security account number, the official requesting the disclosure shall indicate whether that disclosure is mandatory or voluntary, by what authority the number is requested, and what uses will be made of it.

§ 1212.206 Safeguarding information in systems of records.

(a) Safeguards appropriate for a NASA system of records shall be developed by the system manager in a written plan approved by the installation Security Officer.

(b) When records or copies of records are distributed to persons other than those having custody of the systems of records, they shall be prominently identified as records protected under the Privacy Act and shall be subject to the same safeguard, retention and disposition requirements applicable to the system of records.

(c) Records that are otherwise required by law to be released to the public need not be safeguarded or identified as Privacy Act records. The system notice shall indicate that the records are publicly available.

§ 1212.207 Duplicate copies of records or portions of records.

(a) NASA officials may maintain for official purposes duplicate copies of records or portions of records from a system of records for use within their organizational unit. This practice should occur only where there are justifiable organizational needs for it, e.g., where geographic distances make use of the system of records time consuming or inconvenient. These duplicate copies shall not be considered a separate NASA system of records. For example, an office head or designee may keep duplicate copies of personnel, training, or similar records on employees within the organization for administrative convenience purposes.

(b) No disclosure shall be made from duplicate copies outside of the organizational unit. Any outside request for disclosure shall be referred to the appropriate system manager for response.

(c) Duplicate copies are subject to the same safeguard requirements applicable to the system of records.

Subpart 1212.3—Authority and Responsibilities

§ 1212.300 NASA employees.

(a) Each NASA employee is reponsible for adhering to the requirements of the Privacy Act and this part.

(b) An employee shall not seek or obtain access to a record in a NASA system of records or to copies of any portion of such records under false pretenses. Only those employees with an official "need to know" may seek and obtain access to records pertaining to others.

(c) Employees shall refrain from discussing or disclosing personal information about others which they have obtained because of their official need to know such information in the performance of official duties.

(d) To the extent included in an individual contract which provides for the maintenance by or on behalf of NASA of a system of records to accomplish a function of NASA, the requirements of this section shall apply to contractor employees who work under the contract.

§ 1212.301 Associate Deputy Administrator.

The Associate Deputy Administrator is responsible for:

(a) Making final agency determinations on appeals (§ 1212.603);

(b) Authorizing exemptions § 1212.700); and

(c) Authorizing an extension of up to 30 work days for making a final determination on an appeal (§ 1212.605).

§ 1212.302 Associate Administrator for Management Operations.

(a) The Associate Administrator for Management Operations is responsible for the following:

(1) Providing overall supervision and coordination of NASA's policies and procedures under this part;

(2) Approving system notices for publication in the Federal Register;

(3) Assuring that NASA employees and officials are informed of their responsibilities and that they receive appropriate training for the implementation of these requirements; and

(4) Preparing and submitting the annual and special reports required

under this part, including establishing appropriate reporting procedures.

(b) The Associate Administrator for Management Operations may establish a position of "NASA Privacy Officer" or designate someone to function as such an officer, reporting directly to the Associate Administrator for Management Operations, and delegate to that officer any of the functions described in paragraph (a).

§ 1212.303 Headquarters and field or component installations.

(a) Officials-in-Charge of Headquarters Offices, Directors of NASA Field Installations and Officials-in-Charge of Component Installations are responsible for the following with respect to those systems of records maintained in the organization:

(1) Avoiding the establishment of new systems of records or new routine uses of a system of records without first complying with the requirements of this part;

(2) Ensuring that the requirements of this part and the Privacy Act are followed by all employees;

(3) Ensuring that there is appropriate coordination within NASA before a determination is made to disclose information without the individual's consent under authority of § 1212.400(b); and

(4) Providing appropriate oversight for responsibilities and authorities exercised by system managers under their jurisdiction (§ 1212.304).

(b) Directors of NASA Field Installations and Officials-in-Charge of Component Installations may establish the position of Installation Privacy Officer or designate someone to function as such to assist in carrying out the responsibilities listed in paragraph (a).

§ 1212.304 System manager.

(a) Each system manager is responsible for the following with regard to the system of records over which the system manager has congnizance:

(1) Overall compliance with the Privacy Act and these regulations,

(2) Ensuring that each person involved in the design, development, operation or maintenance of the system of records is instructed with respect to the requirements of this part and the possible penalties for noncompliance;

(3) Submitting a request to the Associate Deputy Administrator for an exemption of the system under Subpart 1212.7, setting forth in proposed rulemaking form the reasons for the exemption and citing the specific provision of the Privacy Act which is believed to authorize the exemption;

(4) After consultation with the Office of the General Counsel or the Chief Counsel, making reasonable efforts to serve notice on an individual when any record on such individual is made available to any person under compulsory legal process when such process becomes a matter of public record;

(5) In accordance with the requirements of § 1212.601, making an initial determination on an individual's request to correct or amend a record;

(6) Prior to disclosure of any record about an individual, assuring that the record is first reviewed for accuracy, completeness, timeliness and relevance;

(7) Authorizing disclosures of a record without the individual's consent under § 1212.400(b)(1) through (11);

(8) Responding within the requirements of § 1212.500 to an individual's request for information as to whether the system contains a record pertaining to the individual;

(9) In accordance with the requirements of Subpart 1212.5, responding to an individual's request for access and copying of a record;

(10) Correcting a record under § 1212.606, or filing in an individual's record a statement of dispute and the NASA addendum submitted in accordance with § 1212.607;

(11) Preparing an addendum to an individual's statement of dispute (§ 1212.607);

(12) Maintaining disclosure accountings in accordance with the requirements of § 1212.401;

(13) Notifying persons to whom a record has been disclosed and for which an accounting was made as to disputes and corrections involving the record; and

(14) Developing appropriate safeguards for the system of records.

(b) Where a system of records has subsystems described in the system notice, the subsystem manager will have the responsibilities outlined in paragraph (a). Although the system manager has no line authority over subsystem managers, the system manager does have overall functional responsibility for the total system, and may issue guidance to subsystem managers on implementation of this part. When furnishing information for required reports, the system manager will be responsible for reporting on the entire system of records, including any subsystems.

(c) Exercise of the responsibilities and authorities in paragraph (a) by any system or subsystem managers at a NASA installation shall be subject to any conditions or limitations imposed in accordance with § 1212.303(a)(4) and (b).

§ 1212.305 Director of procurement.

The Director of Procurement is responsible for developing appropriate procurement regulations and procedures under which NASA contracts requiring the maintenance of a system of records in order to accomplish an agency function are made subject to the requirements of this part.

§ 1212.306 Delegation of authority.

Authority necessary to carry out the responsibilities specified in this Subpart 1212.3 is delegated to the officials named, subject to any conditions or limitations imposed in accordance with § 1212.303 (a)(4) and (b).

Subpart 1212.4—Disclosure of Records

§ 1212.400 Restrictions on disclosure.

(a) No record in a NASA system of records shall be disclosed to any person, or to another agency, except by written request of, or with the prior written consent of the individual to whom the record pertains, unless the disclosure is authorized by paragraph (b) of this section.

(b) Under 5 U.S.C. 552a(b), disclosure of a record in a NASA system of records is authorized without the consent of the subject individual, if the disclosure of the record would be:

(1) To an officer or employee of NASA who has a need for the record in the performance of official duties;

(2) Required under the Freedom of Information Act (5 U.S.C. 552) and Part 1206;

(3) For a routine use described in the system notice for the system of records;

(4) To the Bureau of Census for purposes of planning or carrying out a census or survey or related activity pursuant to the provisions of Title 13, United States Code;

(5) To a recipient who has provided NASA with adequate advance written assurance that the record will be used solely as a statistical record, and the record is transferred in a form that is not individually identifiable;

(6) To the National Archives of the United States as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, or for evaluation by the Administrator of General Services Administration or a designee to determine whether the record has such value;

(7) To another agency or to an instrumentality of any governmental jurisdiction within or under the control

of the United States for a civil or criminal law enforcement activity, if the activity is authorized by law and if the head of the agency or instrumentality has made a written request to NASA specifying the particular portion desired and the law enforcement activity for which the record is sought;

(8) To a person on a showing of compelling circumstances affecting the health or safety of an individual if notification of the disclosure is sent to the last known address of the subject individual;

(9) To either House of Congress or, to the extent the matter is within its jurisdiction, any committee or subcommittee of Congress, any joint committee of Congress or subcommittee of any such joint committee;

(10) To the Comptroller General, or any authorized representatives, in the course of the performance of the duties of the General Accounting Office; or

(11) By order of a court of competent jurisdiction.

§ 1212.401 Accounting of certain disclosures.

(a) The system manager shall keep a disclosure accounting for each disclosure to a third party of a record from a system of records. Disclosure accountings are not required but are recommended for disclosures made:

(1) With the subject individual's consent, or

(2) Under the authority of § 1212.400(b) (1) or (2).

(b) The disclosure accounting required by pargraph (a) shall include:

(1) The date, nature, and purpose of the disclosure; and

(2) The name and address of the recipient person or agency.

(c) The disclosure accounting shall be retained for at least five years after the disclosure or for the life of the record, whichever is longer.

(d) The disclosure accounting maintained under the requirements of this section is not itself a system of records.

§ 1212.402 Access to disclosure accounting.

Except for disclosures made under the authority of § 1212.400(b)(7) or where the system is exempt (see Subpart 1212.7), the disclosure accounting required under § 1212.401 shall be made available to the subject individual upon request in accordance with Subpart 1212.5

§ 1212.403 Review of records for accuracy.

Before disclosing any record about an individual to any person other than a NASA employee, unless the disclosure is required under the Freedom of Information Act (see § 1212.400(b)(2)), NASA shall make reasonable efforts to assure that the record is accurate, complete, timely and relevant for NASA purposes.

§ 1212.404 Notification of disclosure under compulsory legal process.

If a record is disclosed to any person under a compulsory legal process, the NASA system manager, after consultation with the Office of the General Counsel or the Chief Counsel, shall make reasonable efforts to serve notice on the subject individual when the compulsory process becomes a matter of public record. The mailing of notice to the individual's last known address constitutes a reasonable effort to notify the individual.

§ 1212.405 Notification to prior recipients of corrected or disputed records.

If any correction or statement of dispute is made or filed in a record under Subpart 1212.6, the NASA system manager shall notify each person or agency to whom that portion of the record had been disclosed, if an accounting of the disclosure exists under § 1212.401, as to the correction or statement of dispute.

Subpart 1212.5—Access to Records

§ 1212.500 Requests for access or general information.

(a) The procedures outlined in this Subpart 1212.5 apply to the following types of requests under the Privacy Act made by individuals concerning records about themselves:

(1) To determine if information on the requester is included in a system of records;

(2) For access to a record; and

(3) For an accounting of disclosures.

(b)(1) Requests must be directed to the appropriate system manager, or, if unknown, to the NASA information center. The request should be identified clearly on the envelope and on the letter as a "Request Under the Privacy Act."

(2) If known, requests should contain the following information to insure timely processing:

(i) Name and address of subject.

(ii) Identity of the system of records.

(iii) Nature of the request. If a request for amendment, a complete and comprehensive description of the amendment.

(iv) Identifying information such as location of the record, if known, full name, birth date, etc., as specified in the applicable system notice to assist in identifying the request.

(c)(1) If a request for access or amendment is received by the information center, it will record the date of receipt and immediately forward the request to the responsible system manager for handling.

(2) The NASA information center or the system manager, as appropriate, will acknowledge receipt of the request by NASA within 10 work days. If the request is so incomplete or incomprehensible that the requested record cannot be identified, additional information or clarification will be requested in the acknowledgment, and assistance to the individual will be offered as appropriate. If the request is sufficient for processing, the acknowledgment shall identify the responsible system manager.

(d) NASA need not comply with a general request for access to information concerning an individual, e.g., a request to provide copies of "all information contained in your files concerning me," although a good faith effort will be made to locate records if there is reason to believe NASA has records on the individual.

(e) Copies of all current NASA system notices, as well as a copy of these regulations, shall be maintained for public inspection in each NASA information center. An individual may address any general inquiries concerning NASA systems of records and these regulations to the appropriate NASA information center.

§ 1212.501 Right of access.

(a) Upon request in person, and following the identification procedures of § 1212.502, a subject individual and any accompanying representative shall be granted access to his or her record, including the right to request copies, unless the system of records has been determined to be exempt from this requirement under 5 U.S.C. 552a (j) or (k).

(b)(1) Upon a written request of the subject individual, the individual's representative shall be granted access to the subject's record, unless that system of records has been determined to be exempt under 5 U.S.C. 552a (j) or (k). The representative also may request copies of all or a portion of the record.

(2) A written request to allow access by a representative shall be signed by the subject individual and contain his or her address as well as the name and address of the representative being authorized access. The identities of both the subject individual and the representative must be verified following the procedures of § 1212.502.

(c) When an individual submits a request for records citing both the Privacy Act and the Freedom of Information Act, it shall be processed

under Part 1206 if the individual is seeking records pertaining to a third party. If the individual is seeking his or her own records, the request shall be processed under this part. If the records requested are required to be released under the Freedom of Information Act (5 U.S.C. 552(b)), then a Privacy Act exemption may not be invoked to deny access. NASA shall not rely on any exemption contained in the Freedom of Information Act to withhold from an individual any record which is otherwise accessible to the individual under this part.

§ 1212.502 Identification procedures.

(a) Before a copy of a record is sent by mail in response to a written request for access, there must be sufficient evidence to assure that the requester and the subject of the record are the same. NASA reserves the right, at the discretion of the system manager, to require that a certificate of a notary public or equivalent official empowered to administer oaths accompany the request.

(b)(1) Before granting access to records in person, the requester or representative shall present appropriate and satisfactory identification, including:

(i) A valid unexpired driver's permit; or

(ii) An official employment identification card or badge; or

(iii) Any other form of identification which includes the individual's name, signature, or photograph or physical description.

(2) If the individual has no suitable identification, a written statement shall be required asserting the individual's identity and stipulating that the individual understands that knowingly or willfully seeking or obtaining access to records about another individual under false pretenses is a misdemeanor and punishable by a fine of up to $5,000. A form will be provided by the system manager for this purpose.

(c) No verification of identity will be requested of individuals seeking access to records available to any member of the public under the Freedom of Information Act (5 U.S.C. 552) and Part 1206.

(d) Identity procedures more stringent than those required in this section may be prescribed by the system manager in the system notice when the records are medical or other highly sensitive records.

§ 1212.503 Fee schedule.

The system manager will follow the provisions of Subpart 1206.7 in charging search and duplication fees for records.

§ 1212.504 Procedures for responding to requests for access.

(a)(1) The system manager, in response to a request for access, shall:

(i) Notify the requester that there is no record on the individual in the system of records; or

(ii) Make the individual's record available for personal inspection in the presence of a NASA representative, or upon request, promptly provide copies of the record, subject to the fee requirements.

(2) Unless the system manager agrees to another location, personal inspection of the record shall be at the location of the record as identified in the system notice.

(b) Normally, the system manager shall respond to a request for access within 10 work days of receipt of the request and the access shall be provided within 30 work days.

(c) The provisions of paragraph (a) do not apply where the record is subject to additional restrictions as specified in the system notice, or if it is exempt under 5 U.S.C. 552a (j) or (k) and is not otherwise required to be released under the Freedom of Information Act. Under these circumstances, the system manager shall notify the requester within 10 work days.

(d) In the event a request for access to a record is not granted within 30 work days of receipt of the request, the individual shall have the right to appeal. Such an appeal shall be filed and processed under the provisions of Subpart 1212.6. In any determination by a system manager denying an individual's request for access made under this section, the individual shall be informed in writing of:

(1) The reasons for the refusal; and

(2) The procedures to be followed to request a review of the refusal by the Associate Deputy Administrator, including the mailing address. (See § 1212.602)

§ 1212.505 Medical records.

Normally, an individual's medical record shall be disclosed to the individual, unless, in the judgment of the system manager, in consultation with a medical doctor, access to the record could have an adverse effect upon the individual. In this case, the system manager shall allow access to the record by a medical doctor designated in writing by the requesting individual. (See § 1212.501(b))

§ 1212.506 Test materials.

Test material and copies of certificates of eligibles and other lists of eligibles, the disclosure of which is proscribed by 5 CFR § 294.501, shall be removed from an individual's record before granting access.

§ 1212.507 Release of records of deceased individuals.

Records of individuals who are deceased may be released to the executor or administrator of the individual's estate, or, if none, to the individual's next of kin, if the system manager has sufficient evidence to establish that the individual is deceased and if the identity procedures of § 1212.502 have been met by the representative.

Subpart 1212.6—Corrections and Amendments to Records and Appeals

§ 1212.600 Requests for correction or amendment of a record.

A subject individual may request that NASA correct or amend the individual's record. In making a request for correction, the individual must demonstrate why the correction is appropriate. Such a request shall be in writing, addressed to the appropriate system manager, and shall contain the following:

(a) A notation on the envelope and on the letter that it is a "Request for Amendment of Individual Record under the Privacy Act;"

(b) The name of the system of records;

(c) Any information necessary to retrieve the record, as specified in the system notice for the system of records;

(d) A description of that information in the record which is alleged to be incomplete or erroneous; and

(e) The reasons for requesting the change, together with any documentary evidence or material available to support the request.

§ 1212.601 Procedures and time limits for making initial determinations on requests to correct or amend.

(a) Within 10 work days of receipt by the system manager of an individual's request to correct or amend a record, the system manager shall provide the individual with a written determination or a written acknowledgement advising when a report of the action taken may be received.

(b) The system manager shall provide the individual with a written determination within 30 work days of receipt of the request unless unusual circumstances preclude completing action within that time. If the determination is to refuse to correct or amend the record as requested, the written determination shall explain the reasons for the refusal and inform the requester of the procedures to be followed to appeal the determination.

§ 1212.602 Procedures and time limits for appeals.

(a) A subject individual who (1) has requested amendment or correction of a record and has received an adverse initial determination, or (2) has been denied access to a record, or (3) has not been granted within 30 work days of receipt a request (See §1212.504), may appeal to the Associate Deputy Administrator.

(b) An appeal shall:

(1) Be in writing and addressed to the Associate Deputy Administrator, NASA, Washington, D.C. 20546;

(2) Be identified clearly on the envelope and in the letter as an "Appeal under the Privacy Act;"

(3) Include a copy of any pertinent documents; and

(4) State the reasons for the appeal.

(c) Appeals from adverse initial determinations or denials of access must be submitted within 30 calendar days of the date of receipt of the initial determination. Appeals involving failure to grant access may be submitted any time after the 30 work day period has expired (see § 1212.504).

§ 1212.603 Action on appeals.

(a) Except as provided in § 1212.607, a final determination on an appeal shall be made, and the requester notified, within 30 work days after its receipt.

(b) If a determination to deny access is upheld, the requester will be informed of the right to judicial review under 5 U.S.C. 552a(g).

(c) If a denial of a request to correct or amend a record is upheld, the final determination shall:

(1) Explain the basis for the denial;

(2) Include information as to how the requester goes about filing a statement of dispute under the procedures of § 1212.607; and

(3) Include a statement that the final determination is subject to judicial review under 5 U.S.C. 552a(g).

§ 1212.604 Procedures for appeal of adverse determinations involving records of other agencies.

If an individual disagrees with an adverse determination by NASA involving access to or amendment of records belonging to another agency, the individual may seek review of the determination under procedures prescribed by the other agency.

§ 1212.605 Time extensions for good cause shown.

(a) When good cause is shown, the time limits for making a final determination may be extended for up to 30 work days.

(b) If an extension of time under this section is granted, the individual shall be promptly notified in writing of the reasons and the date when a final determination will be sent.

§ 1212.606 Correction or amendment of record.

When any record is corrected or amended under the procedures of this Subpart 1212.6, the correction shall be made by the system manager clearly on the record itself and all inaccurate information shall be deleted and destroyed. The individual shall then be informed in writing that the correction has been made. If the inaccurate or incomplete portion of the record has previously been disclosed and an accounting of the disclosure exists in accordance with the requirements of § 1212.401, then the system manager shall notify those persons or agencies of the corrected or amended information, referencing the prior disclosures (see § 1212.405).

§ 1212.607 Statements of dispute.

(a) If on appeal, a refusal to correct or amend records is upheld, the individual may file a statement of dispute.

(b) A statement of dispute shall:

(1) Be in writing;

(2) Set forth reasons for the individual's disagreement with NASA's refusal to amend the record;

(3) Be concise;

(4) Be addressed to the system manager; and

(5) Be identified on the envelope and in the letter as a "Statement of Dispute under the Privacy Act."

(c) The system manager shall prepare and include an addendum to the statement explaining the basis for NASA's refusal to amend the disputed record. A copy of the addendum shall be provided to the individual.

(d) The system manager shall ensure that the statement of dispute and addendum are either filed with the disputed record or that a notation appears in the record clearly referencing the statement of dispute and addendum so that they may be readily retrieved.

§ 1212.608 Disclosure of disputed information.

(a) The system manager shall promptly provide persons or agencies to whom the disputed portion of a record was previously disclosed and for which an accounting of the disclosure exists under the requirements of § 1212.401, with a copy of the statement of dispute and addendum, along with a statement referencing the prior disclosure (see § 1212.405). The subject individual shall be notified as to those individuals or agencies which are provided with the statement of dispute and addendum.

(b) Any subsequent disclosure of a disputed record shall clearly note the portion of the record which is disputed and shall be accompanied by a copy of the statement of dispute and addendum.

Subpart 1212.7—Exemptions

§ 1212.700 Exemptions.

(a) Under the provisions of 5 U.S.C. 552a(j) and (k), the Administrator of NASA is authorized to exempt certain NASA systems from portions of the requirements of this part.

(b) For those NASA systems of records that are determined to be exempt, the system notice shall describe the exemption and the reasons.

(c) Nothing in this part shall allow an individual access to any information compiled by NASA in reasonable anticipation of a civil action or proceeding.

§ 1212.701 Systems of records for which exemptions apply.

Exemptions have been invoked, in accordance with § 1212.700, for the following NASA systems of records:

(a) *Inspections Division Case Files.* (1) *Sections of the Act from which exempted.* The Inspections Division Case Files system of records is exempt from all sections of the Privacy Act (5 U.S.C. 552a) EXCEPT the following: (b) relating to conditions of disclosure; (c)(1) and (2) relating to keeping and maintaining a disclosure accounting; (e)(4)(A) through (F) relating to publishing an annual system notice setting forth name, location, categories of individuals and records, routine uses, and policies regarding storage, retrievability, access controls, retention and disposal of the records; (e)(6), (7), (9), (10) and (11) relating to criminal penalties.

(2) *Reasons for exemption.* The determination to exempt this system of records has been made by the Administrator of NASA in accordance with 5 U.S.C. 552a(j) and this Subpart 1212.7 for the reason that the Inspections Division is a component of NASA which performs as its principal function activity pertaining to the enforcement of criminal laws, within the meaning of 5 U.S.C. 552a(j)(2).

(b) *Security Records System.* (1) *Sections of Act from which exempted.* The Security Records System is exempt from the following sections of the

Privacy Act (5 U.S.C. 552a): (c)(3) relating to access to the disclosure accounting; (d) relating to access to the records; (e)(1) relating to the type of information maintained in the records; (e)(4)(G), (H) and (I) relating to publishing in the annual system notice information as to agency procedures for access and correction, and information as to the categories of sources of records; and (f) relating to developing agency rules for gaining access and making corrections.

(2) *Reasons for exemption.* The determination to exempt this system of records has been made by the Administrator of NASA in accordance with 5 U.S.C. 552a(k) and this Subpart 1212.7 for the following reasons:

(i) Personnel Security Records contained in the system of records which are compiled solely for the purpose of determining suitability, eligibility or qualifications for Federal civilian employment, Federal contracts, or access to classified information are exempt under the provisions of 5 U.S.C. 552a(k)(5), but only to the extent that the disclosure of such material would reveal the identity of a confidential source.

(ii) Criminal Matter Records are contained in the system of records and are exempt under the provisions of 5 U.S.C. 552a(k)(2) to the extent they constitute investigatory material compiled for law enforcement purposes.

(iii) The system of records includes records subject to the provisions of 5 U.S.C. 552(b)(1) (required by Executive order to be kept secret in the interest of national defense or foreign policy), and such records are exempt under 5 U.S.C. 552a(k)(1).

Subpart 1212.8—Failure To Comply With Requirements of This Part

§ 1212.800 Civil remedies.

Failure to comply with the requirements of the Privacy Act and this part could subject NASA to civil suit under the provisions of 5 U.S.C. 552a(g).

§ 1212.801 Criminal penalties.

(a) A NASA employee may be subject to criminal penalties under the provisions of 5 U.S.C. 552a(i) (1) and (2).

(b) An individual who seeks access to a NASA record under false pretenses is subject to criminal penalties under 5 U.S.C. 552a(i)(3).

Robert A. Frosch,

Administrator.

[FR Doc. 79-29518 Filed 9-21-79; 8:45 am]

BILLING CODE 7510-01-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 141

[T.D. 79-248]

Delay in Effective Date for Implementing Recently Amended Customs Regulations Relating to Statistical and Invoice Requirements

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Delay in effective date.

SUMMARY: Pub. L. 95-410, the "Customs Procedural Reform and Simplification Act of 1978", made numerous changes in laws administered by the Customs Service relating to the entry of imported merchandise. A document amending the Customs Regulations to establish new procedures needed to reflect these changes was published as T.D. 79-221 in the Federal Register on August 9, 1979 (44 FR 46794).

That document advised that the effective date for implementation of the amendments was September 10, 1979. However, Customs has determined to delay implementation of two of the amended sections, relating to aggregating statistical information, from September 10 to January 1, 1980.

EFFECTIVE DATE: For implementation of amended sections: January 1, 1980.

FOR FURTHER INFORMATION CONTACT: William Slyne, Duty Assessment Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202-566-2957).

SUPPLEMENTARY INFORMATION:

Background

Pub. L. 95-410 (92 Stat. 888), the "Customs Procedural Reform and Simplification Act of 1978", approved October 3, 1978, made significant changes in the Customs laws relating to the entry of imported merchandise. A document amending the Customs Regulations to establish new procedures to reflect these changes was published as T.D. 79-221 in the Federal Register on August 9, 1979 (44 FR 46794).

Request for Delay

T.D. 79-221 provided that the effective date for implementation of the amendments was to be September 10, 1979. However, Customs has been requested to delay implementation of amended §§ 141.61(e)(1)(i) and (f)(2), Customs Regulations (19 CFR 141.61(e)(1)(i), (f)(2)), relating to aggregating statistical information, to afford customhouse brokers utilizing automated data processing equipment additional time to program their equipment.

Action

Because the need of automated customhouse brokers for additional time to implement the requirements of § 141.61(e)(1)(i) and (f)(2), as amended by T.D. 79-221, has been established to Customs satisfaction, the effective date for the implementation of these sections is delayed until January 1, 1980.

Drafting Information

The principal author of this document was Charles D. Ressin, Regulations and Research Division, Office of Regulations and Rulings, U.S. Customs Service. However personnel from other Customs offices participated in its development.

Dated: September 18, 1979.

William T. Archey,

Acting Commissioner of Customs.

[FR Doc. 79-29580 Filed 9-21-79; 8:45 am]

BILLING CODE 4810-22-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 201

[Docket No. R-79-666]

Property Improvement and Mobile Home Loans Increase in Loan Amount and Term

AGENCY: Department of Housing and Urban Development.

ACTION: Final rule.

SUMMARY: This amendment increases the maximum loan amount and term for property improvement loans for multiple dwellings to $7,500 per dwelling unit with a maximum loan limitation of $37,500. The term for such loans is increased to 15 years and 32 days. This increase in amount and terms will allow applicants for multi-family improvement loans to derive more equitable benefits as compared to applicants for loans to improve single-family structures.

EFFECTIVE DATE: October 24, 1979.

FOR FURTHER INFORMATION CONTACT: John L. Brady, Director, Title I Insured and 312 Loan Servicing Division, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C., (202) 755-6880. This is not a toll free number.

SUPPLEMENTARY INFORMATION: On May 16, 1979, the Secretary of Housing and

Urban Development published a Notice of Proposed Rulemaking (44 FR 28685) to amend 24 CFR Part 201, Section 201.2 and 201.3(b). Comments were invited until July 16, 1979. Subsequently, two public comments were received, both of which favored the action. However, one of the commenters suggested that the loan limit be set at $50,000 instead of the proposed $37,500. Title I policy, regarding 1(b) loans, has been to limit financing to no more than five (5) units per structure. The Housing and Community Development Act of 1978 authorized the increase to $7,500 per unit and $37,500 per structure, which is five times the amount allowed per unit. In view of this, there are no changes being made to the Final Rule.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. This Finding was submitted with the Proposed Rule. A copy of this document is available for public inspection during regular business hours in the Office of the Rules Docket Clerk, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C.

Accordingly, Chapter II is amended as follows:

Subpart A—Property Improvement Loans

1. In § 201.2 paragraph (d)(2)(i)(A) is amended to read as follows:

§ 202.2 Eligible notes.

* * * * *

(d) * * *

(2) Maximum maturity. The maximum permissible maturity of a note evidencing:

(i) * * *

(A) A Class 1(b) or 2(a) loan is 15 years and 32 days.

* * * * *

2. In § 201.3 paragraph (b) is amended to read as follows:

§ 201.3 Maximum amount of loans.

(a) * * *

(b) Class 1(b) loan. A Class 1(b) loan shall not involve a principal amount, exclusive of finance charges in excess of $7,500 per dwelling unit in the improved structure and shall not exceed $37,500.

* * * * *

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

Issued in Washington, D.C., on September 14, 1979.

Lawrence B. Simons,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 79-29442 Filed 9-21-79; 8:45 am]

BILLING CODE 4210-01-M

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24 CFR Part 240

[Docket No. R-79-714]

Mortgage Insurance on Loans for Fee Title Purchase; Mortgagor Eligibility To Pay a Discount

AGENCY: Department of Housing and Urban Development (HUD).

ACTION: Final rule.

SUMMARY: This will permit borrowers to pay discounts (finance fees) in order to purchase a leased fee (lessor's interest) from the owner of the land.

EFFECTIVE DATE: October 15, 1979.

FOR FURTHER INFORMATION CONTACT: William L. Halpern, Director, Single Family Development Division, Office of Single Family Housing, Department of Housing and Urban Development, Room 6270, Washington, D.C. 20410, Telephone: (202) 755-6720.

SUPPLEMENTARY INFORMATION: Under existing regulations a mortgagee is not permitted to collect a discount from a mortgagor in a transaction involving the purchase of a leased fee (the fee interest held by the lessor or landlord) except in the limited circumstance listed in Regulation 203.27. In some jurisdictions the owner of the leased fee is limited in the price he may demand for the sale of the leased fee. These limitations restrict the use of insured financing because the parties are either precluded from, or unwilling to, pay the discount required by mortgagees. The new regulation will permit the owner of a leasehold interest who is purchasing the fee interest (the lessor's interest) to pay a discount to the mortgagee. This new permission is applicable only to mortgages insured under Section 240 of the National Housing Act; therefore, the amended regulation is added to Part 240 of the regulations.

The regulation permits the mortgagor to pay a discount and relieves an existing restriction; therefore, public comment is not necessary. Numerous mortgagors are negotiating to make such purchases and are currently prevented by the reluctance of the seller to pay the discounts. Thus, in order to facilitate these sales, the Secretary has determined that the regulation be published for immediate effect.

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

Accordingly, the Department adds a new § 240.19 to read as follows:

§ 240.19 Maximum charges, fees or discounts.

In addition to the provisions of § 203.27 relating to charges, fees or discounts which a mortgagee may collect from the mortgagor, which is incorporated by reference, the mortgagee may collect from the mortgagor a reasonable and customary charge in the nature of a discount.

(Sec. 3, Pub. L. 75-424, 52 Stat. 9 (12 U.S.C. 1715(b); Sec. 7(d), Pub. L. 89-174, 79 Stat. 670 (42 U.S.C. 3535(d))); Pub. L. 95-557, 92 Stat. 2099, 12 U.S.C. 1715z-5)

Issued at Washington, D.C., September 13, 1979.

Lawrence B. Simons,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 79-29591 Filed 9-21-79; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF JUSTICE

Parole Commission

28 CFR Part 2

Paroling, Recommitting, and Supervising Federal Prisoners

AGENCY: United States Parole Commission.

ACTION: Final rule.

SUMMARY: The Commission has adopted a rule governing decisions to advance a presumptive release date upon a finding of "superior program achievement". The rule contains a Schedule of Permissible Reductions which sets forth the maximum number of months by which presumptive dates may be reduced. These reductions are intended to produce incentives for constructive use of time by federal prisoners but are kept purposefully limited to avoid reintroducing uncertainty, coercion, and/or gameplaying. This rule is seen as complementary to the Commission's Rescission Guidelines (§ 2.34).

EFFECTIVE DATE: November 1, 1979.

FOR FURTHER INFORMATION CONTACT: Barbara Meierhoefer, Research Unit, United States Parole Commission, 320 First Street, NW., Washington, D.C. 20537 (202-724-3095).

SUPPLEMENTARY INFORMATION:

The Proposal and Its Purpose

On May 30, 1979, the U.S. Parole Commission published in the Federal Register (44 FR 31027) a proposal to govern the reduction of previously set presumptive release dates upon a finding of superior program achievement.

The purpose of the proposal was to set forth a preliminary formulation of the weight to be given to sustained positive institutional program achievement in the U.S. Parole Commission's release decision. In the proposal, the Commission set forth its view that while institutional programming achievement should not be the primary consideration in parole release, neither should it be ignored completely.

The Commission considers institutional behavior within the structure of its parole decision-making guidelines and presumptive date procedures. Presently, almost all federal prisoners receive a presumptive release date at a hearing held within 120 days after commitment. This date is set in accord with the Commission's paroling guidelines which consider offense severity and offender risk—the two primary factors in the release decision. This date presumes *good* institutional behavior.

If the prisoner subsequently incurs serious or frequent disciplinary infractions, the date can be moved back in accordance with the Commission's rescission guidelines (see § 2.34). The May 30, 1979 proposed rule was set forth to address those cases where institutional program achievement has clearly been superior.

Since the inception of the presumptive date procedures in September, 1977, the Commission has had the authority to reduce a presumptive date for "clearly exceptional circumstances" [§ 2.14(a)(2)(ii)] at interim hearings. While advancements for superior program achievement would already be allowed under this provision, the Commission wanted to highlight that institutional achievements were to be considered at this time, and that reductions in date would be appropriate where such achievements were of an outstanding nature. The Commission also wanted to add a provision for the reduction of date based on superior program achievement as an appropriate action to be taken at pre-release reviews.

The proposal also set forth the Commission's belief that in order to avoid reintroducing gameplaying, coerced programming and unnecessary uncertainty into the parole process, the permissible reductions for superior program achievement should be tied to the original presumptive date and should be kept relatively small. While the Commission wishes to provide incentives for the constructive use of prison time, it does not want the size of this reward to be so large that it is the overriding consideration in a prisoner's choice of how to spend his time. However, as a statement of policy, the Commission feels that self-motivated efforts to help oneself can and should be encouraged in prison as they are in other sectors of society.

Public Comment

Thirty-two (32) separate comments were received, some with multiple signatures. The overwhelming majority of the comments (20 letters) was from prisoners. All but one prisoner approved implementation of the proposed rule, though some voiced concern or suggested modifications.

Repeatedly, the prisoners noted that the proposal was long overdue and would impact favorably on prisoner morale and effort; that it would be an effective supplement to existing program incentives; and that it was encouraging that the Commission is willing to "help those who want to help themselves". Nonetheless, two of the prisoners felt that the reductions should be larger, while a third suggested a range of possible reductions. One prisoner cautioned that the rule places a lot of power in the hands of institutional officials, and stated that the Commission should beware of gameplaying by both staff and inmates. A number of prisoners felt that the Commission should try to define "superior program achievement", and should clarify exactly how and who will be making these decisions. The most common question raised by the prisoners was whether or not the Commission has the authority to grant a parole date prior to the expiration of one-third of a regular adult sentence. (The Parole Commission does not have this authority (see Implementation Section)).

One prisoner noted the difficulty of administering this reduction for superior achievement at pre-release reviews. He noted that since most pre-release reviews occur about six months prior to a presumptive date, the reduction could perhaps do no more than cut into time spent in a community treatment center prior to release. The one prisoner who was not in favor of the proposed rule stated that he felt the rule would simply emphasize the severity of the offense.

One federal judge commented that he was generally in favor of the proposed rule, but pointed out some drafting problems and noted that the Commission should not rely on social psychological theory when proposing rules.

From the probation service, a Chief U.S. Probation Officer was generally in favor of the rule. However, a letter signed by 18 members of another probation office expressed strong opposition to implementation, stating that prisoners already received good time credit from the institution. In response, the reader is referred to the Implementation Section.

Four comments were received from Bureau of Prisons' staff. One case manager was strongly opposed to the rule noting that it would only encourage gameplaying. A correctional treatment specialist was also against implementation, citing the lack of criteria to determine the components of "superior program achievement", the potential for disparate decisions, and a discrepancy in drafting (which will be addressed in the next section on "Changes"). A unit manager and staff psychologist cited the subjective nature of the determination of "superior program achievement". The psychologist also wondered whether the reductions were of sufficient magnitude to be truly rewarding.

An attorney commented that the rule should impact positively on minority groups, while two representatives of the Mexican American Correctional Association feared that the opposite would be true. A representative of the Washington Legal Fund generally supported the thrust of the rule, but argued that the Commission should include programs of restitution as part of a parole plan. The rule was further endorsed by a representative of the Flat-River Jaycees and by a Maryland citizen.

Changes from the Proposal

I. Comment and review of the proposed rule exposed an inconsistency

In subsection (a), it was stated that reductions were to be given to those prisoners who have demonstrated superior program achievement over a period in custody of more than twelve months. However, in the Schedule of Reductions, the reductions were begun for those prisoners who, according to their previously set presumptive dates,

would have to serve a *total* time of 13 months. These cases would be reviewed by the Commission at a pre-release review approximately six months prior to the presumptive date to see if the conditions of that date have been met.

Therefore, these prisoners would not have been incarcerated for a period of more than twelve months at the time of their review and would therefore not be eligible under subsection (a) for a reduction in time based on superior program achievement. To remedy this inconsistency, both sections of the rule have been altered slightly. The time in custody required under subsection (a) was reduced from more than twelve months to nine months or more. The Schedule of Reductions was altered to begin the range of presumptive dates eligible for the reduction at 15–22 months (previously 13–20), with a conforming change in the next range which now begins at 23 months.

II. Editorial Changes

A. In § 2.60, the language was simplified. For example, all references to "clearly" superior were deleted as the word "superior" itself connotes the uniqueness of achievement which the Commission wishes to recognize.

B. The wording in § 2.14(a) (2)(ii) has been clarified.

Implementation

The effective date of this rule will be November 1, 1979.

While input will naturally be sought from Bureau of Prisons' staff, the final determination of superior program achievement and awarding a reduction for this purpose are decisions which will be made by the Parole Commission. No reduction in term may result in a release date below the prisoner's minimum sentence imposed by the court.

For those cases originally "continued to expiration", the mandatory release date computed under the automatic good time reductions specified in 18 U.S.C. § 4161 is to be used to determine the "Original Presumptive Date" both for purposes of determining the amount of the permissible reduction, and as a base from which the reduction is to be subtracted. If this date has been reduced due to the earning of extra good time, and such reduction is already equal to or exceeding the allowable reduction for superior program achievement, the Commission will not give an additional reduction for superior program achievement.

It should be emphasized that the fact that a prisoner is earning (or has earned) extra good time credits is not, in and of itself, evidence that there has been superior program achievement. Conversely, the fact that no extra good time has been earned should have no adverse bearing on this determination. The differentiation is made between extra good time and superior program achievement, not only because they are awarded by different agencies, but because: (1) prisoners with certain sentence types are not eligible to earn extra good time; (2) extra good time is vested in certain job or custody placements, regardless of the quality of performance; and (3) extra good time is awarded primarily for performing tasks of importance to the running of the institution.

Further Research

The implementation of this regulation is seen as a first step rather than a culmination of effort regarding the appropriate role of program achievement in the parole release decision. The Commission plans to gather information to aid in further defining what will constitute "superior program achievement". The Commission will content analyze its own decisions in granting reductions for superior program achievement, and plans to conduct a survey of Bureau of Prisons' personnel regarding the types of programs available at each institution. In addition, the Commission will seek input from program administrators as to what types of efforts they would consider "superior". Upon completion of this research, the Commission will endeavor to further specify the indicants of superior program achievement.

Conclusion

Accordingly, pursuant to the provisions of 18 U.S.C. §§ 4204(a)(1) and 4203(a)(6), 28 CFR Chapter 1, Part 2, is amended as set forth below to become effective in the manner described above.

Dated: September 18, 1979.

Cecil C. McCall,

Chairman, U.S. Parole Commission.

1. Section 2.60 is added as follows:

§ 2.60 Superior program achievement.

(a) Prisoners who demonstrate superior program achievement (in addition to a good conduct record) may be considered for a limited advancement of the presumptive date previously set according to the schedule below. Such reduction will normally be considered at an interim hearing or pre-release review. It is to be stressed that a clear conduct record is expected; this reduction applies only to cases with documented sustained superior program achievement over a period of 9 months or more in custody.

(b) Superior program achievement may be demonstrated in areas such as educational, vocational, industry, or counselling programs, and is to be considered in light of the specifics of each case.

(c) Upon a finding of superior program achievement, a previously set presumptive date may be advanced. The normal maximum advancement permissible for superior program achievement during the prisoner's entire term shall be as set forth in the following schedule. It is the intent of the Commission that this maximum be exceeded only in the most clearly exceptional cases.

(d) Partial advancements may be given [for example, a case with both superior program achievement during only part of the term or a case with both superior program achievement and minor disciplinary infraction(s)]. Advancements may be given at different times; however, the limits set forth in the following schedule shall apply to the total combined advancement.

(e) Schedule of Permissible Reductions for Superior Program Achievement.

Total months required by original presumptive date:	*Permissible reduction*
14 months or less	Not applicable.
15 to 22 months	Up to 1 month.
23 to 30 months	Up to 2 months.
31 to 36 months	Up to 3 months.
37 to 42 months	Up to 4 months.
43 to 48 months	Up to 5 months.
49 to 54 months	Up to 6 months.
55 to 60 months	Up to 7 months.
61 to 66 months	Up to 8 months.
67 to 72 months	Up to 9 months.
73 to 78 months	Up to 10 months.
79 to 84 months	Up to 11 months.
85 to 90 months	Up to 12 months.
91 plus months	Up to 13 months.[1]

[1] Plus up to 1 additional month for each 6 months or fraction thereof, by which the original date exceeds 96 months.

2. Section 2.14 is amended by revising paragraph (a)(2)(ii) and by adding paragraph (b)(2)(iv) as follows:

The following conforming amendments are necessary:

§ 2.14 Subsequent proceedings.

(a) * * *

(2) * * *

(ii) Advance a presumptive release date, or the date of a ten-year reconsideration hearing. However, it shall be the policy of the Commission that once set, a presumptive release date or the date of a ten-year reconsideration hearing shall be advanced only (1) for superior program achievement under the provisions of § 2.60; or (2) for other clearly exceptional circumstances.

* * * * *

(b) * * *

(2) * * *

(iv) Advance the parole date for superior program achievement under the provisions of § 2.60.

[FR Doc. 79-29443 Filed 9-21-79; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 161

[CGD 77-087]

New York Vessel Traffic Service

AGENCY: Coast Guard, DOT.

ACTION: Deferral of effective date.

SUMMARY: This amendment defers the effective date of the New York Vessel Traffic Service rules for an indefinite period. The rules were to have become effective September 18, 1979. Delays in the installation of certain equipment related to VTS operations necessitate this action. Since a specific date on which the equipment will be functional is not known at this time, a new effective date will be published in a future edition of the Federal Register.

EFFECTIVE DATE: This deferral is effective September 17, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Fred Schwer, Office of Marine Environment and Systems (G-WLE/TP16), Room 1606, Department of Transportation, U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, D.C. 20590, 202-426-4958.

Discussion and Background

On August 2, 1979, the Coast Guard published a rule in the Federal Register (44 FR 45381) establishing the operating procedures for the New York Vessel Traffic Service (VTS). The September 18, 1979, effective date of the rule was based upon the Vessel Traffic Center being fully operational on September 3, 1979. However, certain equipment related to VTS operations will not be functional by September 18, 1979. Specifically, certain communication, closed circuit television, and computerized vessel information systems will not be operational due to delays in installation and construction.

It is estimated these systems will be completed in three or four months. However, given the tentative nature of the estimate and to avoid the necessity of a further deferral a new effective date will be published in the Federal Register when a firm completion date is known.

Accordingly, the effective date of §§ 161.501-161.582 of Title 33, Code of Federal Regulations is deferred until further notice.

((33 U.S.C. 1221 et seq.); 49 CFR 1.46(n)(4))

Dated: September 17, 1979.

J. B. Hayes,

Admiral, U.S. Coast Guard Commandant.

[FR Doc. 79-29694 Filed 9-21-79; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL 1325-2]

Texas; Approval and Promulgation of Implementation Plans

AGENCY: T1ENVIRONMENTAL PROTECTION AGENCY (EPA).

ACTION: Final rulemaking.

SUMMARY: This rule approves the State submitted revision to the Texas State Implementation Plan (SIP) which was submitted for the purpose of allowing the construction of an ethylene production plant and barge dock by the Corpus Christi Petrochemical Company (CCPC) in Corpus Christi, Texas under the Interpretative Ruling (emission offset policy). Texas Air Control Board (TACB) Order No. 78-6 was adopted for emission reductions from specific existing sources to offset new emissions from the CCPC project.

EFFECTIVE DATE: Effective on September 24, 1979.

FOR FURTHER INFORMATION CONTACT: Jerry M. Stubberfield, Chief, Implementation Plan Section, Air and Hazardous Materials Division, Environmental Protection Agency, Region 6, Dallas, Texas 75270, (214) 767-2742.

SUPPLEMENTARY INFORMATION: The TACB required that the CCPC sources be controlled to the lowest achievable emission rate as evidenced in Permits C-4682A and C-5633. Using this technology, the proposed CCPC project would emit an estimated 188.7 tons per year of hydrocarbons. Offsetting hydrocarbon emissions totalling an estimated 246.6 tons per year were offered and agreed to by Champlin Petroleum Company from its petroleum refinery located in Corpus Christi, Texas.

These hydrocarbon emission reductions were adopted by the Board as Board Order No. 78-6 on June 28, 1978, so as to satisfy the EPA's requirements under the Interpretative Ruling published December 21, 1976, at 41 FR 55524 and as amended by the Clean Air Act Amendments of August 7, 1977. The Board Order requires the removal from service of a 12,000 barrel per day (BPD) vacuum distillation unit, and the dedication of gasoline storage tank 91-TK-3 to the exclusive storage of No. 2 Fuel Oil or any fluid with a vapor pressure equivalent to, or less than that of No. 2 Fuel Oil, with a final compliance date no later than October 1, 1979. Board Order No. 78-6 was submitted by the Governor of Texas to the EPA on July 24, 1978 for incorporation into the Texas SIP. The State met all requirements of 40 CFR 51.4 and 51.6 for notice and public hearings on State Implementation Plan revisions.

The EPA published notice of proposed approval of the State submitted revision to the Texas SIP in the Federal Register on May 23, 1979, at 44 FR 29932. Comments were requested by June 22, 1979. No comments were received.

Current Action

The EPA is approving a revision to the Texas State Implementation Plan which consists of Board Order No. 78-6 under which the Champlin Petroleum Company is required to reduce its hydrocarbon emissions. The source providing offsets does not require control under the currently approved SIP and the emission reductions are creditable as hydrocarbon offsets under the EPA's Interpretative Ruling for the CCPC project in Corpus Christi, Texas. The revisions are being promulgated as proposed.

This final rulemaking is issued under the authority of section 110(a) of the Clean Air Act, as amended, 42 U.S.C. 7410-(a).

Dated: September 18, 1979.

Douglas M. Costle,

Administrator.

Part 52 of Chapter 1, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart SS—Texas

1. In § 52.2270, paragraph (c) is amended by adding paragraph (16) as follows:

§ 52.2270 Identification of Plan.

* * * * *

(c) * * *

(16) Board Order No. 78-6, creditable as emission offsets for the Corpus Christi Petrochemical Company project in Corpus Christi, was submitted by the Governor on July 24, 1978, as amendments to the Texas State Implementation Plan (see § 52.2275).

2. Section 52.2275 is amended by adding new paragraphs (d) and (e) to read as follows:

§ 52.2275. Control Strategy: Photochemical oxidants (hydrocarbons).

* * * * *

(d) Notwithstanding any provisions to the contrary in the Texas Implementation Plan, the control measures listed in paragraph (e) of this section shall be implemented in accordance with the schedule set forth below.

(e)(1) Removal from service of a 12,000 BPD vacuum distillation unit at the Corpus Christi refinery of the Champlin Petroleum Company, Corpus Christi, Texas, with a final compliance date no later than October 1, 1979. This shall result in an estimated hydrocarbon emission reduction of at least 139 tons per year.

(2) Dedication of gasoline storage tank 91-TK-3 located at the Corpus Christi refinery of the Champlin Petroleum Company, Corpus Christi, Texas to the exclusive storage of No. 2 Fuel Oil or any fluid with a vapor pressure equivalent to, or less than that of No. 2 Fuel Oil, with a final compliance date no later than October 1, 1979. This shall result in an estimated hydrocarbon emission reduction of at least 107.6 tons per year.

[FR Doc. 79-29592 Filed 9-21-79; 8:45 am]
BILLING CODE 6560-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

41 CFR Part 3-26

Procurement Contract Modifications

AGENCY: Department of Health, Education, and Welfare.

ACTION: Final rule.

SUMMARY: The Office of the Secretary, Department of Health, Education, and Welfare is amending the Departmental procurement regulations by deleting Subpart 3-26.4, Novation and Change of Name Agreements, and by reserving Part 3-26, Contract Modifications.

This material is being deleted because it is outdated.

EFFECTIVE DATE: September 24, 1979.

FOR FURTHER INFORMATION CONTACT: H. G. Hubachek, Division of Procurement Policy and Regulations Development, Office of Grants and Procurement, OASMB-OS, Department of Health, Education, and Welfare, 200 Independence Avenue, SW., Washington, D.C. 20201 (202-245-6347).

SUPPLEMENTARY INFORMATION: It is the general policy of the Department to allow time for interested parties to participate in the rule making process. However, since the amendment concerns deletion of internal administrative procedures, the public rule making process was deemed unnecessary in this instance.

The provisions of these amendments are issued under 5 U.S.C. 301; 40 U.S.C. 486(c).

Therefore, 41 CFR Chapter 3 is amended as set forth below.

Dated: September 13, 1979.

E. T. Rhodes,

Deputy Assistant Secretary for Grants and Procurement.

PART 3-26—CONTRACT MODIFICATIONS [Reserved.]

Under Part 3-26, Contract Modifications, Subpart 3-26.4, Novation and Change of Name Agreements, and, specifically, § 3-26.404, Processing Novation and Change of Name Agreements, are deleted in their entirety. In addition, Part 3-26 is reserved.

[FR Doc. 79-29463 Filed 9-21-79; 8:45 am]
BILLING CODE 4110-12-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 5698]

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

AGENCY: Federal Insurance Administration, FEMA.

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 fifth column of the table.

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

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

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

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

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

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

Section 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
California	Riverside	Coachella, city of	060249	Sept. 11, 1979, emergency.	May 17, 1974.
South Dakota	Douglas	Armour, city of	460234-B	do	Aug. 6, 1976 and Mar. 13, 1979.
Texas	Somervell	Unincorporated areas	481188	do	
New York	Chemung	Baldwin, town of	361054-A	Sept. 13, 1979, emergency.	May 31, 1979.
Do	do	Erin, town of	361374	do	Jan. 10, 1975.
North Dakota	Traill	Elm River, township of	380626—New	do	
California	Riverside	Indio, city of	060255-A	do	May 31, 1974 and Aug. 8, 1975.
Kansas	Johnson	Unincorporated areas	200159-A	Sept. 17, 1979, emergency.	Sept. 6, 1977
South Carolina	Sumter	do	450182	do	May 19, 1978.

(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: September 14, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-29334 Filed 9-21-79; 8:45 am]

BILLING CODE 4210-23-M

44 CFR Part 64

[Docket No. FEMA 5697]

Suspension of Community Eligibility Under the National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: This rule lists communities where the sale of flood insurance, as authorized under the National Flood Insurance Program (NFIP), will be suspended because of noncompliance with the flood plain management requirements of the program.

EFFECTIVE DATES: The third date ("Susp.") listed in the fifth column.

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

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022) prohibits flood insurance coverage as authorized under the National Flood Insurance Program (42 U.S.C. 4001–4128) unless an appropriate public body shall have adopted adequate flood plain management measures with effective enforcement measures. The communities listed in this notice no longer meet that statutory requirement for compliance with program regulations (44 CFR Part 59 et seq.). Accordingly, the communities are suspended on the effective date in the fifth column, so that as of that date subsidized flood insurance is no longer available in the community.

In addition, the Federal Insurance Administrator has identified the special flood hazard areas in 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. Section 202(a) of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), as amended, provides that no direct Federal financial assistance (except assistance pursuant to the Disaster Relief Act of 1974 not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP, with respect to which a year has elapsed since identification of the community as having flood prone areas, as shown on the Office of Federal Insurance and Hazard Mitigation's initial flood insurance map of the community. This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column.

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.

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

§ 64.6 List of suspended communities.

State	County	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified	Date[1]
Alabama	Limestone	Athens, city of	010146-B	Apr. 11, 1974, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	Mar 8, 1974 Aug. 20, 1976	Sept. 28, 1979
Do	Marion	Guin, town of	010162-B	Jan. 17, 1974, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	June 14, 1974 Jan. 2, 1976	Do.

State	County	Location	Community No.	Effective dates of authorization/ cancellation of sale of flood insurance in community	Special flood hazard area identified	Date[1]
Alaska		Anchorage, municipality	020005-A	June 12, 1970, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	Sept. 28, 1979	Do.
Arkansas	Chicot	Dermott, city of	050026-B	Dec. 31, 1974, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	Mar 22, 1974 Oct. 24, 1975	Do
Arizona	Gila	Winkiman, town of	040031-B	July 15, 1975, emergency, Sept. 14, 1979, regular, Sept. 28, 1979, suspended.	Jan. 23, 1974 Dec. 26, 1975	Do
California	Napa	Calistoga, city of	060206-B	June 18, 1975, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	May 10, 1974 Sept. 12, 1975	Do.
Do	Riverside	Indian Wells, city of	060254-C	Apr. 3, 1975, emergency, Sept. 14, 1979, regular, Sept. 28, 1979, suspended.	June 28, 1974 Dec. 5, 1975	Do
Do	Orange	Laguna Beach, city of	060223-B	Apr. 22, 1975, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	June 21, 1974 July 9, 1976	Do
Do	Stanislaus	Oakdale, city of	060389-B	Apr. 1, 1975, emergency, Sept. 5, 1979, regular, Sept. 28, 1979, suspended.	June 7, 1974 Dec. 12, 1975	Do
Do	Orange	Unincorporated areas	060212-A	Apr. 30, 1971, emergency, Sept. 14, 1979, regular, Sept. 28, 1979, suspended.	Jan. 10, 1975	Do
Do	Riverside	Rancho Mirage, city of	060259-A	June 26, 1975, emergency, Sept. 14, 1979, regular, Sept. 28, 1979, suspended.	June 26, 1975	Do.
Do	Orange	Santa Ana, city of	060232-B	Jan. 30, 1975, emergency, Sept. 14, 1979, regular, Sept. 28, 1979, suspended.	June 21, 1974 Apr 9, 1976	Do.
Colorado	Boulder	Superior, town of	080203-A	July 15, 1975, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	June 4, 1976	Do.
Florida	Brevard	Malabar, town of	120024-B	Aug. 28, 1974, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	Mar. 1, 1974 Dec. 19, 1975	Do
Do	Seminole	Oviedo, city of	120293-B	Apr. 23, 1975, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	Jan. 23, 1974 Feb. 13, 1976	Do
Georgia	Catoosa	Unincorporated areas	130028-B	Dec. 19, 1973, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	Aug. 11, 1978	Do
Do	Fulton	Fairburn, city of	130314-A	Aug. 21, 1975, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	Aug. 19, 1977	Do
Do	Walker	Rossville, city of	130183-B	Dec. 19, 1973, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	Mar. 22, 1974 July 23, 1976	Do
Do	Dade	Trenton, city of	130063-B	Jan. 21, 1974, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	Mar. 8, 1974 July 23, 1976	Do
Do	Chattooga	Trion, town of	130038-B	Jan. 23, 1974, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	May 3, 1974 Mar. 26, 1976	Do
Do	Fulton	Union City, city of	130316-A	July 29, 1975, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	Apr 4, 1975	Do
Do	Walker	Unincorporated areas	130180-A	Jan. 23, 1974, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	Mar. 3, 1978	Do
Illinois	Cook	Buffalo Grove, village of	170068-B	Nov. 17, 1972, emergency, Sept. 14, 1979, regular, Sept. 28, 1979, suspended.	June 28, 1974 July 11, 1975	Do.
Indiana	Lake	Lake Station, city of	180131-B	Mar. 27, 1975, emergency, Sept. 5, 1979, regular, Sept. 28, 1979, suspended.	June 21, 1974 July 2, 1976	Do
Do	Morgan	Mooresville, town of	180334-B	June 4, 1975, emergency, Sept. 5, 1979, regular, Sept. 5, 1979, suspended.	Feb. 1, 1974	Do.
Kansas	Lyons	Emporia, city of	200203-B	June 10, 1975, emergency, Oct. 2, 1979, regular, Sept. 28, 1979, suspended.	May 10, 1977	Do.
Kentucky	Fayette	Lexington, city of	210067-B	Aug. 17, 1973, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	Feb. 15, 1974 Mar. 26, 1976	Do
Do	Kenton	Ludlow, city of	210266-B	Oct. 29, 1974, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	Feb. 1, 1974 Feb. 27, 1976	Do
Maine	Androscoggin	Lewiston, city of	230004-B	Mar. 21, 1974, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	Apr. 5, 1974 Apr. 1, 1977	Do.
Do	Kennebec	Randolph, town of	230244-A	Aug. 5, 1975, emergency, Sept. 5, 1979, regular, Sept. 28, 1979, suspended.	Jan. 24, 1975	Do.

State	County	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified	Date[1]
Maryland	Allegany	Barton, town of	240002-A	June 13, 1975, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	Feb. 13, 1976	Do.
Massachusetts	Bristol	North Attleborough, town of	250059-B	Feb. 10, 1975, emergency, Sept. 14, 1979, regular, Sept. 28, 1979, suspended.	Mar. 15, 1974 Aug. 27, 1976	Do.
Do	Norfolk	Wellesley, town of	250255-B	Dec. 22, 1972, emergency, Sept. 5, 1979, regular, Sept. 28, 1979, suspended.	June 21, 1974 Feb. 11, 1977	Do.
Do	Franklin	Whately, town of	250132-C	July 24, 1975, emergency, Sept. 14, 1979, regular, Sept. 28, 1979, suspended.	Sept. 6, 1974, Oct. 22, 1976, June 14, 1977	Do.
Minnesota	Cottonwood	Windom, city of	270030-B	Feb. 19, 1974, emergency, Sept. 14, 1979, regular, Sept. 28, 1979, suspended.	Nov. 9, 1973 May 28, 1976	Do.
Mississippi	Marion	Columbia, city of	280111-B	Feb. 6, 1975, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	May 31, 1974 Jan. 16, 1976	Do.
Do	Panola	Crenshaw, town of	280127-A	Mar. 17, 1975, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	June 7, 1974	Do.
Do	Coahoma	Jonestown, town of	280041-A	July 28, 1975, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	Mar. 3, 1976	Do.
Do	Marion	Unincorporated areas	280230-A	Mar. 18, 1975, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	Dec. 23, 1977	Do.
Do	Madison	Ridgeland, city of	280110-B	Dec. 27, 1973, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	June 28, 1974 Sept. 26, 1975	Do.
Do	Yazoo	Unincorporated areas	280189-B	May 14, 1973, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	Sept. 13, 1974 Mar. 3, 1978	Do.
Missouri	Cass	Belton, city of	290082-B	Sept. 3, 1974, emergency, Sept. 5, 1979, regular, Sept. 28, 1979, suspended.	May 24, 1974 Feb. 27, 1976	Do.
Do	Pemiscot	Steele, city of	290279-B	Mar. 13, 1974, emergency, Sept. 5, 1979, regular, Sept. 28, 1979, suspended.	Mar. 29, 1974 Jan. 2, 1976	Do
New Hampshire	Hillsborough	Amherst, town of	330081-B	May 28, 1974, emergency, July 2, 1979, regular, Sept. 28, 1979, suspended.	Mar. 22, 1974 Dec. 24, 1976	Do.
Do	Merrimack	Boscawen, town of	330105-B	Oct. 14, 1976, emergency, July 16, 1979, regular, Sept. 28, 1979, suspended.	Mar. 15, 1974 Dec. 24, 1976	Do.
Do	do	Franklin, city of	330113-B	July 21, 1975, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	Mar. 8, 1974 Aug. 20, 1976	Do.
New Jersey	Essex	Belleville, town of	340177-B	June 28, 1973, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	Jan. 9, 1974	Do.
Do	Burlington	Delanco, township of	340093-B	June 27, 1975, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	June 21, 1974 June 11, 1976	Do.
Do	do	Eastampton, township of	340095-B	Mar. 24, 1972, emergency, Sept. 14, 1979, regular, Sept. 28, 1979, suspended.	Oct. 5, 1973 Feb. 7, 1975	Do.
Do	Morris	Florham Park, borough of	340342-B	July 21, 1972, emergency, Sept. 14, 1979, regular, Sept. 28, 1979, suspended.	June 28, 1974 June 4, 1976	Do.
Do	Camden	Gloucester, city of	340132-B	Dec. 19, 1974, emergency, Sept. 14, 1979, regular, Sept. 28, 1979, suspended.	June 28, 1974 June 4, 1976	Do.
Do	Passaic	Passaic, city of	340403-B	Apr. 9, 1973, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	Aug. 31, 1970	Do.
Do	Ocean	Stafford, township of	340393-A	Sept. 15, 1972, emergency, Sept. 14, 1979, regular, Sept. 28, 1979, suspended.	Sept. 2, 1970	Do.
New York	Dutchess	La Grange, town of	361011-B	Feb. 26, 1975, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	Nov. 1, 1974 Apr. 16, 1976	Do.
Do	Westchester	Rye, town of	360930-B	July 26, 1973, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	Dec. 28, 1973 Dec. 26, 1975	Do.
North Carolina	Watauga	Boone, town of	370253-B	Aug. 22, 1974, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	June 21, 1974 Feb. 21, 1975	Do.
Do	Gaston	Mount Holly, city of	370102-B	Jan. 15, 1974, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	Jan. 9, 1974 June 25, 1976	Do.
Do	Carteret	Pine Knoll Shores, town of	370207-A	Oct. 25, 1973, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	July 11, 1975	Do.
Do	Iredell	Statesville, city of	370135-A	Feb. 12, 1974, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	Aug. 1, 1975	Do.
Do	Davidson	Thomasville, city of	370092-B	Dec. 3, 1974, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	Mar. 22, 1974 July 2, 1976	Do.

State	County	Location	Community No.	Effective dates of authorization/ cancellation of sale of flood insurance in community	Special flood hazard area identified	Date[1]
North Dakota	Ward	Sawyer, city of	380145-A	Sept. 25, 1978, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	Jan. 31, 1975	Do
Ohio	Cuyahoga	North Olmstead, city of	390120-A	Dec. 2, 1974, emergency, Sept. 5, 1979, regular, Sept. 28, 1979, suspended.	Apr. 5, 1974	Do
Oklahoma	Tulsa and Wagoner	Bixby, town of	400207-B	Mar. 6, 1974, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	June 28, 1974 July 19, 1977	Do.
Do	Muskogee	Boynton, town of	400120-A	June 24, 1976, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	Apr 23, 1976	Do.
Do	Canadian	Yukon, city of	400028-B	Mar. 14, 1974, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	May 24, 1974 June 18, 1976	Do.
Pennsylvania	Beaver	Baden, borough of	420103-B	Jan. 14, 1975, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	Mar. 22, 1979 May 28, 1976	Do
Do	Columbia	Catawissa, borough of	420341-B	June 21, 1973, emergency, Sept. 14, 1979, regular, Sept. 28, 1979, suspended.	Oct 12, 1973 Jan. 23, 1976	Do
Do	do	Catawissa, township of	420342-B	Aug. 20, 1973, emergency, Sept. 14, 1979, regular, Sept. 28, 1979, suspended.	Feb 1, 1974 June 24, 1977	Do
Do	Lycoming	Clinton, township of	420637-B	Apr. 10, 1973, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	Sept. 14, 1973 Dec. 31, 1976	Do
Do	Lackawanna	Dunmore, borough of	420529-B	Mar. 19, 1974, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	Feb. 1, 1974 May 7, 1976	Do
Do	Allegheny	Duquesne, city of	420028-B	Aug. 14, 1974, emergency, Sept. 14, 1979, regular, Sept. 28, 1979, suspended.	Apr. 12, 1974 Apr. 16, 1976	Do
Do	Lancaster	East Hempfield, township of	420548-B	June 6, 1973, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	July 19, 1974 May 7, 1976	Do
Do	do	Lancaster, city of	420552-A	May 12, 1972, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	Aug. 31, 1973 Nov 25, 1977	Do
Do	Northampton	Lower Saucon, township of	420982-B	Jan. 30, 1974, emergency, Sept 28, 1979, regular, Sept. 28, 1979, suspended.	June 28, 1974 Sept. 10, 1976	Do
Do	Lebanon	North Londonderry, township of	420577-B	Aug. 29, 1973, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	Jan. 23, 1974 Jan. 28, 1977	Do
Do	Lackawanna	Olyphant, borough of	420536-B	Apr. 17, 1973, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, emergency.	Sept. 7, 1973 Jan. 21, 1977	Do
Do	Allegheny	Port Vue, borough of	420066-B	Apr. 30, 1974, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	Jan. 19, 1974 May 21, 1976	Do
Do	Lebanon	North Annville, township of	420970-B	Oct. 19, 1973, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	Jan. 9, 1974 Nov. 19, 1976	Do
Do	Lackawanna	Roaring Brook, township of	420999-B	Jan. 30, 1974, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	June 28, 1974 July 30, 1976	Do
Do	Allegheny	Sewickley, borough of	420070-B	Nov. 22, 1974, emergency, Sept. 14, 1979, regular, Sept. 28, 1979, suspended.	Jan. 9, 1974 May 28, 1975	Do
Do	Lackawanna	Throop, borough of	420540-B	Apr. 5, 1974, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	May 31, 1974 Apr. 30, 1976	Do
Do	Allegheny and Westmoreland	Trafford, borough of	420903-B	May 30, 1975, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	Aug. 30, 1974 Dec. 19, 1975	Do
Do	Union	White Deer, township of	421034-B	Oct. 4, 1973, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	Oct. 18, 1974 June 4, 1976	Do.
Do	Allegheny	White Oak, borough of	420089-B	Jan. 30, 1975, emergency, Sept. 14, 1979, regular, Sept. 28, 1979, suspended.	Jan. 16, 1974 Sept. 10, 1976	Do.
Do	Northampton	Williams, township of	421036-B	Dec. 17, 1973, emergency, Sept. 14, 1979, regular, Sept. 28, 1979, suspended.	Jan. 16, 1974 Sept. 10, 1976	Do.
Do	Lycoming	Woodward, township of	420664-A	June 4, 1973, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	Mar. 15, 1974 July 1, 1977	Do
South Carolina	Horry	Conway, town of	450106-B	Nov. 7, 1974, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	May 17, 1974 Apr 30, 1976	Do.
Do	Greenville	Greer, city of	450200-B	Mar. 27, 1974, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	May 17, 1974 Aug. 8, 1975	Do

State	County	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified	Date[1]
Do	Lexington	South Congaree, town of	450137-B	July 25, 1975, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	May 17, 1974 June 11, 1976	Do.
Texas	Jackson	Ganado, city of	480381-B	Apr 22, 1975, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	Apr. 12, 1974 Feb. 20, 1976	Do.
Do	Kimble	Junction, city of	480421-B	Feb. 27, 1975, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	Mar. 22, 1974 Aug. 27, 1976	Do.
Utah	Utah	Lehi, city of	490203-A	Oct 18, 1974, emergency, Sept. 14, 1979, regular, Sept. 14, 1979, suspended.	Feb. 7, 1975	Do.
Vermont	Windsor	Windsor, town of	500159-B	Aug 16, 1974, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	Aug. 16, 1974 Nov. 21, 1975	Do.
West Virginia	Brooke and Hancock	Weirton, city of	540014-C	Mar 20, 1975, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	Feb. 1, 1974 Sept. 12, 1975	Do.
Wisconsin	Crawford	Unincorporated areas	555551-B	Mar 19, 1971, emergency, Apr. 20, 1973, regular, Sept. 28, 1979, suspended.	Apr. 20, 1973	Do.
Mississippi	Sunflower	Unincorporated areas	280195-A	May 4, 1973, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	Nov. 11, 1977	Do.

[1] Date certain Federal assistance no longer available in special flood hazard 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: September 14, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-29313 Filed 9-21-79; 8:45 am]

BILLING CODE 4210-23-M

44 CFR Part 65

[Docket No. FEMA 5696]

Communities With Minimal Flood Hazard Areas for the National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator, after consultation with local officials of the communities listed below, has determined, based upon analysis of existing conditions in the communities, that these communities' Special Flood Hazard Areas are small in size, with minimal flooding problems. Because existing conditions indicate that the area is unlikely to be developed in the foreseeable future, there is no immediate need to use the existing detailed study methodology to determine the base flood elevations for the Special Flood Hazard Areas.

Therefore, the Administrator is converting the communities listed below to the Regular Program of the National Flood Insurance Program (NFIP) without determining base flood elevations.

EFFECTIVE DATE: Date listed in fourth column of List of Communities with Minimal Flood Hazard Areas.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 426-1460 or Toll Free Line 800-424-8872, Room 5150, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: In these communities, the full limits of flood insurance coverage are available at actuarial, non-subsidized rates. The rates will vary according to the zone designation of the particular area of the community.

Flood Insurance for contents, as well as structures, is available. The maximum coverage available under the Regular Program is significantly greater than that available under the Emergency Program.

Flood insurance coverage for property located in the communities listed can be purchased from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program. The effective date of conversion to the Regular Program will not appear in the Code of Federal Regulations except for the page number of this entry in the Federal Register.

The entry reads as follows:

§ 65.9 List of communities with minimal flood hazard areas.

State	County	Community name	Date of conversion to regular program
New York	Washington	Town of Kingsbury	September 7, 1979.
New York	Wayne	Town of Lyons	September 7, 1979.
Louisiana	Avoyelles Parish	Village of Plaucheville	September 11, 1979.
New York	Geneseo	Town of Le Roy	September 14, 1979.
New York	Orleans	Town of Ridgeway	September 14, 1979.
New York	Columbia	Town of Stuyvesant	September 14, 1979.
Louisiana	Webster Parish	Village of Doyline	September 18, 1979.
Texas	Sabine	City of Hemphill	September 18, 1979.
Washington	Spokane	Town of Spangle	September 18, 1979.
Louisiana	Madison Parish	Village of Delta	September 25, 1979.
Missouri	Mississippi	City of East Prairie	September 25, 1979.
Utah	Garfield	Town of Henrieville	September 25, 1979.
Illinois	Christian	Village of Stonington	September 28, 1979.
Indiana	Warrick	Town of Chandler	September 28, 1979.
Michigan	Ingham	Township of Alaiedon	September 28, 1979.
Michigan	Kalamazoo	Township of Cooper	September 28, 1979.
Michigan	Calhoun	Township of Homer	September 28, 1979.
Michigan	Eaton	City of Potterville	September 28, 1979.
Michigan	Calhoun	City of Springfield	September 28, 1979.
New York	Chemung	Town of Van Etten	September 28, 1979.
Ohio	Richland	Village of Lexington	September 28, 1979.
Pennsylvania	Greene	Borough of Carmichaels	September 28, 1979.
Pennsylvania	York	Borough of Dillsburg	September 28, 1979.
Pennsylvania	Erie	Town of Elgin	September 28, 1979.

State	County	Community name	Date of conversion to regular program
Pennsylvania	Lancaster	Township of Elizabeth	September 28, 1979.
Pennsylvania	Delaware	Borough of Media	September 28, 1979.
Pennsylvania	Luzerne	Borough of Nuangola	September 28, 1979.
Pennsylvania	York	Borough of Railroad	September 28, 1979.
Pennsylvania	York	Borough of Seven Valleys	September 28, 1979.
Pennsylvania	Washington	Borough of Twilight	September 28, 1979.
Pennsylvania	Erie	Borough of Union City	September 28, 1979.
Pennsylvania	Lawrence	Borough of Volant	September 28, 1979.
Pennsylvania	Chester	Township of West Brandywine.	September 28, 1979.
Pennsylvania	Westmoreland	Borough of West Leechburg	September 28, 1979.
West Virginia	Brooke	Town of Bethany	September 28, 1979.
West Virginia	Monongalia	Town of Osage	September 28, 1979.
West Virginia	Ohio	Village of Valley Grove	September 28, 1979.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 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: September 12, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-29335 Filed 9-21-79; 8:45 am]

BILLING CODE 4210-23-M

COMMUNITY SERVICES ADMINISTRATION

45 CFR Part 1076

[CSA Instruction 6158-2a]

Economic Development Programs; Non-Equity Business Programs Funded by CDCs

AGENCY: Community Services Administration.

ACTION: Final rule.

SUMMARY: The Community Services Administration is filing its final rule for regulations to establish the criteria and procedures under which CSA financial assistance under Section 712 may be provided for CDC non-equity business programs.

EFFECTIVE DATE: October 24, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Edward Taxin, Chief, Administrative Services Division, Office of Economic Development, (202) 254–6180.

SUPPLEMENTARY INFORMATION: On August 10, 1978, (43 FR 35511) the Community Services Administration published a proposed rule in the Federal Register which eliminates the limitation on investment capital that a CDC can use for loans/loan guarantees to ventures in which it has no equity interest (other than coops). No comments were received.

Authority: The provisions of this subpart area issued under Sec. 602, 78 Stat. 530, 42 U.S.C. 2942.

Graciela (Grace) Olivarez,

Director.

Subpart—Small Business Programs funded by CDCs of 45 CFR Part 1076 is revised to read as follows:

PART 1076—ECONOMIC DEVELOPMENT PROGRAMS

Subpart 1076.20—Non-Equity Business Programs Funded by CDCs.

Sec.
1076.20–1 Applicability.
1076.20–2 Definitions.
1076.20–3 Policy.
1076.20–4 Procedures, Requirements, and Limitations.

Authority: Sec. 602, 78 Stat. 530, 42 U.S.C. 2942.

Subpart 1076.20—Non-Equity Business Programs Funded by CDC's

§ 1076.20-1 Applicability.

This subpart applies to all non-equity business programs financially assisted by community development corporations (CDCs) with CSA funds under Section 712 of the Economic Opportunity Act of 1964, as amended.

§ 1076.20-2 Definitions.

(a) *Business and Commercial Development Program.* Any venture, organized for profit or on a cooperative basis, financed in whole or in part by a CDC out of CSA Section 712(a)(1) grant funds under budget cost category 2.5, Investment Capital.

(b) *Non-Equity Business Program.* A business and commercial development program which is not a venture operating on a cooperative basis and in which the CDC has no equity interest.

(c) *Equity Interest.* Current ownership, in whole or in part of a venture. Specifically excluded from the meaning of this term are those forms of debt financing which involve an option or right to purchase or convert to ownership at some future time or upon some future contingency.

§ 1076.20-3 Policy.

(a) Financial assistance for business and commercial development programs under Section 712(a)(1) shall be used predominantly for equity investment (either alone or in combination with other forms of financial assistance) and for cooperatives. This priority on equity investment and support for cooperatives derives from two factors: (1) The emphasis in Title VII on programs which will promote community-based ownership opportunities, an objective that can be best attained through either direct CDC investment in special impact area businesses or in development of cooperatives; and (2) the availability from other federal funding sources of financial assistance for technical assistance, loans, or loan guarantees, whereas Title VII is the only federal funding authority for equity capital.

(b) In addition, insofar as Section 712 funds are used for financial assistance to non-equity business programs, it is OED policy that such financial assistance be generally limited to loan *guarantees*, rather than be in the form of direct loans. This policy derives from three factors: (1) the availability of direct loan funds from non-Title VII funding sources, including commercial lending institutions; (2) the "leveraging" effect of loan guarantees in attracting outside debt capital into the special impact area; and (3) direct loan programs impose a significant administrative burden on the CDC and require substantial staff resources to service the loans once they are approved.

(c) Finally, since the primary thrust of Title VII is *community* economic development for low-income residents, rather than support to *individual entrepreneurs*, non-equity business programs assisted with Section 712 funds should also further the Title VII objective of promoting ownership or employment opportunities for low—income special impact area residents.

(d) Accordingly, CDC use of financial assistance under Section 712 for non-equity business programs is subject to three basic policy limitations: (1) such assistance shall be accorded a lower priority than, and shall not supplant opportunities for equity investments; (2)

except in unusual circumstances direct loans may not be made to non-equity business programs from CDC investment capital funds, and only then as approved by OED on a case by case basis; and (3) financial assistance to non-equity business programs, whether in the form of direct loans, loan guarantees, or some other debt captial mechanism, may not be provided from CDC investment capital funds unless such assistance will provide ownership or employment opportunities to low-income residents of the special impact area.

§ 1076.10-4 Procedures, requirements, and limitations.

(a) No CDC administrative funds under Section 712 (cost categories other than 2.5) may be used for *financial* assistance, whether direct loans or loan guarantees, to non-equity business programs. Note: This does not preclude the use of administrative funds for *technical* assistance, e.g., by CDC staff, to non-equity business programs.

(b) Except as provided in any venture autonomy agreement approved by OED, or as provided in any revolving loan guarantee funds approved by OED, no CDC investment capital funds (cost category 2.5) may be used for any individual loan or loan guarantee for any non-equity business program without prior written approval by OED.

(c) In requesting OED approval for any non-equity business program, whether it be an individual loan, individual loan guarantee, or revolving loan guarantee fund, the CDC must demonstrate how the program will directly benefit low-income residents of the special impact area, by providing either ownership or employment opportunities, or both. The CDC must also demonstrate, in requesting approval for any loan guarantee, that loans from commercial or other public sources would not be available without such guarantee. The CDC must also demonstrate, in requesting approval for any direct loan, that either loans from commercial or other public sources would not be available even if the CDC were to guarantee such loans, or that control rights necessary to promote the purposes of Title VII would be obtainable only through a direct loan.

(d) No loan guarantee may exceed 50% of the loan(s) to any recipient, thereby providing at a minimum two-for-one leverage. Where the CDC can devise effective relationships with the lending institution and/or SBA, guarantees of less than 50% providing much greater leverage, should be arranged.

[FR Doc. 79-29680 Filed 9-21-79; 8:45 am]
BILLING CODE 6315-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1033

[Service Order No. 1396]

Railroads Authorized to Divert Traffic Consigned to Jackson County Terminal Elevator Located at Pascagoula, Miss.

AGENCY: Interstate Commerce Commission.

ACTION: Service Order No. 1396.

SUMMARY: Jackson County Terminal Elevator at Pascagoula, Mississippi, was damaged by storm on September 13, 1979. Service Order No. 1396 authorizes diversion of carloads of grain on hand or en route to this elevator on or before September 15, 1979.

EFFECTIVE DATE: 4:00 p.m., September 17, 1979.

EXPIRATION DATE: 11:59 p.m., October 12, 1979.

FOR FURTHER INFORMATION CONTACT: J. Kenneth Carter, Telephone (202) 275-7840.

Decided September 17, 1979.

On September 13, 1979, the Jackson County Terminal Elevator owned by Louis Dreyfus Corporation at Pascagoula, Mississippi, was damaged by Hurricane Frederic. Approximately 1,700 carloads of grain were on hand or in transit for unloading by this grain elevator at the time of the storm.

Repairs to the elevator cannot be made within a reasonable time. Other arrangements for the unloading of these cars will require diversion and reconsignment of many of them in a manner prohibited by the applicable tariffs. It is the opinion of the Commission that such diversions and reconsignments are necessary in the public interest to enable the prompt unloading of these cars and their continued use in transportation service and to enable the fulfillment of export grain commitments; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered,

§ 1033.1396 Service Order No. 1396.

(a) Railroads Authorized to Divert Traffic Consigned to Jackson County Terminal Elevator Located at Pascagoula, Mississippi. Any railroad holding a car loaded with grain consigned, reconsigned or intended for unloading by Jackson County Terminal Elevator owned by Louis Dreyfus Corporation at Pascagoula, Mississippi, which originated on or before September 15, 1979, and which cannot be unloaded by Jackson County Terminal Elevator because of damage to the grain elevator, is authorized to reconsign, divert, or reship these cars to any other grain elevator in the United States which is located on the Gulf of Mexico. In the application of this section grain elevators located on the lower Mississippi River from Port Allen, Louisiana, to the mouth of the river and grain elevators located on the Houston, Texas, ship channel shall be deemed to be located on the Gulf of Mexico.

(b) *Reconsignment and diversions charges.* Carloads of grain reconsigned, diverted, or reshipped under the provisions of this order shall not be subject to the reconsignment or diversion charges provided in the applicable tariffs.

(c) *Rates applicable.* The rates applicable to carloads of grain reconsigned, diverted, or reshipped under the provisions of this order shall be the rates that would have been applicable on the shipments at the time of shipment had they been originally destined to the point to which reconsigned, diverted, or reshipped. When the applicable tariffs provide routes from origin to the new destination via the line and the point at which the car is held, such routes must be utilized for the rerouting, diversion, or reshipment. When no such route exists any available route may be used.

(d) *Divisions of Revenues.* In executing the directions of the Commission provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers, or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(e) *Waybills to be endorsed.* Waybills authorizing movement of cars reconsigned, diverted, or reshipped under this order shall be endorsed as follows: "(Reconsigned) (Diverted) (Reshipped) authority I.C.C. Service Order No. 1396."

(f) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign traffic.

(g) *Effective date.* This order shall become effective at 4:00 p.m., September 17, 1979.

(h) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., October 12, 1979, unless otherwise modified, changed, or suspended by order of this Commission.

(49 U.S.C. (10304–10305 and 11121–11126).)

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 79-29471 Filed 9-21-79; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 32

Opening of the Barnegat National Wildlife Refuge, New Jersey, to Hunting

AGENCY: United States Fish and Wildlife Service, Department of the Interior.

ACTION: Special Regulation.

SUMMARY: The Director has determined that the opening to hunting of Barnegat National Wildlife Refuge is compatible with the objectives for which the area was established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public.

DATES: September 1, 1979 through January 19, 1980.

FOR FURTHER INFORMATION CONTACT: Gaylord Inman, Brigantine National Wildlife Refuge, Great Creek Road, P.O. Box 72, Oceanville, New Jersey 08231, telephone No. 609–652–1665.

SUPPLEMENTARY INFORMATION: The Refuge Recreation Act of 1962 (16 U.S.C. 460k) authorizes the Secretary of the Interior to administer such areas for public recreation as an appropriate incidental or secondary use only to the extent that it is practicable and not inconsistent with the primary objectives for which the area was established. In addition, the Refuge Recreation Act requires (1) that any recreational use permitted will not interfer with the primary purpose for which the area was established, and (2) that funds are available for the development, operation, and maintenance of the permitted forms of recreation.

The recreational use authorized by these regulations will not interfere with the primary purposes for which Barnegat National Wildlife Refuge was established. This determination is based upon consideration of, among other things, the Service's Final Environmental Statement on the Operation of the National Wildlife Refuge System published in November 1976. Funds are available for the administration of the recreational activities permitted by these regulations.

§ 32.12 Special regulation; migratory game birds; for individual wildlife refuge areas

Public hunting of rails, gallinules, waterfowl and coots on the Barnegat National Wildlife Refuge, New Jersey, is permitted during established State and Federal seasons on only those areas designated by signs as open to hunting.

These open areas are delineated on maps available at refuge headquarters and from the Regional Director, U.S. Fish and Wildlife Service, One Gateway Center, Suite 700, Newton Corner, Massachusetts 02158.

Hunting shall be in accordance with State and Federal regulations covering the hunting of migratory game birds subject to the following special conditions:

1. On opening days, Saturdays and holidays a Federal permit will be required.

2. No permanent blinds or pit blinds may be constructed.

3. The use of steel shot ammunition on the refuge hunting area is required—shotshell limit 25 rounds per hunter per day. No person may have more than 25 steel shotshells or any lead shotshells in their possession while hunting waterfowl.

4. Hunters, when requested by Federal or State enforcement officers must display for inspection all game, hunting equipment, and ammunition.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32. The public is invited to offer suggestions and comments at any time.

Administrative needs require that the Barnegat Refuge hunting seasons be held concurrent with the New Jersey State hunting season dates. It is therefore found impracticable to issue regulations that would be effective 30 days after publication in accordance with Department of the Interior general policy.

Note.—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.

David B. Allen

Acting Regional Director, Fish and Wildlife Service.

September 14, 1979.

[FR Doc. 79-29468 Filed 9-21-79; 8:45 am]

BILLING CODE 4310-55-M

50 CFR Part 32

Opening of the Iroquois National Wildlife Refuge, N.Y., to Hunting

AGENCY: United States Fish and Wildlife Service, Department of the Interior.

ACTION: Special regulation.

SUMMARY: The Director has determined that the opening to hunting of Iroquois National Wildlife Refuge is compatible with the objectives for which the area was established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public.

DATES: October 1, 1979 through February 29, 1980.

FOR FURTHER INFORMATION CONTACT: Edwin Chandler, Iroquois National Wildlife Refuge, RFD I, Basom, New York, Telephone No. 716–948–5445.

SUPPLEMENTARY INFORMATION: The Refuge Recreation Act of 1962 (16 U.S.C. 460k) authorizes the Secretary of the Interior to administer such areas for public recreation as an appropriate incidental or secondary use only to the extent that it is practicable and not inconsistent with the primary objectives for which the area was established. In addition, the Refuge Recreation Act requires (1) that any recreational use permitted will not interfere with the primary purpose for which the area was established; and (2) that funds are available for the development, operation, and maintenance of the permitted forms of recreation.

The recreational use authorized by these regulations will not interfere with the primary purposes for which Iroquois National Wildlife Refuge was established. This determination is based upon consideration of, among other things, the Service's Final

Environmental Statement on the Operation of the National Wildlife Refuge System published in November 1976. Funds are available for the administration of the recreational activities permitted by these regulations.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

Public hunting of migratory game birds on the Iroquois National Wildlife Refuge, New York, is permitted in designated areas. Hunting shall be in accordance with all State and Federal regulations covering the hunting of migratory game birds subject to the following special conditions:

A. Waterfowl: (1) Waterfowl hunting is by permit only. (2) Hunting is permitted on Monday, Tuesday, Thursday and Saturday.

(3) Prior registration is required for opening day and the first two Saturdays. On other hunt days permits are issued on the basis of a daily drawing held prior to legal opening time. On prior registration days, hunters will draw for hunting sites on the morning of the hunt. On other hunt days, hunters will have a choice of available hunting sites as their names are drawn.

(4) All hunting ends each day at 12 noon local time, and all hunters must check out and present harvested game at the permit station on Lewiston Road, not later than 1:00 P.M. local time.

(5) No loaded guns are permitted beyond a 50-foot radius of the hunting stand marker and no more than two hunters are permitted to each stand.

(6) Hunters will be limited to 15 steel shotshells not larger than #1 including participants in the Young Waterfowlers Program. Possession of lead shotshells is not permitted.

(7) Disorderly conduct, intoxication, "sky busting" or otherwise unsportsmenlike conduct will not be tolerated and the permittee will be ejected from the area.

(8) A hunter who leaves his stand must have permission from official personnel to return.

(9) All hunters must have completed the New York State Waterfowl Hunter Training Course and must present proof of completion before permits will be issued.

(10) No person shall use or hunt from a boat.

(11) Hunters, when requested by Federal or State enforcement officers must display for inspection all game, hunting equipment and ammunition.

(12) A minimum of six (6) decoys will be used at each stand. The decoys will be furnished by the hunter(s).

B. Woodcock and Crow: Hunting of woodcock and crow on the Iroquois National Wildlife Refuge, New York, is permitted during the regular State open seasons, except on areas designated by signs as closed. Hunting areas are shown on maps available at refuge headquarters. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of woodcock and crow.

§ 32.22 Special regulations; upland game, for individual wildlife refuge areas.

Public hunting of upland game birds and small game mammals, including foxes, opossums, red squirrels, and woodchucks is permitted during the respective state seasons except on areas designated by signs as closed. Hunting shall be in accordance with all applicable State regulations subject to the following special condition:

(1) A seasonal permit is required for the nighttime hunting of raccoon. Permits may be obtained by applying in person at the refuge office.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

Public hunting of deer on the Iroquois National Wildlife Refuge, New York, is permitted during the regular State open seasons except on areas designated by signs as closed. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer.

All hunting area maps are available at refuge headquarters and from the Regional Director, One Gateway Center, Suite 700, Newton Corner, Massachusetts 02158.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32. The public is invited to offer suggestions and comments at any time.

Administrative needs require that the Iroquois Refuge hunting seasons be held concurrent with the New York State hunting season dates. It is therefore found impracticable to issue regulations that would be effective 30 days after publication in accordance with Department of the Interior general policy.

Note.—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.

David B. Allen,

Acting Regional Director, Fish and Wildlife Service.

September 14, 1979.

[FR Doc. 79-29489 Filed 9-21-79; 8:45 am]

BILLING CODE 4310-55-M

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50 CFR Part 32

Opening of the Brigantine National Wildlife Refuge, N.J., to Hunting

AGENCY: United States Fish and Wildlife Service, Department of the Interior.

ACTION: Special regulation.

SUMMARY: The Director has determined that the opening to hunting of Brigantine National Wildlife Refuge is compatible with the objectives for which the area was established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public.

DATES: September 1, 1979 through January 19, 1980.

FOR FURTHER INFORMATION CONTACT: Gaylord Inman, Brigantine National Wildlife Refuge, Great Creek Road, P.O. Box 72, Oceanville, New Jersey 08231, Telephone No. 609-652-1665.

SUPPLEMENTARY INFORMATION: The Refuge Recreation Act of 1962 (16 U.S.C. 460k) authorizes the Secretary of the Interior to administer such areas for public recreation as an appropriate incidental or secondary use only to the extent that it is practicable and not inconsistent with the primary objectives for which the area was established. In addition, the Refuge Recreation Act requires (1) that any recreational use permitted will not interfere with the primary purpose for which the area was established; and (2) that funds are available for the development, operation, and maintenance of the permitted forms of recreation.

The recreational use authorized by these regulations will not interfere with the primary purposes for which Brigantine National Wildlife Refuge was established. This determination is based upon consideration of, among other things, the Service's Final Environmental Statement on the Operation of the National Wildlife Refuge System published in November 1976. Funds are available for the administration of the recreational activities permitted by these regulations.

§ 32.12 Special regulations; migratory game birds; individual wildlife refuge areas.

Public hunting of rails, gallinules, waterfowl, and coots on the Brigantine

National Wildlife Refuge, New Jersey, is permitted during established State and Federal seasons on those areas designated by signs as open to hunting.

These open areas are delineated as Hunting Units 1, 2 and 3 on maps available at refuge headquarters and from the Regional Director, U.S. Fish and Wildlife Service, One Gateway Center, Suite 700, Newton Corner, Massachusetts 02158.

Hunting shall be in accordance with State and Federal regulations covering the hunting of migratory game birds subject to the following special conditions:

1. Steel shotshells are required for 12 gauge shotguns used to hunt migratory waterfowl during the State waterfowl hunting season. Persons may not possess 12 gauge lead shotshells during the State waterfowl hunting season. Lead shotshells of all other gauges may be used to hunt migratory waterfowl. Lead shot in any gauge may be used to hunt rails, coots and gallinules prior to the waterfowl hunting season in accordance with State laws.

2. Hunters when requested by Federal or State enforcement officers, must display for inspection all game, hunting equipment and ammunition.

3. Hunting on Unit 3 during the waterfowl season is restricted to certified Young Waterfowler Program Trainees only, from designated blind sites.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32. The public is invited to offer suggestions and comments at any time.

Administrative needs require that the Brigantine Refuge hunting seasons be held concurrent with the New Jersey State hunting season dates. It is therefore found impracticable to issue regulations that would be effective 30 days after publication in accordance with Department of the Interior general policy.

Note.—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.

David B. Allen,

Acting Regional Director, Fish and Wildlife Service.

September 14, 1979.

[FR Doc. 79-29513 Filed 9-21-79; 8:45 am]

BILLING CODE 4310-55-M

Proposed Rules

Federal Register
Vol. 44, No. 186
Monday, September 24, 1979

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 79-ASW-33]

Proposed Designation of Transition Area: Coleman, Tex.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rule Making.

SUMMARY: The nature of the action being taken is to propose designation of a transition area at Coleman, Tex. The intended effect of the proposed action is to provide controlled airspace for aircraft executing a new instrument approach procedure to the Coleman Municipal Airport. The circumstance which created the need for the action is the proposed establishment of a nondirectional radio beacon (NDB) located on the airport. Coincident with this action the airport is changed from Visual Flight Rules (VFR) to Instrument Flight Rules (IFR).

DATES: Comments must be received by October 24, 1979.

ADDRESSES: Send comments on the proposal to: Chief, Airspace and Proceduces Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101.

The official docket may be examined at the following location: Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas.

An informal docket may be examined at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Manuel R. Hugonnett, Airspace and Procedures Branch ASW-536, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101; telephone: (817) 624-4911, extension 302.

SUPPLEMENTARY INFORMATION: Subpart G 71.181 (44 FR 442) of FAR Part 71 contains the description of transition areas designated to provide controlled airspace for the benefit of aircraft conducting IFR activity. Designation of a transition area at Coleman, Tex., will necessitate an amendment to this subpart.

Comments Invited

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before October 24, 1979 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rule making (NPRM) by submitting a request to the Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, or by calling (817) 624-4911, extension 302. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should contact the office listed above.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to designate a transition area at Coleman, Texas. The FAA believes this action will enhance IFR operations at the Coleman Municipal Airport by providing controlled airspace for aircraft executing proposed instrument approach precedures using the proposed NDB located on the airport. Subpart G of Part 71 was republished in the Federal Register on January 2, 1979 (44 FR 442).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the FAA proposes to amend 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (44 FR 442) by adding the Coleman, Tex., transition area as follows:

Coleman, Tex.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Coleman Municipal Airport (latitude 31°50'31" N., longitude 99°24'13" W.) and within 3.5 miles each side of the 343° bearing from the NDB (latitude 31°50'28" N., longitude 99°24'21" W.) extending from the 7-mile radius area to 8.5 miles north of the NDB.

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

Note.—The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation and a comment period of less than 45 days is appropriate.

Issued in Fort Worth, Texas on September 11, 1979.

Henry N. Stewart,
Acting Director, Southwest Region.

[FR Doc. 79-29455 Filed 9-21-79; 8:45 am]
BILLING CODE 4910-13-M

[14 CFR Part 71]

[Airspace Docket No. 79-CE-29]

Transition Area—Falls City, Nebr.; Proposed Designation

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rule Making (NPRM).

SUMMARY: This Notice proposes to designate a 700-foot transition area at Falls City, Nebraska, to provide controlled airspace for aircraft executing a new instrument approach procedure to Brenner Field Airport, Falls City, Nebraska, which is based on a Non-directional Radio Beacon (NDB) being installed on the airport by the State of Nebraska.

DATES: Comments must be received on or before November 2, 1979.

ADDRESSES: Send comments on the proposal to: Federal Aviation Administration, Chief, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-530, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

The official docket may be examined at the Office of the Regional Counsel, Central Region, Federal Aviation Administration, Room 1558, 601 East 12th Street, Kansas City, Missouri.

An informal docket may be examined at the Office of the Chief, Operations, Procedures and Airspace Branch, Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Benny J. Kirk, Airspace Specialist, Operations, Procedures, and Airspace Branch, Air Traffic Division, ACE-538, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number, and be submitted in duplicate to the Operations, Procedures and Airspace Branch, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106. All communications received on or before November 2, 1979, will be considered before action is taken on the proposed amendment. The proposal contained in this Notice may be changed in light of the comments received. All comments received will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Operations, Procedures and Airspace Branch, 601 East 12th Street, Kansas City, Missouri 64106 or by calling (816) 374-3408. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for further NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to Subpart G, § 71.181 of the Federal Aviation Regulations (14 CFR § 71.181) by designating a 700-foot transition area at Falls City, Nebraska. To enhance airport usage by providing instrument approach capability to Brenner Field Airport, Falls City, Nebraska, the State of Nebraska is installing an NDB on the airport. This radio facility provides new navigational guidance for aircraft utilizing the airport. The establishment of a new instrument approach procedure based on this navigational aid entails designation of a transition area at Falls City, Nebraska at and above 700 feet above ground level (AGL) within which aircraft are provided air traffic control service. The intended effect of this action is to ensure segregation of aircraft using the approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

Accordingly, Federal Aviation Administration proposes to amend Subpart G, Section 71.181 of the Federal Aviation Regulations (14 CFR 71.181) as republished on January 2, 1979, (44 FR 442) by adding the following new transition area:

Falls City, Nebraska

That airspace extending upwards from 700 ft. above the surface within a 5-mi. radius of the Brenner Field Airport, Falls City, Nebraska (Lat. 40°04'39"N.; Long. 95°35'27"W.), and within 3 mi. each side of the 142° bearing from the NDB facility (Lat. 40°04'39"N.; Long. 95°35'12"W.), extending from the 5 mi. radius to 8 mi. SE of the NDB facility.

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

Note.—The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Kansas City, Missouri, on September 12, 1979.

Charles A. Whitfield,

Acting Director, Central Region.

[FR Doc. 79-29462 Filed 9-21-79; 8:45 am]

BILLING CODE 4910-13-M

CIVIL AERONAUTICS BOARD

[14 CFR Part 204]

[EDR-385A; Docket No. 36176; Dated: September 19, 1979]

Data To Be Submitted With Applications for Passenger Route Authority Filed With the Board and by Commuter Carriers Serving an Eligible Point; Extension of Comment Period

AGENCY: Civil Aeronautics Board.

ACTION: Extension of Comment Period.

SUMMARY: This action extends until October 15, 1979 the filing date for comments in a rulemaking proceeding proposing to require data of air carriers in order to determine their fitness.

DATES: Comments by October 15, 1979. Reply comments by November, 5, 1979.

Comments and other relevant information received after these dates will be considered by the Board only to the extent practicable.

ADDRESSES: Twenty copies of comments should be sent to Docket 36176, Docket Section, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Individuals may submit their views as consumers without filing multiple copies. Comments may be examined in Room 711, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C., as soon as they are received.

FOR FURTHER INFORMATION CONTACT: Paul L. Gretch, Deputy Director of the Bureau of Domestic Aviation, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428 (202) 673-5373.

SUPPLEMENTARY INFORMATION: By Notice of Proposed Rulemaking EDR-385, 44 FR 44106, July 26, 1979, the Board proposed to establish a new regulation setting forth the data that applicants for passenger route authority and commuter carriers serving an eligible point must file with the Board. This information would be used to determine the carrier's fitness as required by the Act. The comment deadline was September 24, 1979.

The Commuter Airline Association of America (CAAA) has requested an extension to November 15, 1979. The basis of this request was to give CAAA's Board of Directors, located throughout the nation, time to review the

comments drafted by CAAA's counsel. CAAA further stated that the proposal represents a substantial departure from the Board's past regulation of commuter air carriers and should be considered by the full membership at the annual meeting being held October 29–31, 1979.

Upon consideration of the above, the undersigned finds good cause to grant a reasonable extension of time. A 52-day extension however, appears to be excessive, and a 21-day extension should suffice at this stage. Fitness determinations are too important for the Board to be without this rule for long.

Accordingly, under authority delegated in 14 CFR 385.20(d), the time for filing comments is extended to October 15, 1979 and the time for reply comments is extended to November 5, 1979.

(Sec. 204, Federal Aviation Act of 1958, as amended, 72 Stat. 743, (49 U.S.C. 1324))

Richard B. Dyson,

Associate General Counsel.

[FR Doc. 79-29484 Filed 9-21-79; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 31]

[LR-188-78]

Employment Taxes; Advance Payments of Earned Income Credit; Public Hearing on Proposed Regulations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Public hearing on proposed regulations.

SUMMARY: This document provides notice of a public hearing on proposed regulations relating to advance payment by employers of the earned income credit.

DATES: The public hearing will be held on November 13, 1979, beginning at 10:00 a.m. Outlines of oral comments must be delivered or mailed by October 30, 1979.

ADDRESS: The public hearing will be held in the I.R.S. Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, D.C. The outlines should be submitted to the Commissioner of Internal Revenue, Attn: CC:LR:T (LR-188-78) Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: George Bradley or Charles Hayden of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224, 202-566-3935, not a toll-free call.

SUPPLEMENTARY INFORMATION: The subject of the public hearing is proposed regulations under sections 3507 and 6302 of the Internal Revenue Code of 1954. The proposed regulations appeared in the Federal Register for Wednesday, May 9, 1979 at page 27089 (44 FR 27089).

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to the public hearing. Persons who have submitted written comments within the time prescribed in the notice of proposed rulemaking and also desire to present oral comments at the hearing on the proposed regulations should submit an outline of the comments to be presented at the hearing and the time they wish to devote to each subject by October 30, 1979. Each speaker will be limited to 10 minutes for an oral presentation exclusive of time consumed by questions from the panel for the Government and answers to these questions.

Because of controlled access restrictions, attendees cannot be admitted beyond the lobby of the Internal Revenue Building until 9:45 a.m.

An agenda showing the scheduling of the speakers will be made after outlines are received from the speakers. Copies of the agenda will be available free of charge at the hearing.

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury Directive appearing in the Federal Register for Wednesday, November 8, 1978.

By direction of the Commissioner of Internal Revenue:

Robert A. Bley,

Director, Legislation and Regulations Division.

[FR Doc. 79-29529 Filed 9-21-79; 8:45 am]

BILLING CODE 4830-01-M

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 162]

[OPP-30032; FRL 1327-4]

Advance Notice of Availability of Sample Registration Standard (Metolachlor)

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

ACTION: Advance Notice of Availability of Sample Registration Standard (Metolachlor).

SUMMARY: A sample of a registration standard, the regulatory tool that will be used by the Agency for registration and reregistration of pesticide chemicals, is to be made available to all interested persons. The sample standard is for metolachlor, a herbicide registered for uses on corn (grown for grain) and on soybeans. The Agency is distributing the sample standard for the purposes of acquainting the interested public with the registration standard system and to solicit comments on the sample registration standard.

DATES: Requests for copies should be received on or before October 24, 1979; requests will be honored on a priority basis if received by that date. Requests received after that date will be honored on an "as available" basis.

ADDRESS: Send requests to Special Pesticide Review Division, (TS-791), Office of Pesticide Programs, Rm. 724, CM II, EPA, 401 M Street, SW., Washington, D.C. 20460. Please refer to OPP 30032.

FOR FURTHER INFORMATION CONTACT: James E. Wilson, Jr. Special Pesticide Review Division (TS-791), Room 710, CM II, at the address given above, telephone: (703) 557-7973.

SUPPLEMENTARY INFORMATION: EPA intends to amend its regulations by revising Section 3 of FIFRA (40 CFR 162) to accommodate the registration standard system. Proposed rules amending 40 CFR 162 will be initiated shortly.

The basic concept of the registration standards system is that the Agency will develop registration standards for individual active ingredient pesticides. A registration standard will be a comprehensive statement of the Agency's regulatory position for a particular active ingredient pesticide *and* for all pesticide formulations in which the active ingredient pesticide occurs. It is the Agency's intent that such decisions will be arrived at through an open, well-documented process so as to insure the effective, efficient, and equitable regulation of pesticides. To these ends, a registration standard will contain descriptions of all data used to arrive at a regulatory position, the rationale for that position and the conditions under which an interested party can register (or reregister) a pesticide product under that standard.

The Agency is particularly interested in receiving comments on the sample standard relating to the following registration areas:

(a) Overall format,

(b) Scope and adequacy of the analyses presented,

(c) Understandability,

(d) Usability for potential registrant,

(e) Clarity of the regulatory position, and

(f) Clarity of requirements that need to be satisfied by a potential registrant in order to register (or reregister) a pesticide chemical under the registration standards system.

(Section 3 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: September 14, 1979

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 79-29587 Filed 9-21-79; 8:45 am]

BILLING CODE 6560-01-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

[27 CFR Part 9]

[Notice No. 328; Re: Notice No. 325]

American Viticultural Area Designations

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF).

ACTION: Notice of hearing.

SUMMARY: This notice announces the time and place ATF will hold a public hearing to discuss issues relating to the establishment of the proposed Augusta viticultural area.

DATES: Hearing date: November 1, 1979 at 9:30 a.m.—open to the public.

Requests to present oral comments on or before October 24, 1979.

ADDRESSES: Hearing location: American Legion Hall, Hackmann Road and Church Road, Augusta, Missouri.

Requests to present oral comments must be submitted to Director, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, D.C. 20044 (Attn: Chief, Regulations and Procedures Division).

FOR FURTHER INFORMATION CONTACT: Thomas L. Minton, Research and Regulations Branch, (202) 566-7626.

SUPPLEMENTARY INFORMATION: Requests to present oral comments: Request must be submitted on or before October 24, 1979 and must contain the name and address of the individual who will present oral comment.

Persons requesting to testify at the hearing shall indicate a preference for the time of day in which they request to testify. To the extent possible, ATF will honor these preferences. The request to testify should also include an outline of the topic or topics on which the person desires to speak. Testimony will be limited to 10 minutes per speaker, but additional time may be granted for answering questions. Persons testifying should be prepared to respond to questions concerning their testimony, the outline of their testimony, or to any matters relating to written comments which they have submitted.

On July 17, 1979, ATF published a notice of proposed rulemaking (44 FR 41487) to obtain comment on the proposed Augusta viticultural area. Since the publication of that notice, several individuals have requested that ATF hold a public hearing in order that there be a full discussion of the issues.

ATF agrees and believes that such a hearing is essential in order that all possible information concerning the proposed viticultural area be obtained and evaluated.

ATF specifically requests comments and suggestions concerning—

(a) Evidence that the name "Augusta" is locally and/or nationally known as referring to the area specified in Notice No. 325;

(b) Historical or current evidence that the boundaries of the proposed viticultural area are as specified in the notice;

(c) Evidence relating to the geographical characteristics (climate, soil, elevation, physical features, etc.) which distinguish the viticultural features of the proposed area from the surrounding area; and

(d) The specific boundaries based on features which can be found on the U.S. Geological Survey (U.S.G.S.) maps as noted in Notice No. 325.

Evidence obtained at the hearing, along with the written comments received, will be used to determine whether to issue the final regulations establishing the Augusta viticultural area as proposed.

Written comments relating to this notice of hearing or to the notice of proposed rulemaking will be available at the hearing for public inspection. Persons not scheduled to testify may be allowed to testify if time permits at the conclusion of the hearing.

ATF will notify all persons requesting to testify and will confirm the date and time. ATF will prepare an agenda listing speakers and their topics for the hearing and will make this agenda available at the hearing.

The hearing will be conducted under the procedural rules contained in 27 CFR 71.41(a)(3).

Disclosure of Comments

Copies of the notice of proposed rulemaking, all written comments, and the hearing transcripts will be available for public inspection during normal business hours at the following location:

Public Reading Room, Room 4408, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, DC.

Drafting Information

The principal author of this document is Thomas Minton of the Bureau of Alcohol, Tobacco and Firearms. However, other personnel of the Bureau and of the Treasury Department have participated in the preparation of this document in matters of substance and style.

Authority

This notice of hearing is issued under the authority contained in 27 U.S.C. 205.

Signed: September 18, 1979.

G. R. Dickerson,

Director.

Approved: September 20, 1979.

Richard J. Davis,

Assistant Secretary (Enforcement and Operations.).

[FR Doc. 79-29746 Filed 9-21-79; 8:45 am]

BILLING CODE 4810-31—M

Notices

Federal Register
Vol. 44, No. 186
Monday, September 24, 1979

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

DEPARTMENT OF AGRICULTURE

National Forest System Advisory Committee; Intent To Renew

September 19, 1979.

The Secretary of Agriculture proposes to renew the National Forest System Advisory Committee for a two-year period.

This is a national advisory committee established by the Secretary on September 12, 1977, to provide counsel and advice on national forestry needs and opportunities and to strengthen and improve communications between the Department and the public on national forestry matters.

There is a continuing need to obtain discussion and deliberation on evolving current program and policy matters. The committee serves an important function by involving the public in policy formulation and development. Emphasis is given to increasing the production from the Nation's forests which are growing in importance as sources of meeting future timber, water, wildlife, and other public needs.

The Secretary has determined that renewal of this committee is necessary and in the public interest in connection with the performance of the duties and responsibilities imposed on the Department by law.

All written submissions made pursuant to this notice will be available for public inspection in the National Forest System staff office, Room 3021, during regular business hours.

Joan S. Wallace,
Assistant Secretary for Administration.

[FR Doc. 79-29577 Filed 9-21-79; 8:45 am]
BILLING CODE 3410-11-M

CIVIL AERONAUTICS BOARD

[Docket No. 33363]

Former Large Irregular Air Service Investigation; Hearing and Continuance of Hearing

In accordance with agreements of the parties as to continued filing and hearing dates which are approved, the hearing on the application of Lone Star Airways heretofore set for 3 October 1979 (44 FR 53556, September 14, 1979) is continued to 22 October 1979 (9:00 a.m.) and the hearing on the application of Joseph S. Norman, II is set for 20 November 1979 at 9:00 a.m. in Room 1003, Hearing Room B, 1875 Connecticut Avenue, NW., Washington, D.C. 20428.

Dated at Washington, D.C., 18 September 1979.

Rudolf Sobernheim,
Administrative Law Judge.

[FR Doc. 79-29486 Filed 9-21-79; 8:45 am]
BILLING CODE 6320-01-M

[Docket No. 36595; Order 79-9-64]

Competitive Marketing of Air Transportation; Order Instituting Investigation; Correction

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 13th day of September 1979.

In the Federal Register of September 20, 1979, replace the following footnote [37] with footnote [37] on page 54523:

"[37] IATA REsolution 810q (USA), (5); 810a (USA), Section D(4)(1); ATC Resolution 90.1, Section IV.G See note 44a, infra."

Insert the following footnote [44a] on page 54524, with the reference in the text following the last word in the paragraph on that page:

" [44a] We emphasize that the issue of marketing air transportation through corporate or business travel departments is to be thoroughly explored. Prior orders on this subject are not intended to foreclose any area from this *Investigation*, including compensation, and none is to be considered as necessarily binding."

Phyllis T. Kaylor,
Secretary.

Dated: September 18, 1979.

[FR Doc. 79-29485 Filed 9-21-79; 8:45 am]
BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

Industry and Trade Administration

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 Section 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.: 79-00256. Applicant: United States Department of Agriculture, SEA, AR, ASI, Reproduction Laboratory, Bldg. 177B, BARC-EAST, Beltsville, Maryland 20705. Article: H-5010 Double Deflection Scanning Attachment. Manufacturer: Hitachi Ltd., Japan. Intended use of article: The article is to be a part of an electron microscope which will be used to cytologically examine biological tissues from agricultural research experiments. These research problems, which pertain to food and fiber production, include cytological examinations of sperm transport and storage in farm animals, host-parasite interactions involving crop plants and parasitic nematodes, toxonomic studies, gaining a cytological explanation for mastitis in cattle, etc. Application recived by Commissioner of Customs: April 17, 1979. Advice submitted by the Department of Health, Education, and Welfare: August 29, 1979.

Docket No.: 79-00257. Applicant: Cornell University Medical College, 1300 York Avenue, New York, N.Y. 10021. Article: Accessories for Free-Flow Electrophoresis Apparatus, Model FF5. Manufacturer: Bender and Hobein, West Germany. Intended use of article: The articles are accessories to existing electrophoresis Apparatus for use in experiments carried out on the isolated membrane populations (kidney brush-border and basolateral membranes). The phenomena studied will include transport properties of brush-border and basolateral membranes for organic

anions, i.e. citrate, urate, paraminohippurate. Kidney cells are ruptured by homogenization and the membranes isolated by centrifugation. The membrane suspension is injected into the free-flow electrophoresis Apparatus which separates and isolates the two populations. Application received by Commissioner of Customs: April 17, 1979. Advice submitted by the Department of Health, Education, and Welfare: August 29, 1979.

Docket No.: 79-00270. Applicant: University of Michigan-Mental Health Research Institute, 205 Washtenaw Pl. Ann Arbor, MI 48109. Article: Universal Camera, Two (2) each Flat-Film Magazine with 72 Flat-Film Frames and Shutter and Timer for Elmiskop 1. Manufacturer: Siemens AG, West Germany. Intended use of article: The foreign article is to be used to upgrade biological research capability of an electron microscope in the applicant's possession. Application received by Commissioner of Customs: May 7, 1979. Advice submitted by Commissioner of Customs: August 28, 1979.

Docket No.: 79-00272. Applicant: University of South Carolina, Columbia, S.C. 29208. Article: JASCO Model MCD-1B Electromagnet with Power Supply and support Bench. Manufacturer: JASCO, Japan. Intended use of article: The articles are intended to be used in conjunction with a circular dichroism spectrophotometer in order to measure magnetic circular dichroism spectra. A wide variety of samples will be examined using this technique including metallo-enzymes and synthetic metal-containing chromophores designed to structurally mimic the active sites of metallo-enzymes. The samples to be examined will all be solids dissolved in liquid solvents. The objectives of these studies will be to determine the electronic structure of these samples and therefore further our understanding of their role in nature. Application received by Commissioner of Customs: May 15, 1979. Advice submitted by The Department of Health, Education, and Welfare: August 29, 1979.

Docket No.: 79-00273. Applicant: Naval Dental Research Institute, Naval Base, Bldg. 1-H, Great lakes, IL 60088. Article: LKB 2258-041 PMV Cryo-Microtome, Type 160 and Accessories. Manufacturer: LKB Produkter AD, Sweden. Intended use of article: The article is intended to be used for studies of biological materials; whole animals and human tissues. Investigations will include autoradiographic drug chemical distribution studies of whole animals as well as fetal distribution studies of teratogenic compounds; histochemical studies of hormone and enzyme localization in cells and tissues of large specimens; metabolism studies of drugs and toxic or carcinogenic environmental agents; gross morphology and low powered light microscopy examination of whole human organs and animals to measure tumor metastasis. Application received by Commissioner of Customs: May 15, 1979. Advice submitted by The Department of Health, Education, and Welfare: August 28, 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 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. 79-29410 Filed 9-21-79; 8:45 am]

BILLING CODE 3510-25-M

SUNY at Stony Brook; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for futy-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 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.: 79-00259. Applicant: State University of New York at Stony Brook, Department of Surgery, Health Sciences Center, Stony Brook, New York 11794. Article: Gammacell 40 Irradiation System. Manufacturer: Atomic Energy of Canada Ltd., Canada. Intended use of article: The article is intended to be used for basic and clinical research and clinical application. For basic research the article will be used for total body irradiation of small laboratory animals (mice, rats) followed by bone marrow grafting and detailed follow-up of recovery. For clinical research, the article will be used for irradiation of peripheral blood lymphocytes which are then used as stimulator cells in the so-called one-way mixed lymphocyte culture. Experiments will be conducted to obtain better matching for tissue and organ transplantation in humans; and to find the optimal condition for recovery from lethal irradiation in small animals. These data can later be used for bone marrow transplantation in man. The article will also be used for advanced training in the field of immunobiology.

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 dual Cesium 137 source which provides uniform dose distribution (±5%) over a sample cavity with a depth of 4.9 inches and a 13 inch diameter for a total volume of 646 cubic inches. The Department of Health, Education, and Welfare advises in its memorandum dated August 29, 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 sciencific 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. 79-29413 Filed 9-21-79; 8:45 am]

BILLING CODE 3510-25-M

Utah State 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 5:00 P.M. at 666-11th Street, N.W. (Room 735) Washington, D.C.

Docket No.: 79-00264. Applicant: Utah State University, Department of Range Science, UMC 52, Logan, Utah 84322. Article: CO_2 Infrared Gas Analyzer. Manufacturer: Analytical Development Co., United Kingdom. Intended use of article: The article is intended to be used for photosynthetic studies of arid land plants, particularly in the field under natural environmental conditions. These experiments will involve measurement of net photosynthesis and and respiration of plants as a function of various environmental factors as well as the different species of plants which will be assayed. Measurements of photosynthesis and respiration involved determinations of the changes in concentrations of carbon dioxide in a small chamber surrounding the plant. In addition to the primary use of the article in research, some use of the article will also be made in teaching of an advanced graduate course Plant Ecophysiology (Range Science 621).

Comments: No comments have been received with respect to this application. Decision: Application approved. No instruments 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 zero to 1000 ppm carbon dioxide and a internal frequency standard for accurate operation with portable generator power. The Department of Health, Education and Welfare advises in its memorandum dated August 29, 1979 that (1) the internal frequency standard for accurate operation with portable generator power 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. 79-29412 Filed 9-21-79; 8:45 am]

BILLING CODE 3510-25-M

Computer Systems Technical Advisory Committee; Partially Closed Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, as amended, 5 U.S.C. App. (1976), notice is hereby given that a meeting of the Computer Systems Technical Advisory Committee will be held on Wednesday, October 10, 1979, at 9:30 a.m. in Room 5230, Main Commerce Building, 14th Street and Constitution Avenue, N.W., Washington, D.C.

The Computer Systems Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, January 13, 1977, and August 28, 1978, the Assistant Secretary for Administration approved the recharter and extension of the Committee, pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical matters, (B) worldwide availability and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to computer systems, including technical data or other information related thereto, and (D) exports of the aforementioned commodities and technical data subject to multilateral controls in which the United States participates, including proposed revisions of any such multilateral controls.

The Committee meeting agenda has five parts:

General Session

(1) Opening remarks by the Chairman.

(2) Presentation of papers or comments by the public.

(3) Report on the current work program of the Subcommittees:

(a) Technology Transfer;

(b) Foreign Availability;

(c) Hardware; and

(d) Licensing Procedures.

(4) Review of proposed subcommittee study programs for 1979.

Executive Session

(5) Discussion of matters properly classified under Executive Order 11652 and 12065, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The General Session of the meeting will be open to the public; a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (5), the Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 6, 1978, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government In The Sunshine Act, P.L. 94-409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1). Such matters are specifically authorized under criteria established by an Executive Order to be kept secret in the interests of the national defense or foreign policy. All materials to be reviewed and discussed by the Committee during the Executive Session of the meeting have been properly classified under Executive Order 11652 or 12065. All Committee members have appropriate security clearances.

The complete Notice of Determination to close meetings or portions thereof of the series of meetings of the Computer Systems Technical Advisory Committee and of any Subcommittees thereof, was published in the Federal Register on September 14, 1978 (43 FR 41073).

Copies of the minutes of the open portions of the meeting will be available by calling Mrs. Margaret Cornejo, Policy Planning Division, Office of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202-377-2583.

For further information contact Mrs. Cornejo either in writing or by phone at the address or number shown above:

Dated: September 19, 1979.

Kent N. Knowles,

Director, Office of Export Administration, Bureau of Trade Regulation, U.S. Department of Commerce.

[FR Doc. 79-29383 Filed 9-21-79; 8:45 am]

BILLING CODE 3510-25-M

Electronic Instrumentation Technical Advisory Committee; Partially Closed Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, as amended, 5 U.S.C. App. 10(a)(2) (1976), notice is hereby given that a meeting of the Electronic Instrumentation Technical Advisory Committee will be held on Tuesday, October 9, 1979, at 9:30 a.m. in room B841, Main Commerce Building, 14th Street and Constitution Avenue, N.W., Washington, D.C.

The Electronic Instrumentation Technical Advisory Committee was initially established on October 23, 1973. On October 7, 1975, October 21, 1977, and August 28, 1978, the Assistant Secretary for Administration approved the recharter and extension of the Committee pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Section 2404(c)(1) and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical matters, (B) worldwide availability and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to electronic instrumentation, including technical data or other information related thereto, and (D) exports of the aforementioned commodities and technical data subject to multilateral controls in which the United States participates, including proposed revisions of any such multilateral controls.

The Committee meeting agenda has four parts:

General Session

(1) Opening remarks by the Chairman.

(2) Presentation of papers or comments by the public.

(3) Establish issues to be assessed, tasks to be accomplished, and planning to provide Department of Commerce with recommendations on:

(a) automatic test equipment,

(b) microprocessor development aids,

(c) administrative procedures,

(d) industry review and look ahead to define products which should be controlled, and

(e) other areas to be considered.

Executive Session

(4) Discussion of matters properly classified under Executive Order 11652 or 12065, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

With respect to agenda item (4), the Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 6, 1978, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government In The Sunshine Act, P.L. 94-409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1). Such matters are specifically authorized under criteria established by an Executive Order to be kept secret in the interests of the national defense or foreign policy. All materials to be reviewed and discussed by the Committee during the Executive Session of the meeting have been properly classified under Executive Order 11652 or 12065. All Committee members have appropriate security clearances.

The complete Notice of Determination to close meetings or portions thereof of the series of meetings of the Electronic Instrumentation Technical Advisory Committee and of any subcommittees thereof was published in the Federal Register on December 27, 1978 (43 FR 60328).

Copies of the minutes of the open portions of the meeting will be available by calling Mrs. Margaret Cornejo, Policy Planning Division, Office of Export Administration, Industry and Trade Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202-377-2583.

For further information, contact Mrs. Cornejo, either in writing or by phone at the address or number shown above.

Dated: September 19, 1979.

Kent N. Knowles,

Director, Office of Export Administration, Bureau of Trade Regulation, U.S. Department of Commerce.

[FR Doc. 79-29583 Filed 9-21-79; 8:45 am]
BILLING CODE 3510-25-M

Hardware Subcommittee of the Computer Systems Technical Advisory Committee; Partially Closed Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1976), notice is hereby given that a meeting of the Hardware Subcommittee of Computer Systems Technical Advisory Committee will be held on Tuesday, October 9, 1979, at 9:00 a.m. in Room 5230, Main Commerce Building, 14th Street and Constitution Avenue, N.W., Washington, D.C.

The Computer Systems Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, January 13, 1977, and August 28, 1978, the Assistant Secretary for Administration approved the recharter and extension of the Committee, pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act. The Hardware Subcommittee of the Computer Systems Technical Advisory Committee was established on July 8, 1975, with the approval of the Director, Office of Export Administration, pursuant to the Charter of the Committee. And, on October 16, 1978, the Assistant Secretary for Industry and Trade approved the continuation of the Subcommittee pursuant to the charter of the Committee.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical matters, (B) worldwide availability and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to computer systems, including technical data or other information related thereto, and (D) exports of the aforementioned commodities and technical data subject to multilateral controls in which the United States participates including proposed revisions of any such multilateral controls. The Hardware Subcommittee was formed to continue the work of the Performance Characteristics and Performance Measurements Subcommittee, pertaining to (1) maintenance of the processor performance tables and further investigation of total systems performance; and (2) investigation of array processors in terms of establishing the significance of these devices and determining the differences in characteristics of various types of these devices.

The Subcommittee meeting agenda has four parts:

General Session

1. Opening remarks by the Chairman.

2. Presentation of papers or comments by the public.

3. Discussion of work program for balance of this year.

Executive Session

4. Discussion of matters properly classified under Executive Order 11652 or 12065, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The General Session of the meeting is open to the public; a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Subcommittee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (4), the Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 6, 1978, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government in the Sunshine Act, P.L. 94-409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1). Such matters are specifically authorized under criteria established by an Executive Order to be kept secret in the interests of national defense or foreign policy. All materials to be reviewed and discussed by the Subcommittee during the Executive Session of the meeting have been properly classified under Executive Order 11652 or 12065. All Subcommittee members have appropriate security clearances.

The complete Notice of Determination to close meetings or portions thereof of the series of meetings of the Computer Systems Technical Advisory Committee and of any Subcommittees thereof, was published in the Federal Register on September 14, 1978 (43 FR 41073).

Copies of the minutes of the General Session can be obtained by calling Mrs. Margaret Cornejo, Policy Planning Division, Office of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230, phone 202-377-2583.

For further information contact Mrs. Cornejo either in writing or by phone at the address or number shown above.

Dated: September 19, 1979

Kent N. Knowles,

Director, Office of Export Administration, Bureau of Trade Regulation, U.S. Department of Commerce.

[FR Doc. 79-29582 Filed 9-21-79; 8:45 am]

BILLING CODE 3510-25-M

Licensing Procedures Subcommittee of the Computer Systems Technical Advisory Committee; Open Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, as amended, 5 U.S.C. App. (1976), notice is hereby given that a meeting of the Licensing Procedures Subcommittee of the Computer Systems Technical Advisory Committee will be held on Tuesday, October 9, 1979, at 1:30 p.m. in Room 5230, Main Commerce Building, 14th Street and Constitution Avenue, N.W., Washington, D.C.

The Computer Systems Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, January 13, 1977, and August 28, 1978, the Assistant Secretary for Administration approved the recharter and extension of the Committee, pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act. The Licensing Procedures Subcommittee of the Computer Systems Technical Advisory Committee was established on February 4, 1974. On July 8, 1975, the Director, Office of Export Administration, approved the reestablishment of this Subcommittee, pursuant to the charter of the Committee. And, on October 16, 1978, the Assistant Secretary for Industry and Trade approved the continuation of the Subcommittee pursuant to the charter of the Committee.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical matters, (B) worldwide availability and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to computer systems, including technical data or other information related thereto, and (D) exports of the aforementioned commodities and technical data subject to multilateral controls in which the United States participates, including proposed revisions of any such multilateral controls. The Licensing Procedures Subcommittee was formed to review the procedural aspects of export licensing and recommend areas where improvements can be made.

The Subcommittee meeting agenda has four parts:

(1) Opening remarks by the Subcommittee Chairman.

(2) Presentation of papers or comments by the public.

(3) Pending items of business:

(a) Technical data regulation, review of preliminary draft;

(b) Review of Swiss Blue Import Certificate procedure;

(c) U.S. parts content requirement; and

(d) Qualified general/product license concept.

(4) Discussion of: License processing mechanics, including documentation/narrative requirements and standards according to computer system categories and/or nature of the product and previous licensing history.

The meeting will be open for public observation and a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Subcommittee. Written statements may be submitted at any time before or after the meeting.

Copies of the minutes of the meeting will be available by calling Mrs. Margaret Cornejo, Policy Planning Division, Office of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202-377-2583.

For further information contact Mrs. Cornejo either in writing or by phone at the address or number shown above.

Dated: September 19, 1979.

Kent Knowles,

Director, Office of Export Administration, Bureau of Trade Regulation, U.S. Department of Commerce.

[FR Doc. 79-29584 Filed 9-21-79; 8:45 am]

BILLING Code 3510-25-M

National Oceanic and Atmospheric Administration

Pacific Fishery Management Council and Its Scientific and Statistical Committee; Partially Closed Meeting; Amended Notice

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The Pacific Fishery Management Council and its Scientific and Statistical Committee will conduct a series of meetings. The location, dates, and agenda have been changed. (FR Vol. 44, No. 171, dated August 31, 1979).

DATES: October 9-10, 1979.

ADDRESS: The meetings wil take place at the Hilton Hotel, 921 S.W. 6th, Portland, Oregon.

FOR FURTHER INFORMATION CONTACT: Pacific Fishery Management Council, 526 S.W. Mill Street, Second Floor, Portland, Oregon 97201, Telephone: (503) 221-6352.

SUPPLEMENTARY INFORMATION: The Pacific Fishery Management Council was established by Section 302 of the Fishery Conservation and Management Act of 1976 (Public Law 94-265), and the Council has established a Scientific and Statistical Committee (SSC) to assist in carrying out its responsibilities. Meeting Agendas follow:

Scientific and Statistical Committee (SSC) (open meeting) (October 9-10, 1979) (2 p.m. to 6 p.m. on Tuesday, October 9, 1979; 8

a.m. to 12 p.m. on Wednesday, October 10, 1979)

Agenda: Discuss the Groundfish Fishery Management Plan (FMP), conduct a public comment period beginning at 3:30 p.m. on Tuesday, October 9, 1979, and conduct other Committee business.

Council (open meeting) (October 10, 1979) (10 a.m. to 5 p.m.)

Agenda: Open Session—Review the Groundfish FMP, conduct other fishery management business, and conduct a public comment period beginning at 1 p.m. on Wednesday, October 10, 1979.

Council (closed meeting) (October 10, 1979) (8 a.m. to 10 a.m.)

Agenda: Closed Session—Discuss the status of current maritime boundary and resource negotiations between the U.S. and Canada and discuss personnel matters concerning appointments to vacancies on subpanels and teams. Only those Council members, SSC members, and related staff having security clearance will be allowed to attend this closed session.

Dated: September 19, 1979.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

[FR Doc. 79-29578 Filed 9-21-79; 8:45 am]

BILLING CODE 3510-22-M

Office of the Secretary

[Dept. Organization Order 10-4, Amdt. 6]

Assistant Secretary for Economic Development; Statement of Organization, Functions and Delegation of Authority

This order effective August 22, 1979 further amends the materials appearing at 40 FR 56702 of December 4, 1975, 40 FR 58878 of December 12, 1975, 41 FR 37829 of September 8, 1976, 42 FR 1064 of January 5, 1977, 42 FR 33051 of June 21, 1977, and 42 FR 33052 of June 21, 1977.

Department Organization Order 10-4 of September 30, 1975, is hereby further amended as shown below. The purpose of this amendment is to transfer certain delegated authorities to the Assistant Secretary for Industry and Trade from the Assistant Secretary for Economic Development.

In Section 4. Delegation of Authority, a. Subparagraph .01e. is revised to read as follows:

"e.1. Chapters 3 and 4 of Title II of the Trade Act of 1974 (P.L. 93-618, 88 Stat. 1978, 19 U.S.C. 2101 *et seq.*), as they pertain to the certification of eligibility of firms and communities to apply or be considered for adjustment assistance, the termination of such certification, and the provision of adjustment assistance to such firms and communities as are certified eligible to apply or be considered for adjustment assistance, excluding the authority of the Secretary under Section 264 (19 U.S.C. 2354);

"2. Subsection 264(c) of the Trade Act of 1974 (19 U.S.C. 2354(c)) insofar as it pertains to assistance in the preparation and processing of petitions and applications of firms determined to be affected by import competition."

b. This amendment supersedes Amendment 1 of this Order dated November 17, 1975.

Effective date: August 22, 1979.

Guy W. Chamberlin, Jr.,

Deputy Assistant Secretary for Administration.

[FR Doc. 79-29519 Filed 9-21-79; 8:45 am]

BILLING CODE 3510-17-M

[Dept. Organization Order 10-3, Amdt. 3; Transmittal 460]

Assistant Secretary for Industry and Trade; Delegation of Authority

Effective Date: August 22, 1979.

This order effective August 22, 1979 further amends the materials appearing at 42 FR 64721 of December 28, 1977, 43 FR 27224 of June 23, 1978, and 43 FR 35523 of August 10, 1978.

Department Organization Order 10-3 dated December 4, 1977, is hereby further amended as shown below. The purpose of this amendment is to transfer certain delegated authorities from the Assistant Secretary for Economic Development to the Assistant Secretary for Industry and Trade.

In Section 4. Delegation of Authority. a. In pen and ink remove the word *and* at the end of subparagraph .01ff.; at the end of subparagraph .01gg. replace the period with a semicolon and add the word *and.*

b. A new subparagraph .01hh. is added to read as follows:

"hh. Section 264 of the Trade Act of 1974 (88 Stat. 2035, 19 U.S.C. 2354) relating to the studies and reports and information activities in response to investigations and findings of the International Trade Commission, except that reports to be submitted to the President shall be issued by the Secretary and responsibility for assistance in preparation and processing of petitions and applications under Subsection 264(c) shall be vested in the Assistant Secretary for Economic Development."

Guy W. Chamberlin, Jr.,

Deputy Assistant Secretary for Administration.

[FR Doc. 79-29517 Filed 9-21-79; 8:45 am]

BILLING CODE 3510-17-M

[Dept. Organization Order 45-1, Amdt. 1]

Economic Development Administration; Statement of Organization and Delegation of Authority

This order effective August 12, 1979 amends the material appearing at 44 FR 9414 of February 13, 1979.

Department Organization Order 45-1 dated January 11, 1979 is hereby amended as shown below. The purpose of this amendment is to add the Personnel Management Division in Section 7. Office of Management and Administration.

1. In Section 7. Office of Management and Administration, a. In pen and ink in the introductory paragraph change the comma after the words "as prescribed below" to a period, and delete the remainder of that paragraph.

b. A new paragraph .06 is added to read as follows:

".06 The *Personnel Management Division* shall:

"Plan, organize, and administer staffing services such as recruitment and placement, appointment, promotion, and separation; manage other personnel programs including employee relations, employee training and development, employee recognition and incentives, labor-management relations, position management and classification and various employee services and benefits programs; maintain a processing and filing system for all personnel actions; and provide planning and administrative support to the agency's Equal Employment Opportunities programs."

2. The organization chart dated January 11, 1979 is superseded by the chart attached to this amendment. A copy of the organization chart is on file with the original of this document in the Office of the Federal Register.

Effective date: August 12, 1979.

Approved:

Guy W. Chamberlin, Jr.,

Deputy Assistant Secretary for Administration.

[FR Doc. 79-29520 Filed 9-21-79; 8:45 am]

BILLING CODE 3510-17-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcing Additional Import Controls on Certain Man-Made Fiber Textile Products From the Republic of Korea

September 19, 1979.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Controlling man-made fiber nightwear in Category 651 and fish nets and netting in Category 669 (only T.S.U.S.A. 355.4560) during the twelve-month period which begain on January 1, 1979.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the Federal Register on January 4, 1978 (43 FR 884), as amended on January 25, 1978 (43 FR 3421), March 3, 1978 (43 FR 8828), June 22, 1978 (43 FR 26773), September 5, 1978 (43 FR 39408), January 2, 1979 (44 FR 94), March 22, 1979 (44 FR 17545), and April 12, 1979 (44 FR 21843)).

SUMMARY: Under the terms of paragraph 16 of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 23, 1977, as amended, between the Governments of the United States and the Republic of Korea, the United States Government has decided to control imports of man-made fiber textile products in Categories 651 and 669 (only T.S.U.S.A. 355.4560), produced or manufactured in the Republic of Korea and exported to the United States during the twelve-month period which began on January 1, 1979, in addition to those categories previously designated. (See FR 1209). By an exchange of diplomatic notes dated August 24, 1979 the two governments agreed, among other things, to increase the designated consultation levels for Categories 651 and 669 (only T.S.U.S.A. 355.4560) to 60,000 dozen and 320,513 pounds, respectively.

EFFECTIVE DATE: September 25, 1979.

FOR FURTHER INFORMATION CONTACT: Norman Duckworth, International Trade Specialist, Office of Textiles, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-3700).

SUPPLEMENTARY INFORMATION: On January 4, 1979, there was published in the Federal Register (44 FR 1209) a letter dated December 28, 1978 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs which established levels of restraint for certain specified categories of cotton, wool and man-made fiber textile products, produced or manufactured in the Republic of Korea, which may be entered into the United States for consumption, or withdrawn from warehouse for consumption, during the twelve-month period which began on January 1, 1979 and extends through December 31, 1979. In accordance with the terms of the bilateral agreement, the United States Government has decided also to control imports of man-made fiber textile products in Categories 651 and 669 (only T.S.U.S.A. 355.4560), produced or manufactured in the Republic of Korea and exported to the United States during the twelve-month period which began on January 1, 1979, at the increased levels agreed in the exchange of diplomatic notes dated August 24, 1979. Accordingly, in the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to prohibit entry for consumption or withdrawal from warehouse for consumption of man-made fiber textile products in excess of the designated levels of restraint. Inasmuch as the agreed, increased level of restraint for Category 669 (T.S.U.S.A. 355.4560) has been exhausted by previous entries, the control will be invoked at the zero level. The level of restraint for Category 651 has not been adjusted to account for any imports after December 31, 1979. Imports in Category 651 during the period which began on January 1, 1979 and extended through July 31, 1979 amounted to 19,537 dozen and will be charged.

Paul T. O'Day,

Acting Chairman, Committee for the Implementation of Textile Agreements.

September 19, 1979.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury,
Washington, D.C. 20229.

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive issued to you on December 28, 1978 by the Chairman, Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain cotton, wool and man-made fiber textile products, produced or manufactured in the Republic of Korea.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 14, 1977; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 23, 1977, as amended, between the Governments of the United States and the Republic of Korea; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on September 25, 1979 and for the twelve-month period beginning on January 1, 1979 and extending through December 31, 1979, entry into the United States for consumption and withdrawal from warehouse for consumption of man-made fiber textile products in Categories 651 and 669 (only T.S.U.S.A. 355.4560) produced or manufactured in the Republic of Korea, in excess of the following levels of restraint:

Category	12-month level of restraint [1]
651	60,000 dozen
669 (only TSUSA 355.4560)	0

[1] The level of restraint for Category 651 has not been adjusted to reflect any imports after December 31, 1978. Imports during the January-July 1979 period have amounted to 19,537 dozen.

Man-Made fiber textile products in Categories 651 and 669 (only T.S.U.S.A. 355.4560) which have been exported to the United States prior to January 1, 1979 shall not be subject to this directive.

Man-made fiber textile products in Categories 651 and 669 (only T.S.U.S.A. 355.4560) which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)A) prior to the effective date of this directive shall not be denied entry under this directive.

A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the Federal Register on January 4, 1978 (43 F.R. 884), as amended on January 25, 1978 (43 F.R. 3421), March 3, 1978 (43 F.R. 8828), June 22, 1978 (43 F.R. 26773), September 5, 1978 (43 F.R. 39408), January 2, 1979 (44 F.R. 94), March 22, 1979 (44 F.R. 17545), and April 12, 1979 (44 F.R. 21843).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Republic of Korea and with respect to imports of man-made fiber textile products from the Republic of Korea have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,

Paul T. O'Day.

[FR Doc. 79-29616 Filed 9-21-79; 8:45 am]
BILLING CODE 3510-25-M

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

Task Force on Evaluation of Audit, Inspection and Investigative Components of the Department of Defense; Advisory Committee Meeting

Pursuant to the Federal Advisory Committee Act, as amended, Section 10, 5 U.S.C. app. Section 10 (1976), notice is hereby given that a meeting of the Task Force on Evaluation of Audit, Inspection and Investigative Components of the Department of Defense will be held on October 12, 1979 from 10:00 AM to 12:00

AM in room 3D973, The Pentagon, Washington, D.C.

The mission of the Task Force is to advise Congress and the Secretary of Defense with respect to the effectiveness of the audit, inspection and investigative components of the Department of Defense.

The meeting will be open to the public.

H. E. Lofdahl,

Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.

September 18, 1979.

[FR Doc. 79-29472 Filed 9-21-79; 8:45 am]

BILLING CODE 3810-70-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Cross 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: September 5, 1979.

COMMENTS BY: October 24, 1979.

ADDRESS: Send comments to William D. Miller, Central District Manager of Enforcement Department of Energy, 324 East 11th Street; Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Jeannine C. Fox, Chief, Refined Products Programs Management Branch, 324 East 11th Street, Kansas City, Missouri 64106. (phone) 816-374-5932.

SUPPLEMENTARY INFORMATION: On September 5, 1979, the Office of Enforcement of the ERA executed a Consent Order with Cross Oil Company of St. Louis, Missouri. Under 10 CFR 205.199J(b), a Consent Order which involves a sum of less than $500,000 in the aggregate, excluding penalities and interest, becomes effective upon its execution.

I. The Consent Order

Cross Oil Company (Cross), with its home office located in St. Louis, Missouri, is a firm engaged in the marketing of motor gasoline and middle distillates to resellers and end-users, 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 Cross, the Office of Enforcement, ERA, and Cross Oil Company entered into a Consent Order.

The Consent Order encompases Cross' sale of covered products during the period November 1, 1973 through July 31, 1975. As more fully described in the Notice of Probable Violation issued October 28, 1977.

II. Dispostion of Refunded Overcharges

In this Consent Order, Cross 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. above, the sum of eighty thousand and eight hundred and twenty seven dollars and nintey-nine cents ($80,827.99) over a period of three years. Refunded overcharges will be in the form of:

(1) Direct Refunds to identifiable End users in the amount $18,521.58, and

(2) certified checks made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA in the amount of $21,611.99. These funds will remain in a suitable account pending the determination of their proper disposition.

(3) and by means of a price rollback to unidentifiable end users at the retail level in the amount of $40,694.42.

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. 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 205.1991I(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 William D. Miller, Central District Manager of Enforcement, Department of Energy, 324 East 11th Street, Kansas City, Missouri 64106. You may obtain a free copy of this Consent Order by writing to the same address or by calling 816-374-5932.

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 Cross Consent Order." We will consider all comments we receive by 4:30 p.m., local time, on October 24, 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 Kansas City, Missouri on the 5th day of September, 1979.

Jeannine C. Fox,

District Manager of Enforcement.

September 14, 1979.

[FR Doc. 79-29482 Filed 9-21-79; 8:45 am]

BILLING CODE 6450-01-M

Refiners Crude Oil Allocation Program; Supplemental Notice for Allocation Period of April 1, 1979, Through September 30, 1979, and Issuance of Emergency Allocations for October 1979

The notice specified in 10 CFR 211.65(g) of the refiners' crude oil allocation (buy/sell) program for the allocation period of April 1, 1979, through September 30, 1979, was issued March 30, 1979 (44 FR 21062, April 9, 1979). Subsequent to the publication of

this Notice, the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) assigned emergency allocations for the months of April through September 1979, pursuant to 10 CFR 211.65(c)(2) and 10 CFR 211.65(a)(5) to a number of small refiners and issued supplemental buy/sell lists on April 11, 1979 (44 FR 24336, April 25, 1979), May 16, 1979 (44 FR 29955, May 23, 1979), June 8, 1979 (44 FR 34186, June 14, 1979), June 29, 1979 (44 FR 39579, July 6, 1979), and August 1, 1979 (44 FR 46505, August 8, 1979). The ERA hereby issues a sixth supplemental buy/sell list for the allocation period of April 1, 1979, through September 30, 1979, which sets forth new emergency allocations for the months of August and September 1979, assigned pursuant to 10 CFR 211.65(c)(2), as amended on April 27, 1979, (44 FR 26060, May 4, 1979).

The supplemental buy/sell list for the allocation period of April 1, 1979, through September 30, 1979, is set forth as an appendix to this notice. The list includes the names of the small refiners granted emergency allocations for the months of August and September 1979 and their eligible refineries; the quantity of crude oil each refiner is eligible to purchase; the fixed percentage share for each refiner-seller; the quantity of crude oil that each refiner-seller was obligated to offer for sale to refiner-buyers pursuant to the supplemental buy/sell notice for the April 1, 1979, through September 30, 1979, allocation period issued August 1, 1979; the new total sales obligation of each refiner-seller, which reflects each refiner-seller's sales obligation for the emergency allocations listed herein; and the total sales obligation for all refiner-sellers.

The ERA also hereby issues a list of new emergency allocations that have been assigned for the month of October 1979. These allocations will be included in the regular Buy/Sell list for the October 1979—March 1980 allocation period, which will be issued soon. ERA is publishing notice of the October emergency allocations at this time to enable both refiner-sellers and refiner-buyers to plan future transactions under the program.

The list of emergency allocations for October 1979 is set forth as an appendix to this notice. The list includes the names of the small refiners granted the allocations and their eligible refineries; the quantity of crude oil each refiner is eligible to pruchase; the fixed percentage share for each refiner-seller; and the quantity of crude oil that each refiner-seller will be obligated to sell refiner-buyers for the October 1979 March 1980 allocation.Period as a result of the October emergency allocations.

The allocations for the small refiners on the supplemental buy/sell list were determined in accordance with 10 CFR 211.65(c)(2). Sales obligations for refiner-sellers were determined in accordance with 10 CFR 211.65(e) and (f).

The buy/sell list covers PAD Districts I through V, and amounts shown are in barrels of 42 gallons each, for the specified period. Pursuant to 10 CFR 211.65(f), each refiner-seller shall offer for sale during an allocation period, directly or through exchanges to refiner-buyers, a quantity of crude oil equal to that refiner-seller's sales obligation plus any volume that the ERA directs the refiner-seller to sell pursuant to 10 CFR Section 211.65(j).

Pursuant to 10 CFR 211.65(h), each refiner-buyer and refiner-seller is required to report to ERA in writing or by telegram the details of each transaction under the buy/sell list within forty-eight hours of the completion of arrangements therefor. Each report must identify the refiner-seller, the refiner-buyer, the refineries to which the crude oil is to be delivered, the volumes of crude oil sold or purchased, and the period over which the delivery is expected to take place.

The procedures of 10 CFR 211.65(j) provide that if a sale is not agreed upon subsequent to the date of publication of this notice, a refiner-buyer that has not been able to negotiate a contract to purchase crude oil may request that the ERA direct one or more refiner-sellers to sell a suitable type of crude oil to such refiner-buyer. Such request must be received by the ERA no later than October 15, 1979. Upon such request, the ERA may direct one or more refiner-sellers that have not completed their required sales to sell crude oil to the refiner-buyer.

In directing refiner-sellers to make such sales, ERA will consider the percentage of each refiner-seller's sales obligation for the allocation period that has been sold as reported pursuant to § 211.65(h), as well as the refiner-seller or sellers that can best be expected to consummate a particular directed sale. If, in ERA's opinion, a valid directed sale request cannot reasonably be expected to be consummated by a refiner-seller that has not completed all or substantially all of its sales obligation for the allocation period, the ERA may issue one or more directed sales orders that would result in one or more refiner-sellers selling more than their published sales obligations for that allocation period. In such cases, the refiner-seller or sellers will receive a barrel-for-barrel reduction in their sales obligations for the next allocation period pursuant to 10 CFR 211.65(f)(3)(ii).

If the refiner-buyer declines to purchase the crude oil specified by ERA, the rights of that refiner-buyer to purchase that volume of crude oil are forfeited during this allocation period, provided that the refiner-seller or refiner-sellers have fully complied with the provision of 10 CFR 211.65.

Refiner-buyers making requests for directed sales must document their inability to purchase crude oil from refiner-sellers by supplying the following information to ERA:

(i) Name of the refiner-buyer and of the person authorized to act for the refiner-buyer in buy/sell program transactions.

(ii) Name and location of the refineries for which crude oil has been sought, the amount of crude oil sought for each refinery, and the technical specifications of crude oils that have historically been processed in each refinery.

(iii) Statement of any restrictions, limitations, or constraints on the refiner-buyer's purchases of crude oil, particularly concerning the manner or time of deliveries.

(iv) Names and locations of all refiner-sellers from which crude oil has been sought under the buy/sell notice, the refineries for which crude oil has been sought, and the volume and specifications of the crude oil sought from each refiner-seller.

(v) The response of each refiner-seller to which a request to purchase crude oil has been made, and the name and telephone number of the individual contacted at each such refiner-seller.

(vi) Such other pertinent information as ERA may request.

All reports and applications made under this notice should be addressed to:

Chief, Crude Oil Allocation Branch, 20th Street Postal Station, P.O. Box 19028, Washington, D.C. 20036.

Copies of the decisions and orders assigning the emergency allocations listed herein, as well as the applications, may be obtained from:

Economic Regulatory Administration, Public Information Office, 2000 M Street, N.W., Rm. B110, Washington, D.C. 20461 (202) 634-2170.

The ERA Public Information Office also has available copies of pending applications for emergency allocations under they buy/sell program.

ERA requires each applicant for an emergency allocation to serve all refiner-sellers with a copy of its application and any amendments thereto, simultaneously with the

applicant's filing the application with ERA. The application must be received by all refiner-sellers by the filing deadline set forth in § 211.65(c)(2). If the applicant claims confidentiality for any of the information contained in its application, the basis for the claim must be clearly stated. ERA does not consider the names of potential suppliers contacted in unsuccessful attempts to obtain crude oil or offers of crude oil that the applicant has rejected to be proprietary.

Comments on each application will be accepted by ERA if received within eight days of service of the application.

This notice is issued pursuant to Subpart G of DOE's regulations governing its administrative procedures and sanctions, 10 CFR Part 205. Any person aggrieved hereby may file an appeal with DOE's Office of Hearings and Appeals in accordance with Subpart H of 10 CFR Part 205. Any such appeal shall be filed on or before October 24, 1979.

Issued in Washington, D.C. September 14, 1979.

Doris J. Dewton,

Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

Appendix

The Buy/Sell list for the period April 1, 1979, through September 30, 1979, is hereby amended to reflect emergency allocations for the months of August and September 1979, and the resulting changes in sales obligations of refiner-sellers. The amended list sets forth the name of each refiner-seller, the volumes of crude oil that each such refiner-seller is required to offer for sale to refiner-buyers, and emergency allocations for the months of August and September 1979. The amended list does not reflect volumes sold by refiner-sellers for the April 1, 1979, through September 30, 1979, allocation period.

Office of Hearings and Appeals Decision

By Decision and Order dated September 5, 1979, the Office of Hearings and Appeals of the Department of Energy granted an appeal filed by Peerless Petrochemicals, Inc. which operates a refinery in Penuelas, Puerto Rico. The Decision and Order (Case Number DEA-0584) specified that "[t]he Application submitted by Peerless pursuant to the provisions of 10 CFR 211.65(c)(2) for an emergency allocation of crude oil for the months of August and September 1979 is hereby granted." Peerless' allocation was determined by multiplying its adjusted base-period runs to stills for the period January to Octover 1978 (5,896 B/D) by 90.25 percent (95 percent of the national utilization rate of 95 percent) or 5,321 B/D. Since Peerless has no crude supply for August and September 1979, its allocation equals 5,321 B/D for August or 164,951 barrels and 5,321 B/D for September or 159,630 barrels.

Increases and Decreases in Allocations

ERA has been notified by Bruin Refining that it has been able to purchase additional crude oil outside the Buy/Sell Program for the month of August 1979. This oil was not considered in determining Bruin's emergency allocation for August. Therefore, Bruin's August 1979 emergency allocation is hereby decreased by 24,800 barrels to 199,361 barrels.

ERA has been notified by CRA Farmland that it has not been able to purchase crude oil that it had projected to be able to run for the months of August and September 1979. This oil was considered in determining CRA's emergency allocation for those months. Therefore, CRA's August 1979 emergency allocation is hereby increased by 109,988 barrels to 849,121 barrels. CRA's September 1979 allocation is hereby increased by 261,990 barrels to 764,280 barrels.

Emergency Allocations for August, September, and October

The October allocations listed below have *not* been included in the refiner-sellers' sales obligations shown in this notice. The sales obligations for the October allocations will be included in a notice to be issued shortly for the regular October 1979 through March 1980 Buy/Sell period. Refiner-sellers are not required to sell the October allocation, listed below until the notice for the October 1979–March 1980 allocation is issued.

Crude Oil Allocation Program Sales Obligations for the Period Apr. 1, to Sept. 30, 1979

Refiner-sellers	Share*	Sales obligation as of Aug. 1, 1979 (barrels)	New total (barrels)
Amoco Oil Co	.105	3,638,206	4,133,067
Atlantic Richfield Co	.077	2,653,076	3,016,453
Chevron U.S.A., Inc	.101	3,771,153	4,250,979
Cities Service Co	.025	1,515,829	1,632,037
Continental Oil Co	.004	136,253	155,150
Exxon Co., U.S.A	.089	3,031,630	3,452,091
Getty Refining & Marketing Co	.021	838,098	938,324
Gulf Refining & Marketing Co	.091	3,396,720	3,827,159
Marathon Oil Co	.022	769,515	877,488
Mobil Oil Corp	.094	3,256,387	3,700,866
Phillips Petroleum Co	.041	1,434,517	1,629,984
Shell Oil Co	.113	4,049,721	4,586,484
Sun Co	.055	2,010,352	2,272,535
Texaco Inc	.114	3,844,884	4,382,087
Union Oil Co. of California	.046	1,711,307	1,927,254
Total sales		36,057,648	40,781,927

* All Refiner-Sellers' percentage shares have been changed to reflect the Continental Oil Company and Exxon Company, U.S.A. Decision and Order dated March 20, 1979. Case numbers are FEX-0184 and FEX-0185.

Refiner	Refinery location	September 1979 allocation (barrels)	October 1979 allocation (barrels)
Allied Materials	Stroud, OK	56,070	57,939
Bruin	St. James, LA	182,430	188,511
Caribou Four Corners	Woods Cross, UT	36,330	0
Crystal Refining	Carson City, MI	70,650	73,005
Delta	Memphis, TN	242,490	264,275
Ergon	Vicksburg, MS	183,540	189,658
Gladieux	Ft. Wayne, IN	180,960	186,992
Hudson	Cushing, OK	411,930	425,661
Indiana Farm Bureau	Mt. Vernon, In	207,090	213,993
Lakeside	Kalamazoo, MI	28,200	31,062
Placid	Port Allen, LA	198,900	0
Rock Island	Rock Island, IN	616,080	698,616
Shepherd	Jennings, LA	62,610	42,346
Southern Union	Lovington, NM	97,470	50,685
Texas City	Texas City, TX	1,477,770	2,035,522
United	Warren, PA	0	461,662
Total		4,052,520	4,919,927

Revised Allocations for the Apr. 1 to Sept. 30, 1979, Allocation Period

	(Barrels)
Total Previously Published	36,057,648
Emergency Allocations (September)	4,052,520
Less Bruin Adjustment (August)	—24,800
Plus CRA Adjustment (August—109,988) (September—261,990)	371,978
Plus Peerless Allocation (August—164,951) (September—159,630)	324,581
Total allocations	40,781,927

Crude Oil Allocation Program Additional Sales Obligations Resulting From October Emergency Allocations for the Period Oct. 1, 1979 to Mar. 31, 1980

Refiner-sellers	Share	Additional sales obligation
Amoco Oil Co	.105	515,323
Atlantic Richfield Co	.077	378,426
Chevron U.S.A. Inc	.101	499,697
Cities Service Co	.025	121,020
Continental Oil Co	.004	19,680
Exxon Co., U.S.A	.089	437,874
Getty Refining & Marketing Co	.021	104,376
Gulf Refining & Marketing Co	.091	448,264
Marathon Oil Co	.022	112,445
Mobil Oil Corp	.094	462,887
Phillips Petroleum Co	.041	203,562
Shell Oil Co	.113	558,992
Sun Co	.055	273,041
Texaco Inc	.114	559,450
Union Oil Co. of California	.046	224,890
Total additional sales obligation		4,919,927

[FR Doc. 79-29278 Filed 9-21-79; 8:45 am]
BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket Nos. RP79-73 and RP72-157]

Consolidated Gas Supply Corp.; Proposed Changes in Gas Tariff

September 14, 1979.

Take notice that Consolidated Gas Supply Corporation (Consolidated) on August 29, 1979, tendered for filing proposed changes in its FERC Gas Tariff, Third Revised Volume No. 1 to be effective September 1, 1979.

Consolidated states that the revised tariff sheet reflects rate changes to incorporate in its rates the increased cost of LNG as proposed in Docket No. RP79-73 and a decrease to the semiannual PGA filing made August 2, 1979, for effectiveness September 1, 1979, in Docket No. RP72-157 and old gas production priced on a cost of service basis.

Consolidated requests a waiver of any of the Commission's Rules and Regulations that may be deemed necessary in order to permit the rates shown on Second Substitute Fifteenth Revised Sheet No. 16 to become effective as proposed.

Copies of this filing were served upon Consolidated's jurisdictional customers as well as interested State Commissions.

Any persons desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR, 1.8, 1.10). All such petitions or protests should be filed on or before September 28, 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 inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-29136 Filed 9-21-79; 8:45 am]
BILLING CODE 6450-01-M

[Docket No. CP79-195]

Distrigas Corp. and Distrigas of Massachusetts Corp.; Informal Conference

September 14, 1979.

Take notice that on September 27, 1979, at 10:00 a.m., an informal conference of all interested persons will be convened concerning the above-captioned matter. The conference will be held at the offices of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C., 20426, Room 8402.

Customers and other interested persons will be permitted to attend, but if such persons have not previously been permitted to intervene by order of the Commission, attendance will not be deemed to authorize intervention.

All parties will be expected to appear fully prepared to discuss any procedural matters and explore or make commitments with respect to any or all of the issues and any offers of settlement or stipulations discussed at the conference.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-29137 Filed 9-21-79; 8:45 am]
BILLING CODE 6450-01-M

[Docket No. RP72-115, (PGA 79-2)]

Oklahoma Natural Gas Gathering Corp.; Filing of Revised Tariff Sheets

September 14, 1979.

Take notice that on September 5, 1979, Oklahoma Natural Gas Gathering Corporation (Gathering Corporation) tendered for filing Eighteenth Revised Sheet PGA-1. Gathering Corporation states that Eighteenth Revised Sheet PGA-1 will become effective on October 1, 1979, and revise its Base Tariff Rate to flow through the increase in the system cost of purchased gas and recover the balance accumulated in its unrecovered purchased gas cost account.

Gathering Corporation further states that the projected cost of purchased gas, as computed in said filing, is based on the applicable NGPA rates for October 1979.

Gathering Corporation states that copies of this filing were served upon all its jurisdictional customers, as well as interested State commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 2, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-29138 Filed 9-21-79; 8:45 am]
BILLING CODE 6450-01-M

Public Utility Regulatory Policies Act of 1978; Implementation; Meeting

September 14, 1979.

On September 26, 1979, and September 27, 1978, staff members of the Federal Energy Regulatory Commission will meet with staff representatives of the National Association of Regulatory Utility Commissioners for informal discussion of the status of implementation of certain parts of the Public Utility Regulatory Policies Act of 1978, Pub. L. 95-617.

The meeting on September 26 will begin at 1:30 p.m. and will cover implementation of Section 133 of the Act. The meeting on September 27, will

begin at 9:30 a.m. and will cover implementation of those sections of Title II of the Act for which the Commission is directly responsible, excluding Section 210.

The meetings will be held at the Commission offices at 825 North Capitol Street, Washington, D.C. at room locations that will be posted in the lobby. The meetings are open to the public.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-29435 Filed 9-21-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket Nos. GP79-111, GP79-112]

Southern Natural Gas Co. v. Exxon Corp. and Perry R. Bass; Protests

September 14, 1979.

Take notice that on August 24, 1979, Southern Natural Gas Company (Southern) filed with the Federal Energy Regulatory Commission (Commission), pursuant to 18 CFR 154.94(h)(8) protests to the blanket affidavits of two producers, insofar as those affidavits relate the following contracts:

Exxon Corporation Rate Schedule No. 283.
Perry R. Bass Rate Schedule No. 9.

Southern asserts that for each of the above listed contracts, the producer asserted the contractual authority to collect the maximum lawful price under section 104(b)(1)(A) of the Natural Gas Policy Act of 1978 (NGPA). Southern asserts in its protests that the above listed contracts do not authorize the collection of that price.

Any person desiring to be heard or to make any response with respect to these protests should file with the Commission, on or before September 28, 1979, a petition to intervene in accordance with 18 CFR 1.8; after that date these protests will be forwarded to the Commission's Chief Administrative Law Judge, for disposition in accordance with Order No. 23-B (44 FR 38834, July 3, 1979).

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-29439 Filed 9-21-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. GP79-90; Rate Schedule 10; Rate Schedule 95]

Texas Pacific Oil Co., Inc.; Protest To Charge and Collect NGPA Price

September 13, 1979.

Take notice that on August 15, 1979, Arkansas Louisiana Gas Company (Arkla) filed pursuant to §§ 154.94(h)(8) and 154.94(j)(3) of the Commission's regulations (18 CFR § 154) a petition protesting the right of Texas Pacific Oil Company, Inc. (Texas Pacific) to charge Arkla a certain maximum lawful price established by the Natural Gas Policy Act of 1978 (NGPA). Arkla's address is P.O. Box 21734, Shreveport, Louisiana 71151.

Arkla states that on December 6, 1978, Texas Pacific made a blanket affidavit filing which seeks to charge Arkla the maximum lawful price for "flowing gas" under section 104 of the NGPA, pursuant to Texas Pacific's Rate Schedule Nos. 10 and 95. Arkla asserts that it is protesting this filing for the reasons that (1) there exists no contractual basis for the filing and, in the alternative, (2) the filing violates § 154.93 of the Commission's regulations.[1]

With respect to Rate Schedule No. 10, Arkla states that the relevant portions of the contract set forth a price schedule whereby the price for gas delivered under the contract escalates at a fixed amount over the terms of the contract, with no provision for price escalation. With respect to Rate Schedule No. 95, Arkla states that the contract also contains a fixed price schedule, with no provision for price escalation. The actual language of the contracts at issue is contained in Arkla's protest, a copy of which is contained in the Commission's public files and is available for inspection by any member of the public.

Any person desiring to be heard or to make any protest concerning the protest filed in this docket should on or before October 3, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken herein but will not serve to make the protestants parties to this proceeding. Any party wishing to become a party to this proceeding, or to participate as a party in any hearing herein, must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-29434 Filed 9-21-79; 8:45 am]

BILLING CODE 6450-01-M]

[1] By its blanket affidavit filing, Texas Pacific also seeks to charge Arkla the "minimum rate" for gas sold under section 104 of the NGPA pursuant to Rate Schedule Nos. 10 and 95. Arkla does not protest this aspect of the filing.

[Docket Nos. CP79-344 and CP79-405]

Transcontinental Gas Pipe Line Corp. and Tennessee Gas Pipeline Co.; Informal Settlement Conference

September 14, 1979.

Take notice that on September 26, 1979, at 10 a.m. an informal conference will be held in the above-captioned cases. Said conference will be held in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, Washington, D.C. 20426, and will consist of a discussion of the technical aspects of the above-captioned dockets, and the possibility of resolving the same through settlement and compromise. Any interested person may attend, but mere attendance will not serve to make any person formally a party to this proceeding.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-29440 Filed 9-21-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. RA79-30]

Young Coal Co.; Filing of Petition for Review

September 14, 1979.

Take notice that Young Coal Company on September 5, 1979[1] filed a Petition for Review under 42 U.S.C. 7194(b) (1977 Supp.) from an order of the Secretary of Energy.

Copies of the petition for review have been served on the Secretary, Department of Energy, and all participants in prior proceedings before the Secretary.

Any person desiring to be heard with reference to such filing should on, or before September 24, 1979, file a petition to intervene with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with the Commission's rules of practice and procedure (18 CFR 1.8). Any person wishing to become a party or to participate as a party must file a petition to intervene. Such petition must also be served on the parties of record in this proceeding and the Secretary of Energy through Gaynell C. Methvin, Deputy General Counsel for Enforcement and Litigation, Department of Energy, 12th and Pennsylvania Ave., NW., Washington, D.C. 20461. Copies of the petition for review are on file with the

[1] On July 25, 1979, the petitioner filed a petition with the Commission. However, the filing was defective in that it did not contain a copy of the contested order in accordance with § 1.40(d)(1)(i) of the Commission's regulations. The deficiency was corrected on September 5, 1979 when the petitioner filed a copy of the contested order.

Commission and are available for public inspection at Room 1000, 825 North Capitol St., NE., Washington, D.C. 20426.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-29441 Filed 9-21-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. E-9408]

American Electric Power Service Corp.; Compliance Filing

September 17, 1979

Take notice that on August 27, 1979, American Electric Power Service Corporation (AEP) on behalf of Appalachian Power Company, Indiana and Michigan Electric Company, Kentucky Power Company and Ohio Power Company filed supplement No. 2, dated as of August 27, 1979, to Modification No. 3, dated as of April 1, 1975, to the Interconnection Agreement, dated July 6, 1951, as amended, among the AEP Companies listed above. This modification is tendered to comply with Commission opinion No. 50 ordering paragraph (A)(2), (A)(3) and (B) issued July 27, 1979.

Any person desiring to be heard or to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such protests should be filed on or before October 5, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-29420 Filed 9-21-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-647]

Boston Edison Co.; Rate Schedule Filing

September 17, 1979.

The filing Company submits the following:

Take notice that on September 10, 1979 Boston Edison Company (Edison) tendered for filing a rate schedule for the transmission of power to the Town of Reading, Massachusetts over certain radial transmission lines.

Edison requests an effective date for the rate schedule of November 10, 1979.

Edison states that it has served the filing on the Town of Reading and the Massachusetts Department of Public Utilities.

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 October 5, 1979.

Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-29421 Filed 9-21-79; 8:45 am]

BILLING CODE 6450-01-M

[Project No. 2644]

Bowersock Mills and Power Co.; Application for Approval of Exhibit R (Recreational Use Plan)

September 17, 1979

Take notice that on May 8, 1978, the Bowersock Mills and Power Company of Lawrence, Kansas (Applicant) filed an application for approval of Exhibit R (recreational use plan) for its constructed Kansas River Project, FERC No. 2644, pursuant to the Federal Power Act (16 U.S.C. §§ 791(a)-825(r)) and Article 35 of the license for Project No. 2644. The application was supplemented by filings on October 11, 1978 and November 27, 1978. Correspondence regarding the application should be sent to: Mr. Stephen H. Hill, President, Bowersock Mills and Power Company, P.O. Box 218, Lawrence, Kansas 66044.

Applicant owns no recreational land and does not propose to develop public use facilities at the Kansas River Project. The proposed Exhibit R describes nine public access sites around the reservoir owned by the City of Lawrence, Kansas. Recreational development plans of the City of Lawrence, Kansas for future facilities on lands adjacent to the project reservoir will assist in meeting local needs for shoreline access and support facilities.

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 October 10, 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. 79-29422 Filed 9-21-79; 8:45 am]

BILLING CODE 6450-01-M

[Project No. 2948]

City of Alexandria; Application for Preliminary Permit

September 17, 1979.

Take notice that on August 14, 1979, the City of Alexandria, Louisiana, filed an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for proposed Project No. 2948 to be known as the Red River Lock and Dam No. 3 Project, located on the Red River in Rapides and Grant Parishes, Louisiana. The project would be located on U.S. lands administered by the Corps of Engineers and would affect navigable waters of the United States. Correspondence with Applicant should be addressed to Carrol E. Lanier, Mayor, P.O. Box 71, Alexandria, Louisiana 71301.

Purpose of Project—Power generated by the project would be used by the City of Alexandria in meeting its load requirements with any surplus power being sold or exchanged with other utilities in the area.

Proposed Scope and Cost of Studies Under Permit—The work proposed under this preliminary permit would include preliminary designs, economic analysis, preparation of preliminary engineering plans, study of environmental assessment, and, in coordination with the Corps of Engineers, a study of the plans and operation of the proposed Lock and Dam No. 3. The work would be coordinated with the Corps' investigations already in progress for construction of the proposed Lock and Dam No. 3 as part of the development of the Red River

Waterway Project. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. Applicant estimated that the work to be performed under this preliminary permit would cost $50,000.

Project Description—The project would be operated as run-of-the-river and would consist of a powerplant built integrally with, or adjacent to, the proposed Corps' Lock and Dam No. 3 facilities, including bulb or tube turbine/generators (the number to be determined during the study period) having a total installed capacity of 34 MW and having an average annual generation of 150,000,000 kWh.

Applicant's proposal is in competition with an application for preliminary permit filed on February 14, 1979, by the Town of New Roads, Louisiana (Project No. 2908).

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. In this instance, the Applicant seeks a 36-month permit.

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 Fedeal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure (Rules), 18 C.F.R. § 1.8 or § 1.10 (1978). In determining the appropriate action to take, the Commission will consider all protests filed, but a person who merely files a protest does not become a party to the proceeding. To become a party or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules.

Any protest, petition to intervene, or agency comments must be filed on or before November 19, 1979. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426.

The aplication is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-29423 Filed 9-21-79; 8:45 am]

BILLING CODE 6450-01-M

[Project No. 2950]

City of Alexandria; Application for Preliminary Permit

September 17, 1979.

Take notice that on August 14, 1979, the City of Alexandria, Louisiana, filed an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed Project No. 2950 to be known as the Red River Lock and Dam No. 2 Project, located on the Red River in Rapides Parish, Louisiana. The project would be located on U.S. lands administered by the Corps of Engineers and would affect navigable waters of the United States. Correspondence with Applicant should be addressed to Carrol E. Lanier, Mayor, P.O. Box 71, Alexandria, Louisiana 71301.

Purpose of Project—Power generated by the project would be used by the City of Alexandria in meeting its load requirements with any surplus power being sold or exchanged with other utilities in the area.

Proposed Scope and Cost of Studies Under Permit—The work proposed under this preliminary permit would include preliminary designs, economic analysis, preparation of preliminary engineering plans, study of environmental assessment, and, in coordination with the Corps of Engineers, a study of the plans and operation of the proposed Lock and Dam No. 2. The work would be coordinated with the Corps' investigations already in progress for construction of the proposed Lock and Dam No. 2 as part of the development of the Red River Waterway Project. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. Applicant estimated that the work to be performed under this preliminary permit would cost $50,000.

Project Description—The project would be operated as run-of-the-river and would consist of a powerplant built integrally with, or adjacent to, the proposed Corps' Lock and Dam No. 2 facilities, including bulb or tube turbine/generators (the number to be determined during the study period) having a total installed capacity of 25 MW and having an average annual generation of 115,000,000 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. In this instance, the Applicant seeks a 36-month permit.

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, (Rules) 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 November 19, 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. 79-29424 Filed 9-21-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-649]

Commonwealth Edison Co.; Tariff Filing

September 17, 1979

The filing Company submits the following:

Take notice that Commonwealth Edison Company, on September 12, 1979, tendered for filing proposed changes in its FERC Electric Tariff. The proposed changes revise the Electric Service Contract between Commonwealth Edison Company and the City of Batavia, Illinois, to provide for a third point of electric supply to the City by the Company, and to provide for an increase in contract demand.

A copy of the filing has been served upon the City of Batavia, Illinois.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 9, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-29425 Filed 9-21-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-648]

Commonwealth Edison Co., Tariff Filing

September 17, 1979.

The filing Company submits the following:

Take notice that Commonwealth Edison Company on October 9, 1979 tendered for filing proposed changes in its FERC Electric Service Tariff No. 10, an Interconnection Agreement, dated November 1, 1964, between Commonwealth Edison Company and Central Illinois Public Service Company.

The parties have agreed to modify the compensation provisions, in part, in Service Schedule A and Service Schedule C.

Copies of the proposed rate schedule changes were served upon the Illinois Commerce Commission, Springfield, Illinois and Central Illinois Public Service Company, Springfield, Illinois.

Any person desiring to be heard or to protest said Application should file a Petition to Intervene or Protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests will be considered by the Commission in determining the appropriate action to be taken, but will serve to make protestants parties to the proceeding. Any person wishing to become a party must file a Petition to Intervene on or before *October 9, 1979.* Copies of this Application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-29426 Filed 9-21-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-651]

Iowa Power & Light Co.; Rate Schedule Filing

September 17, 1979.

The filing Company submits the following: Take notice that Iowa Power and Light Company ("Iowa Power"), on September 10, 1979, tendered for filing proposed changes in its FERC Rate Schedule No. 54, which sets forth rates for wholesale electric service to Board of Waterworks and Electric Light and Power Plant Trustees, City of Atlantic, Iowa ("City").

Proposed Supplement No. 12 to Rate Schedule No. 54 provides for an increased capacity charge for base load power. Proposed Supplement No. 13 provides for an increased capacity charge for equalization power. These changes are needed to conform to increased costs of added capacity and changes in the Mid-Continent Area Power Pool rates.

Iowa Power requests that the Commission waive its prior notice requirements and accept Proposed Supplement Nos. 12 and 13 for filing with a retroactive effective date of June 1, 1979. Iowa Power states that copies of the filing have been served upon the City and the Iowa State Commerce 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 Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 4, 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.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-29427 Filed 9-21-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-645]

Louisville Gas & Electric Co.; Tariff Filing

September 17, 1979.

The filing Company submits the following:

Take notice that Louisville Gas and Electric Company (LG&E), on September 7, 1979, tendered for filing proposed changes in its Interconnection Agreement between LG&E and East Kentucky Power Cooperative (East Ky.), designated Louisville Gas and Electric Company FERC Rate Schedule No. 25.

The purpose of this filing is to increase the demand charge as set forth under Article VI of the Interconnection Agreement from $0.10 per kilowatt per weekday (Monday through Saturday) to $0.12 per kilowatt per weekday (Monday through Saturday). This proposed revision reflects a desire on the part of both parties to attain the optimum benefit from the interconnection of their systems.

Copies of the filing were served upon East Ky. and the Energy Regulatory Commission of Kentucky.

An person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426; in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 4, 1979. Protests will

be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-29428 Filed 9-21-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-644]

Mid-Continent Area Power Pool Agreement; Rate Schedule Filing

September 17, 1979.

The filing Company submits the following:

Take notice that on September 7, 1979 the MAPP Coordination Center ("MAPP") filed an amendment to the Mid-Continent Area Power Pool Agreement which would revise the method by which votes are allocated among the members of the Pool.

MAPP requests an effective date 60 days from the date of the filing.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street 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 October 4, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-29429 Filed 9-21-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-650]

Minnesota Power & Light Co.; Cancellation of Rate Schedule

September 17, 1979.

Notice is hereby given that effective the 31st day of October, 1979, Rate Schedules F.P.C. Nos. 52 and 53 effective dates January 1, 1954 and June 1, 1955 and filed with the Federal Power Commission by Minnesota Power & Light Company are to be cancelled as of October 31, 1979.

Notice of the proposed cancellation has been served upon the following:

Itasca-Mantrap Cooperative Electrical Association (Party receiving the energy.)

United Power Association (Assignees of the above referenced service on February 19, 1976 and filed with the Federal Power Commission on May 20, 1976 in FPC Docket No. ER76-692).

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 9, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person desiring to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-29430 Filed 9-21-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. EL78-31]

Pacific Gas & Electric Co.; Petition for Declaratory Order

September 17, 1979.

Take notice that on May 22, 1978, the Pacific Gas and Electric Company ("PG&E") filed a petition under the Federal Power Act, 16 U.S.C. §§ 791a-825r, for an order declaring that the Commission lacks jurisdiction over PG&E's Lime Saddle-Coal Canyon hydroelectric project. Correspondence with PG&E on this matter should be addressed to: Mr. W. M. Gallavan, Vice President-Rates and Valuation, Pacific Gas and Electric Company, 77 Beale Street, San Francisco, California 94106.

The project is located in Butte County, California, near the towns of Paradise and Oroville. It consists of a 12-foot-high, concrete diversion dam across the West Branch Feather River, the Miocene Canal leading from the dam to the powerhouses, the Lime Saddle Powerhouse (1.8 MW) and the Coal Canyon Powerhouse (0.6 MW). In support of its petition, PG&E (1) cites a court decision it states recognized its right to occupy lands of the United States used by the project without obtaining a license; (2) states that the West Branch Feather River has no history of navigation; (3) states that project power does not move in interstate commerce but is used in the vicinity of the project; (4) states that no government dams or licensed projects contribute water to the project; and (5) states that the diversion dam was reconstructed in 1952, 100 feet from its original position, to insure a continuous water supply to Thermalito Irrigation District and California Water Service Company.

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 (1977). In determining the appropriate action to take, the Commission will consider all protests filed, but a person who merely files a protest does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any protest or petition to intervene must be filed on or before October 25, 1979. The Commission's address is: 825 N. Capitol Street, N.E., Washington, D.C. 20426.

The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-29431 Filed 9-21-79; 8:45 am]

BILLING CODE 6450-01-M

[Project No. 2030]

Portland General Electric Co. and The Confederated Tribes of the Warm Springs Reservation of Oregon; Joint Application for Amendment of License

September 12, 1979.

Take notice that on May 30, 1979, the Portland General Electric Company ("PGE") and the Confederated Tribes of the Warm Springs Reservation of Oregon ("Tribes") filed a joint application under the Federal Power Act, 16 U.S.C. §§ 791a-825r, for amendment of the license for the Pelton-Round Butte hydroelectric Project No. 2030, located on the Deschutes River in Jefferson County, Oregon. Correspondence with PGE on this matter should be addressed to: Mr. Glen E. Bredemeier, Vice President, Portland General Electric Company, Service Building, 121 S. W. Salmon Street, Portland, Oregon 97204. Correspondence

with the Tribes should be addressed to: Mr. Dennis C. Karnopp, Panner, Johnson, Marceau, Karnopp & Kennedy, 1026 N. W. Bond Street, Bend, Oregon 97701.

The application proposes that the Tribes become a joint licensee for Project No. 2030 with PGE and that the Tribes construct a hydroelectric generating plant at the project's existing Pelton-re-regulating dam consisting of: (1) a powerhouse, containing a 15,000 kW horizontal bulb turbine and generator to be located adjacent to the dam's spillway; (2) additional facilities to enable fish to enter the existing fish ladder; and (3) a 3-mile-long 69 kV transmission line to Pacific Power & Light Company's Warm Springs substation.

The plant would be constructed pursuant to an agreement, made in 1955 and amended in 1961, with PGE whereby the Tribes would install, operate, and maintain one or two units at the dam. The plant would utilize water that would otherwise be spilled. No change in water releases, as specified by the existing license for the project, is proposed. The plant would be located entirely on lands of the Warm Springs Reservation. A portion of the energy produced by the proposed unit would be used by the Tribes on the Reservation. The remainder would be sold to a public utility.

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 (1977). In determining the appropriate action to take, the Commission will consider all protests filed, but a person who merely files a protest does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any protest or petition to intervene must be filed on or before October 22, 1979. The Commission's address is: 825 N. Capitol Street NE., Washington, D.C. 20426.

The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-29432 Filed 9-21-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-150]

Southern California Edison Co.; Compliance Filing

September 17, 1979.

Take notice that on August 15, 1979, Southern California Edison Company (SoCal) filed revised tariff sheets for Schedules R and TOU-R. These sheets replace page 2 of each of the tariffs filed January 15, 1979 for 11 resale customers. By order of the Commission issued March 15, 1979 and modified by Commission order issued June 5, 1979, the proposed rates contained in the original filing are to be made effective August 16, 1979.

SoCal tenders these revised tariff sheets for Schedules R and TOU-R incorporating FERC staff request to include the base cost of fuel in the body of the tariff.

Any person desiring to be heard or to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such protests should be filed on or before October 5, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-29433 Filed 9-21-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP78-462]

Cities Service Gas Co.; Petition To Amend

September 18, 1979.

Take notice that on August 27, 1979, Cities Service Gas Company (Cities Service), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP78-462 a petition to amend the order issued October 16, 1978, in the instant docket pursuant to Section 7(c) of the Natural Gas Act and Section 157.7(c) of the Commission Regulations (18 CFR 157.7(c)) so as to permit the aggregate total project cost limitations for the budget-type construction for miscellaneous rearrangement of facilities during the calendar year 1979 to be increased from $300,000 now authorized to an amount not to exceed $550,000, all as more fully set forth in the petition to amend which is on file with the Commission and open for public inspection.

Cities Service states that in addition to routine projects normally covered by this budget-type authorization, one large highway project which necessitates relocation of transmission pipelines is being completed during the calendar year 1979. This is the relocation of 16 and 20-inch pipeline in Johnson County, Kansas, due to construction of the K-12 highway near Kansas City. The cost of this project alone is expected to be approximately $230,000.

Therefore, Cities Service now anticipates that its total expenditures for the various miscellaneous rearrangements on its pipeline system for the calendar year 1979 will be approximately $550,000, it is indicated in the petition.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before October 9, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-29503 Filed 9-21-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP79-449]

El Paso Natural Gas Co.; Application

September 18, 1979.

Take notice that on August 20, 1979, El Paso Natural Gas Company (El Paso), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP 79-449 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation and delivery of propane-air, by displacement of natural gas to Citizens Utilities

Company (Citizens), at certain existing delivery points located on El Paso's interstate pipeline transmission system in Santa Cruz County, Arizona, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The subject proposal results from a request made by Citizens to El Paso and others for assistance in making available to Citizens' distribution system certain volumes of propane-air mixture, it is stated. Southwest Gas Corporation (Southwest) has agreed, pursuant to an agreement dated May 8, 1979, between Southwest and Citizens, to store for Citizens certain volumes of propane, and to convert Citizens' propane into a propane-air mixture. It is indicated that such propane-air mixture would be produced at Southwest's propane-air production facilities located in southern Arizona. At the request of Citizens and upon concurrence by Southwest, El Paso would reduce the quantity of natural gas which would otherwise be delivered to Southwest by an amount equivalent to the propane-air mixture produced by Southwest for Citizens' account, and by displacement, deliver such quantities of gas to Citizens at certain existing points of delivery located in Santa Cruz County, Arizona.

El Paso has agreed, pursuant to a propane-air transportation agreement dated July 17, 1979, between El Paso, Southwest, and Citizens, to reduce deliveries of natural gas to Southwest at certain delivery points located in Pima and Pinal Counties, Arizona, and concurrently to deliver equivalent volumes of gas to Citizens at certain existing delivery points located in Santa Cruz County, Arizona. El Paso states that the proposed transportation arrangement is designed to return, by displacement to Citizens, volumes of propane stored and converted to propane-air mixture by Southwest. The volumes of gas to be diverted by El Paso on any day would be the thermal equivalent of the volumes of propane-air mixture produced on the same day by Southwest for the account of Citizens and would be considered as having been sold and delivered by El Paso to Southwest in accordance with a service agreement dated November 20, 1978, between El Paso and Southwest.

El Paso states that it would not be obligated to deliver a volume of gas to Citizens which when added to the volumes of gas scheduled to be sold by El Paso to Citizens on the same day would exceed Citizens' peak day entitlement as set forth, and as in effect from time to time, in El Paso's FERC Gas Tariff, Original Volume No. 1 or superseding tariff. Additionally, El Paso would not be obligated to divert, transport, and deliver gas to Citizens in excess of any quantity of gas which, in its sole judgment El Paso has the capability to divert, transport, and deliver to Citizens.

The transportation agreement provides that Citizens would compensate El Paso for the transportation service through the payment of an administrative fee consisting of 1.0 cent for each Mcf of gas diverted, transported, and delivered by El Paso at each of the delivery points.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 9, 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 or Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-29504 Filed 9-21-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket Nos. ER79-522, ER79-554, ER79-563, ER79-574, and ER78-19, et al.]

Florida Power & Light Co., Order Accepting Rate Schedule for Filing, Providing for Suspension and Hearing, Waiving Regulations and Consolidating Proceedings

September 14, 1979.

The Florida Power & Light Company (FP&L) on July 19, 1979, July 31, 1979, and August 1, 1979, tendered for filing amendments to transmission service agreements providing for specified transmission service for the Fort Pierce Utilities Authority (Fort Pierce), New Smyrna Beach Utilities Commission (New Smyrna), and the Lake Worth Utilities Authority (Lake Worth), respectively.[1] FP&L on August 3, 1979, tendered for filing an agreement providing for specified transmission service for the Florida Power Corporation.[2] FP&L proposes to charge a rate of 1.65 mills/kwh for the provision of specified transmission service in each of the above captioned submittals. According to FP&L, cost support for this service is identical to that which previously has been submitted as Volume X in *Florida Power & Light Company*, Docket No. ER78-19, on June 16, 1978. Accordingly, FP&L seeks to incorporate by reference the cost support data furnished in Docket No. ER78-19, into these proceedings, pursuant to 18 C.F.R. § 35.19. In addition, FP&L and the affected customers in Docket Nos. ER79-554, ER79-563 and ER79-574 jointly seek waiver of the notice requirements so as to allow the submittals in those dockets to become effective on the filing date. FP&L states that such waiver will allow the affected parties to realize immediate savings from exchanges with other utilities.

[1] FP&L's submittal of July 19, 1979, in Docket No. ER79-522, was filed to permit FP&L to transmit power and energy as is required by Fort Pierce in the implementation of its interchange agreement with the Jacksonville Electric Authority (JEA). FP&L's submittal of July 31, 1979, in Docket No. ER79-554, was filed to permit FP&L to transmit power and energy as required by New Smyrna in the implementation of its interchange agreement with the Florida Power Corporation. FP&L's submittal of August 1, 1979, in Docket No. ER79-563 was filed to permit FP&L to transmit power and energy as is required by Lake Worth in the implementation of its interchange agreement with the JEA. See Attachment A for designations.

[2] FP&L's submittal of August 3, 1979, in Docket No. ER79-574, was filed to permit FP&L to transmit power and energy as is required by Florida Power Corporation in the implementation of its interchange agreements with the Homestead Utilities Authority, Lake Worth, City of Vero Beach, Fort Pierce and New Smyrna. FP&L maintains that this filing is an initial rate. See Attachment A for designations.

Public notices of FP&L's submittals were issued.[3] No petitions to internene or protests have been received relating to the aforementioned submittals.

FP&L's submittals in the above captioned dockets have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful. The Commission, therefore, shall grant waiver of the notice requirements for the submittals in Docket Nos. ER79-554, ER79-563, and ER79-574, suspend the submittals for one day to become effective subject to refund.[4] FP&L's submittal in Docket No. ER79-522, is hereby suspended for one day to become effective September 19, 1979, subject to refund.

FP&L has made previous filings for specified transmission service and the cost support for these filings is identical to those filed in the previous submittals. The prior filings were suspended for one day and consolidated with the ongoing proceedings in Docket No. ER78-19, *et al.*[5] The Commission finds that common questions of law and fact exist and it is appropriate to consolidate Docket Nos. ER79-522, ER79-554, ER79-563 and ER79-574 with the ongoing proceedings in Docket Nos. ER78-19, *et al.* for the purpose of hearing and decision.

It was previously noted that FP&L filed its transmission service agreement with the Florida Power Corporation (Docket No. ER79-574) as an initial rate schedule pursuant to Section 35.12 of the Commission's Regulations. However, FP&L is presently interconnected with Florida Power Corporation pursuant to an interchange agreement filed July 14, 1977, Docket No. ER77-516 (Rate Schedule FPC No. 81). Sales of power by FP&L to Florida Power Corporation under the interconnection agreement are transported to florida Power Corporation through FP&L's transmission lines. Thus, FP&L is proposing to render a supplemental or additional transmission service to Florida Power Corporation. FP&L should have tendered its submittal for filing under Section 35.13 of the Commission's Regulations and Section 205 of the Federal Power Act as a change in rate schedule and we shall treat it accordingly.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Section 402(a) of the Department of Energy Act and by the Federal Power Act, particularly Sections 205, 206, 301, 308 and 309 thereof, and pursuant to the Rules of Practice and Procedure and the Regulations under the Federal Power Act (18 C.F.R. Chapter I), a public hearing shall be held concerning the justness and reasonableness of the rate schedules proposed by FP&L in the above captioned dockets.

(B) The Commission hereby waives the notice requirements pursuant to Section 35.11 of the Regulations in Docket Nos. ER79-554, ER79-563 and ER79-574.

(C) Pending a hearing and decision thereon, FP&L's proposed filings in Docket Nos. ER79-554, ER79-563, and ER79-574 are hereby accepted for filing and suspended for one day to become effective August 1, 1979, August 2, 1979 and August 4, 1979, subject to refund, respectively. FP&L's submittal in Docket No. ER79-522 is hereby accepted for filing and suspended for one day to become effective September 19, 1979, subject to refund.

(D) The proceedings in Docket Nos. ER79-522, ER79-554, ER79-563 and ER79-574 are hereby consolidated with the ongoing proceedings in Docket Nos. ER78-19, *et al.*, for the purpose of hearing and decision.

(E) Pursuant to Section 35.19 of the Regulations, the Commission hereby permits FP&L to incorporate by reference the cost support previously submitted in Docket No. ER78-19.

(F) The Secretary shall promptly publish this order in the Federal Register.

By the Commission.

Kenneth F. Plumb,

Secretary.

Florida Power & Light Co.

Docket No. ER79-522

Filed: July 19, 1979.

Effective: September 19, 1979, subject to refund.

Designation and Description

(1) Supplement No. 3 to Rate Schedule FERC No. 26. Addition of Jacksonville as a named party for interchange service.

(2) Exhibit F to Rate Schedule FERC No. 26. Ft. Pierce—Jacksonville Interchange Agreement.

Docket No. ER79-554

Filed: July 31, 1979.

Effective: August 1, 1979, subject to refund.

Designation and Description

(1) Supplement No. 1 to Rate Schedule FERC No. 32. Addition of Florida Power Corporation as a named party for interchange service.

(2) Exhibit D to Rate Schedule FERC No. 32. New Smyrna Beach—Florida Power Corporation Interchange Agreement.

Docket No. ER79-563

Filed: August 1, 1979.

Effective: August 2, 1979, subject to refund.

Designation and Description

(1) Supplement No. 1 to Rate Schedule FERC No. 28. Addition of Jacksonville as a named party for interchange service.

(2) Exhibit F to Rate Schedule FERC No. 28. Lake Worth—Jacksonville Interchange Agreement.

Docket No. ER79-574

Filed: August 3, 1979.

Effective: August 4, 1979, subject to refund.

Designation and Description

(1) Rate Schedule FERC No. 35. Transmission Agreement Florida Power Corporation.

(2) Exhibit A to Rate Schedule FERC No. 35. Homestead—Florida Power Corporation Interchange Agreement.

(3) Exhibit B to Rate Schedule FERC No. 35. Lake Worth—Florida Power Corporation Interchange Agreement.

(4) Exhibit C to Rate Schedule FERC No. 35. Vero Beach—Florida Power Corporation Interchange Agreement.

(5) Exhibit D to Rate Schedule FERC No. 35. Ft. Pierce—Florida Power Corporation Interchange Agreement.

(6) Exhibit E to Rate Schedule FERC No. 35. New Smyrna Beach—Florida Power Corporation Interchange Agreement.

[FR Doc. 79-29502 Filed 9-21-79; 8:45 am]

BILLING CODE 6450-01-M

[3] Notice of the filing in Docket No. ER79-522 was issued on July 26, 1979, with petitions to intervene or protests to be filed on or before August 17, 1979. Notice of the filings in Docket No. ER79-554 and ER79-563 were issued on August 8, 1979, with petitions to intervene or protests to be filed on or before August 27, 1979; and notice of the filing in Docket No. ER79-574 was issued on August 14, 1979, with petitions to intervene or protests to be filed on or before August 31, 1979.

[4] Docket No. ER79-554, shall become effective August 1, 1979 subject to refund; Docket No. ER79-563 shall become effective August 2, 1979, subject to refund; and Docket No. ER79-574 shall become effective August 4, 1979, subject to refund.

[5] The prior specified transmission agreements are filed in the following dockets, all of which have been consolidated with Docket No. ER78-19, for the purpose of hearing and decision: Docket Nos. ER78-325, ER78-326, ER78-376, ER78-478, ER78-508, ER78-527, ER78-566, ER78-567, ER79-44, ER79-162, ER79-171, ER79-352, ER79-416 and ER79-452.

See *Florida Power & Light Company*, Docket No. ER77-175, Order issued April 12, 1977; *Florida Power & Light Company*, Docket No. ER78-325, Order issued May 19, 1978; *Florida Power & Light Company*, Docket No. ER 78-508, Order issued August 23, 1978; and *Florida Power & Light Company*, Docket No. ER78-566, Order issued September 21, 1978.

[Docket No. CP79-478]

Great Lakes Gas Transmission Co.; Application

September 18, 1979.

Take notice that on September 7, 1979, Great Lakes Gas Transmission

Company (Applicant), 2100 Buhl Building, Detroit, Michigan 48226, filed in Docket No. CP79-478 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 facilities and the transportation and exchange of natural gas for the account of Michigan Wisconsin Pipe Line Company (Michigan Wisconsin) between the existing points of interconnection between the pipeline systems of Michigan Wisconsin and Applicant near Crystal Falls, Michigan, and Farwell, Michigan, and at a new point of interconnection to be established between the facilities of Applicant and those to be constructed by ANR Storage Company (ANR) in Crawford County, Michigan, all as more fully set forth in the application which is on file with the Commission and open to public inspection.[1]

Applicant and Michigan Wisconsin have entered into a gas transmission and exchange contract, dated March 1, 1979, whereunder, it is stated, Applicant would exchange up to a maximum of 60,000 Mcf of gas per day with Michigan Wisconsin during the summer period. Applicant would receive the gas from Michigan Wisconsin near Farwell, Michigan, and redeliver a thermally equivalent quantity to ANR for the account of Michigan Wisconsin at the proposed interconnection. During the winter period, it is provided that Applicant would receive up to a maximum of 176,150 Mcf of gas per day at the Crawford interconnection and transport and redeliver thermally equivalent quantities to Michigan Wisconsin at the Farwell interconnection. For this transportation service, Applicant proposes to charge a demand charge of $0.490 per Mcf and a volume charge of 3.0 cents per Mcf.

Applicant proposes to install a 4,000 horsepower compressor unit at its Boyne Falls compressor station, Charlevoix County, Michigan, and minor metering facilities at the Crawford interconnection and to expand gas after cooler facilities at the Farwell compressor station. The cost of these facilities is estimated to be $5,496,000 and would be financed with funds generated internally, together with borrowings from banks under short-term lines of credit, if required.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 9, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-29505 Filed 9-21-79; 8:45 am]

BILLING CODE 6450-01-M

[1] The subject application is a companion to the application filed by ANR in Docket No. CP79-416 wherein ANR proposes to render gas storage service for Southern Natural Gas Company, to develop and operate certain storage fields and appurtenant facilities, to drill and operate certain wells, and to construct and operate certain other facilities. The gas would be delivered to the proposed storage fields during the summer period and redelivered to storage customers during the winter period under arrangements that have been agreed to by ANR, Michigan Wisconsin and Applicant.

[Docket No. CP79-470]

Interstate Natural Gas Association of America; Petition for a Declaratory Order

September 18, 1979.

Take notice that on September 5, 1979, Interstate Natural Gas Association of America (Petitioner) filed in Docket No. CP79-470 a petition pursuant to Section 1.7(c) of the Commission's Rules of Practice and Procedure (18 CFR 1.7(c)) for an order declaring that certain types of exchanges of natural gas which occur within the field gathering systems of interstate natural gas pipeline companies are exempt from the provisions of the Natural Gas Act, the Natural Gas Policy Act of 1978 (if applicable), and the rules and regulations of the Commission, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

The types of exchanges of natural gas between or among interstate natural gas pipeline companies for which a declaratory order is sought, Petitioner states, are specifically limited to field gathering system exchanges which satisfy all of the following conditions:

1. The exchange occurs wholly within field gathering systems in the performance of production and/or gathering activities which are exempt pursuant to Section 1(b) of the Natural Gas Act.
2. All gas balancing takes place within gathering systems and no main line transportation is involved.
3. The exchange involves a gas-for-gas exchange, which is either volumetrically or thermally balanced.
4. No sales of gas between or among the companies are involved.[1]
5. No rates or charges are assessed between the companies for the field exchange services.

Petitioner has been advised that there currently exist a substantial number of field gathering system exchange arrangements of the type described above and that these exchanges involve thousands of wells and exist in most, if not all, producing states. It is indicated that many of the existing field gathering system exchange arrangements originated in the 1950's and 1960's and that they have been utilized by interstate pipeline companies as a means economically and expeditiously to connect new sources of supply. Petitioner asserts that those economic and operating considerations which led to the establishment of field exchange arrangements of the nature described continue to exist and it is probable they will exist in the furture.

Petitioner states that the natural gas companies who are parties to field exchange arrangements of the type herein described have not sought Commission authorization for those arrangements because heretofore they have considered such arrangements to be nonjurisdictional, and they continue to believe that is a correct conclusion.

[1] Except to the extent that the Commission may heretofore have deemed a particular exchange to be a sale under the particular circumstances then before it.

Petitioner believes that no perceptible regulatory purpose of the Natural Gas Act would be served in declaring such field gathering system exchanges jurisdictional, nor does it believe they are intended objects of the Natural Gas Act.

Any person desiring to be heard or to make any protest with reference to said petition should on or before October 9, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petiton to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-29506 Filed 9-21-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP79-423]

Lloyd Crum & Northern Natural Gas Co.; Application

September 18, 1979.

Take notice that on July 30, 1979, Lloyd V. Crum (Applicant), Racine, Minnesota 55967, filed in Docket No. CP79-423 an application pursuant to Section 7 (a) of the Natural Gas Act for an order directing Northern Natural Gas Company (Northern) to make available to Applicant, up to 300 Mcf per day of natural gas for resale and distribution, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that in Docket No. CP79-91 Northern was granted authorization which made available gas which can be given to other utilities. Applicant requests that Northern be directed to make available to him 300 Mcf per day of firm gas. Applicant also requests that part of the firm gas be contract demand gas as Applicant's contract demand is now 450 Mcf per day. Applicant indicates that 200 Mcf per day of gas is needed to serve present customers and that additional customers would be added if 300 Mcf per day of natural gas is authorized.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 9, 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 156.9). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding.

Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-29507 Filed 9-21-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP74-157]

Michigan Wisconsin Pipe Line Co.; Petition To Amend Further

September 18, 1979.

Take notice that on September 7, 1979, Michigan Wisconsin Pipe Line Company (Petitioner), One Woodward Avenue, Detroit, Michigan 48226, filed in docket No. CP74-157 a petition to amend further the order of September 6, 1974 [1] issued in said docket pursuant to Section 7(c) of the Natural Gas Act by authorizing a change in service by rate schedule for Northern Indiana Public Service Company (Northern Indiana) to be effective September 1, 1979, all as more fully set forth in the petition to amend further which is on file with the Commission and open to public inspection.

Northern Indiana has informed Petitioner that it desires to change its three presently effective service agreements under Rate Schedule SGS-1, having a combined total contract demand of 12,200 Mcf and annual contract quantity of 2,318,000 Mcf to a single service agreement under Rate Schedule CD-1, with corresponding volume entitlements. Petitioner states that the requested change to Rate Schedule CD-1 would make it possible to utilize the contract demand for all points of delivery, thereby giving Northern Indiana greater operating flexibility between delivery points and resulting in a more efficient utilization of its total contract demand from Petitioner. Further, it is indicated, that this flexibility would be enhanced by adding in the new service agreement as delivery points for CD-1 gas two existing delivery points at Fort Wayne and Michigan City, Indiana, at which Petitioner currently delivers storage gas to Northern Indiana.

Petitioner states that the requested change would not result in any increase in peak day or annual entitlement and that other customers would not be adversely affected.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before October 9, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-29508 Filed 9-21-79; 8:45 am]

BILLING CODE 6450-01-M

[1] This proceeding was commenced before the Federal Power Commission (FPC). By the joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Federal Energy Regulatory Commission (FERC). The term "Commission", when used in the context of action taken prior to October 1, 1977, refers to the FPC; when used otherwise, the reference is to the FERC.

[Docket No. CP79-463]

Michigan Wisconsin Pipe Line Co., et al.; Application

September 18, 1979.

Take notice that on August 31, 1979, Michigan Wisconsin Pipe Line Company (Michigan Wisconsin), One Woodward Avenue, Detroit, Michigan 48226, Natural Gas Pipeline Company of America (Natural), 122 South Michigan Avenue, Chicago, Illinois 60603, and Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP79-463 a joint application pursuant to Section 7(c) of the Natural Gas Act for authorization to operate facilities offshore Texas to connect reserves in various fields to High Island Offshore System (HIOS), all as more fully described in its application which is on file with the Commission and open for public inspection.

Applicants state that by Federal Power Commission (FPC) order issued

July 1, 1977, in Docket No. CP77-294, Texas Gas Transmission Corporation (Texas Gas) was granted certificate authorization to construct and operate [1] certain facilities, including approximately 0.68 mile of 16-inch O. D. pipeline and related facilities extending from the producer's platform in Block A-573, High Island Area, South Addition, offshore Texas, to the HIOS manifold platform located in Block A-573. The gas reserves to be transported thereby will be produced from Block A-382, High Island Area, East Addition, South Extension, and Blocks A-572 and A-573 in the High Island Area, South Addition. With respect to the gas reserves underlying such blocks, Applicants state that Texas Gas has under option 47.6% of the production from such reserves and at the time of its filing was negotiating with certain producers to acquire additional portions of such production. Texas Gas advised the FPC in its application Docket No. CP77-294, that if unsuccessful in its negotiations, it would propose to share ownership of the new facilities with the sucessful purchasers, since the pipeline was designed to accommodate 100% of the production form the above referred blocks.

The application states that Michigan Wisconsin contracted on August 4, 1978, for the purchase of the gas reserves owned by Northwestern Mutual Life Insurance Company in Blocks A-382 (W/2), A-572, A-573, and A-596 (N/2) and Applicants state that an application for the sale of such gas will be filed with the Commission concurrently with the present application. Sales pursuant to a gas purchase contract between Mobil Oil Corporation (Mobil) and Natural, covering a part of the reserves owned by Mobil in such blocks, are said to have been certificated by the Commission July 18, 1979, in Docket No. CI79-211. An application for authorization for the sale to Transco by Mobil of the remaining Mobil interests is said to be pending in Docket No. CI79-212.

Applicants say they have agreed to own an undivided interest with Texas Gas in the approximately 0.68 mile of 16-inch pipeline and related facilities located in Block A-573, in proportion to their respective ownership interest in the gas reserves described above. Applicants do not propose any change in the operation of the facilities, nor in the operator, Michigan Wisconsin.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 9, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-29509 Filed 9-21-79; 8:45 am]

BILLING CODE 6450-01-M

[1] The facilities are said to be operated by Michigan Wisconsin for Texas Gas.

[Docket No. CP79-8]

Mountain Fuel Supply Co.; Amendment

September 18, 1979.

Take notice that on August 23, 1979, Mountain Fuel Supply Company (Mountain Fuel), 180 East First South Street, Salt Lake City, Utah 84139, filed in Docket No. CP79-8 an amendment to its pending application filed in said docket pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity to reflect that Mountain Fuel and United Gas Pipe Line Company (United) have entered a letter agreement dated June 7, 1979, amending the contract dated May 4, 1978, by the substitution of acreage described in Exhibit B to the June 7, 1979, agreement, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

On October 6, 1978, Mountain Fuel filed in Docket No. CP79-8 for authorization to sell on a best-efforts basis up to 50,000 Mcf per day of natural gas to United. Said volumes of gas are not to exceed 7,000,000 Mcf per year for a period of three years. Mountain Fuel would deliver all volumes of gas purchased by United to Colorado Interstate Gas Company (CIG) at an existing point of interconnection near Green River, Wyoming, referred to as the Kanda Exchange Point. CIG has filed for authorization to transport this gas for United.

Mountain Fuel and United signed a letter agreement dated June 7, 1979, amending the contract dated May 4, 1978, by substituting acreage described in Exhibit B to the June 7, 1979, agreement. Mountain Fuel states it has made available on a best-efforts basis to United, certain gas purchased in the Yellow Creek Area of Uinta County, Wyoming, as described in Exhibit A to the June 7, 1979, agreement. United has agreed to pay Mountain Fuel for each Mcf of gas delivered the amount including all applicable adjustments which Mountain Fuel pays for such gas purchased under each gas purchase contract identified in Exhibit A to the June 7, 1979, agreement and which is delivered to United plus 15 cents per Mcf for transportation and 5 cents per Mcf for compression. Additionally, United would furnish Mountain Fuel its proportionate share of compressor fuel gas. Mountain Fuel states that it would install a compressor if it becomes necessary through the course of this agreement.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before October 9, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the

Commission's Rules. Persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-29516 Filed 9-21-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP79-479]

Natural Gas Pipeline Co. of America; Application

September 18, 1979.

Take notice that on September 10, 1979, Natural Gas Pipeline Company of America (Natural), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP79-479 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 approximately 1300 feet of 3-inch pipeline and a 3-inch tap connection in Matagorda and Brazoria Counties, Texas, all as more fully set forth in the operation which is on file with the Commission and open to public inspection.

Natural states that it has contracted to purchase gas from its subsidiary, Napeco Inc., and others from the Energy Reserves Group No. 1 Well, State Tract 172, Laguna Madre area, Kleberg County, Texas, which well is located approximately 21 miles from Natural's closest transmission facilities. Florida Gas Transmission Company (Florida Gas) has facilities within 5 miles of the well and Natural indicates that Florida Gas has agreed to transport volumes produced from the well and redeliver the gas to Natural at a redelivery point to be constructed in the vicinity where the parties' pipelines intersect in Matagorda County.

Natural proposes to construct and operate the subject facilities in order to implement the transportation arrangement with Florida Gas. The estimated cost of said facilities is $20,500 which Natural proposes to finance from funds on hand. Natural states that any facilities it may construct to connect the well to Florida Gas' system would be constructed under Natural's budget authorization.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 9, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-29511 Filed 9-21-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP79-442]

Natural Gas Pipeline Co. of America; Application

September 18, 1979.

Take notice that on August 15, 1979, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP79-442 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Northern Natural Gas Company (Northern), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant indicates that Northern has advised it that Northern has the preferential right to purchase 50 percent of the natural gas reserves discovered and developed in West Cameron Block 405, offshore Louisiana, 25 percent pursuant to a gas purchase contract between Northern and Texasgulf, Inc., and 25 percent previously acquired by Northern's exploration division. Northern has requested that Applicant transport these volumes by utilizing Applicant's capacity in the system of Stingray Pipeline Company (Stingray). Therefore, Applicant and Northern have entered into a transportation agreement dated July 11, 1979, whereby Northern would deliver up to 17,500 Mcf of natural gas per day to Applicant through facilities constructed jointly by Northern and Transcontinental Gas Pipe Line Corporation pursuant to authorization granted in Docket No. CP78-486, at the connection to Stingray in West Cameron Block 277. Applicant proposes to redeliver natural gas to Northern at either the inlet to Columbia Transportation Company's (Columbia Gulf) measurement facilities in West Cameron Block 616 or to the inlet of Columbia Gulf's measurement facilities in West Cameron Block 630. Applicant indicates that the volumes of gas redelivered to Northern would be adjusted for processing plant fuel and shrinkage and/or fuel and a proportionate share of losses and unaccounted-for gas used in the transportation from the point of delivery to Stingray in Block 277 to the Stingray onshore measurement facilities, based on the quantities of gas allocable to the account of Northern determined by the operation of Stingray.

Applicant would charge Northern for the proposed transportation service a monthly contract offshore nonlanded transportation demand charge equal to one half of the then-current effective transportation rate being paid by Applicant to Stingray for each Mcf of the contract transportation quantity then in effect.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 9, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the

Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-29490 Filed 9-21-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP79-451]

Northwest Pipeline Corp.; Application

September 18, 1979.

Take notice that on August 22, 1979, Northwest Pipeline Corporation (Applicant), P.O. Box 1526, Salt Lake City, Utah 84110, filed in docket No. CP79-451 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing a second point of delivery for the sale and delivery of natural gas to Mountain Fuel Supply Company (Mountain Fuel), an existing customer of Applicant, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests authorization to utilize an existing exchange delivery point to Mountain Fuel as an additional point of delivery to Mountain Fuel, pursuant to Applicant's existing FERC Rate Schedule PL-1 and to reallocate Mountain Fuel's presently effective contract demand of 800,412 equivalent of natural gas (76,157 Mcf) so as to establish a maximum daily delivery obligation of 533,608 therms equivalent of gas (50,771 Mcf) at the existing PL-1 delivery point to Mountain Fuel and a maximum daily deliverability obligation of 266,804 therms equivalent of gas (25,386 Mcf) at the proposed PL-1 delivery point to Mountain Fuel. Applicant also requests authority to construct and operate the measuring facilities necessary to deliver the aforementioned volumes of natural gas at an existing point of interconnection between the facilities of Mountain Fuel and Applicant.

It is stated that Applicant sells and delivers up to 800,412 therms equivalent of gas pursuant to its FERC Rate Schedule PL-1 at an existing point of interconnection between Applicant and Mountain Fuel in Sweetwater County, Wyoming (Green River delivery point). Applicant states that it is authorized to exchange gas with Mountain Fuel pursuant to Applicant's Special Rate Schedule X-15 at an exchange delivery point in the Red Wash Field in Uintah County, Utah. Mountain Fuel has requested that the proposed PL-1 delivery point be established at the present Red Wash exchange point.

Applicant indicates that the revised service agreement, dated August 10, 1979, under the presently effective Rate Schedule PL-1, provides for an additional delivery point and reallocation of the maximum daily delivery obligation, such that Applicant's present delivery obligation at the Green River delivery point is reduced by an amount equal to the delivery obligation at the proposed point. Two letter agreements, dated July 30, 1979, and August 10, 1979, have been executed in conjunction with the proposed service agreement. The July 30, 1979, agreement provides for reimbursement of Applicant's out-of-pocket costs attributable to the additional PL-1 delivery point. The August 10, 1979, agreement sets forth operating parameters permitting Mountain Fuel to nominate volumes in excess of the maximum daily deliverability at either PL-1 delivery point provided that Applicant, in its sole determination, is able to perform such delivery and that the total daily deliveries at the two points do not exceed Mountain Fuel's contract demand under Applicant's Rate Schedule PL-1.

The application states that the facilities necessary to increase the measuring capacity at the proposed delivery point are estimated to cost $93,700, of which Mountain Fuel would reimburse Applicant for all out-of-pocket expenses. The initial cost of construction would be financed from funds on hand or generated through Applicant's normal operations.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 9, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-29491 Filed 9-21-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP79-477]

Tennessee Gas Pipeline Co.; Application

September 18, 1979.

Take notice that on September 7, 1979, Tennessee Gas Pipeline Company, a division of Tenneco Inc. (Applicant), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP79-477 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Northern Natural Gas Company (Northern), Transcontinental Gas Pipe Line Corporation (Transco), United Gas Pipe Line Company (United), and Texas Eastern Transmission Corporation (Texas Eastern) (Shippers), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant has agreed to endeavor to receive and to transport gas for Shippers produced from West Cameron Block 222, offshore Louisiana, through its existing

facilities, such transportation commencing at West Cameron Block 192, offshore Louisiana. The gas would be delivered for the account of Northern at a point on Applicant's 30-inch Kinder-Sabine pipeline 2.49 miles west of Applicant's Compressor Station No. 823 near Kinder, Louisiana; to Transco at a point on Applicant's 20-inch Kinder-Natchitoches pipeline 5.11 miles north of Applicant's Compressor Station No. 823; to United at a point near Cocodrie, Louisiana, or, as mutually agreed near West Monroe, Louisiana; near Lirette, Louisiana; near Bayou Sale, Louisiana; near Kiln, Mississippi; the Continental Cameron plant, Cameron Parish, Louisiana, and/or at other existing points of exchange where can be delivered to or for the account of United; and gas to Texas Eastern at a point on Applicant's 30-inch Kinder-Portland pipeline 8.21 miles northeast of Applicant's Compressor Station No. 823.

Applicant has agreed to transport for Shippers, to the extent its operating conditions permit, daily volumes of gas up to a maximum of 7,500 Mcf per day for each Shipper; provided, however, that Applicant may exercise its option to transport additional volumes of gas if such are tendered by Shippers and accepted by Applicant. Shippers would reimburse Applicant each month for providing the services by paying a volume charge equal to 3.91 cents per Mcf by Northern, 4.01 cents per Mcf by Transco, 10.03 cents per Mcf by United, and 4.13 cents per Mcf by Texas Eastern, with provision for a minimum bill based on the transportation quantity. Shippers also would provide volumes of gas equal to 1.2 percent of the volumes received for transportation each day from each such Shipper to compensate for Applicant's fuel and use requirements.

Applicant states that the proposed services would be beneficial to Shippers in that they would provide Shippers with immediately available gas supplies for Shippers' system supply.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 9, 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 Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-29496 Filed 9-21-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP79-468]

Texas Eastern Transmission Corp.; et al.; Application

September 18, 1979.

Take notice that on September 4, 1979, Texas Eastern Transmission Corporation (Texas Eastern), P.O. Box 2521, Houston, Texas 77001, Trunkline Gas Company (Trunkline), P.O. Box 1642, Houston, Texas 77001, and Columbia Gulf Transmission Company (Columbia Gulf), P.O. Box 683 Houston, Texas 77001, (Applicants) filed in Docket No. CP79-468 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of up to 50,000 Mcf of natural gas per day among themselves, all as more fully set forth in the application on file with the Commission and open to public inspection.

The application states that Columbia Gas Transmission Corporation (Columbia Gas), an affiliate of Columbia Gulf, has contracted to purchase certain quantities of natural gas to be produced from the Apple Springs Field, Trinity County, Texas. In order to effect the delivery of this gas to Columbia Gulf for transmission to Columbia Gas, Columbia Gulf would construct certain facilities pursuant to its current budget authorization connecting the Apple Springs Field to a pipeline owned by Texas Eastern in Agelina Field County, Texas. Pursuant to an exchange agreement dated July 30, 1979, between Texas Eastern and Columbia Gulf, Texas Eastern proposes to receive the Apple Springs gas in Angelina County and to deliver to Trunkline, for Columbia Gulf's account, an equivalent quantity of gas at two existing interconnectins between the pipeline facilities of Texas Eastern and Trunkline in Allen and Beauregard Parishes, Louisiana.

Pursuant to a gas exchange agreement dated August 17, 1979, between Trunkline and Columbia Gulf, Trunkline proposes to receive gas at the Allen and Beauregard Parishes delivery points and to deliver to Columbia Gulf an equivalent quantity of gas at an existing interconnection between the pipeline facilities of Trunkline and Columbia Gulf near Centerville, Louisiana.

The proposed exchange of gas among Applicants would enable Columbia Gas to receive into its pipeline system the gas it has purchased in the Apple Springs Field, it is stated.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 9, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion

believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-29493 Filed 9-21-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP77-568]

Texas Eastern Transmission Corp. and Natural Gas Pipeline Co. of America; Petition To Amend

September 12, 1979.

Take notice that on August 21, 1979, Texas Eastern Transmission Corporation (Texas Eastern), P.O. Box 2521, Houston, Texas 77001 and Natural Gas Pipeline Company of America (Natural), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP77-568 a petition to amend the order of November 29, 1977,[1] as amended issuing a certificate of public convenience and necessity for authorization to operate an additional point of receipt for the transportation and exchange of natural gas, all as more fully set forth in the petition to amend which is on file with the Commission and open for public inspection.

Pursuant to an order issued November 29, 1977, as amended Texas Eastern and Natural are authorized to transport and exchange up to 25,000 Mcf per day of natural gas from Vermilion Block 262 and West Cameron Blocks 437 and 593, offshore Louisiana.

Texas Eastern and Natural request authorization for an additional point of receipt in Block 537 for such transportation and exchange. An amendment to the transportation and exchange agreement dated August 7, 1979, provides for the receipt by Natural of volumes of gas produced in West Cameron Blocks 537, 551, and 552, which volumes Texas Eastern has acquired the right to purchase from Union Oil Company of California. No Change in the authorized transportation and exchange volume is proposed.

Facilities required to attach supplies available from West Cameron Blocks 537, 551, and 552 would be constructed jointly by the various purchasers. Such facilities are estimated to cost less than $2,500,000. Texas Eastern's share of such cost would be covered by its budget-type certificate, the petition states.

[1] This proceeding was commenced before the FPC, by joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the FERC.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before October 3, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-29497 Filed 9-21-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. RP78-94]

Texas Gas Transmission Corp.; Petition for Declaratory Relief

September 17, 1979.

Take notice that on August 16, 1979, Texas Gas Transmission Corporation (Texas Gas) filed with this Commission a petition for a Declaratory Order. On September 29, 1978, Texas Gas filed with this Commission a general rate increase of approximately $92 million annually. The instant petition relates to the book depreciation associated with that general rate increase filing.

Texas Gas states that since this Commission issued Opinion No. 812, Docket No. RP74-25, there have been no charges relative to the company that would require an adjustment of the 4.6% depreciation rate established by Opinion No. 812. Further, the company asserts that by litigating the book depreciation issue in this proceeding, the Commission will be engaging in unnecessary and unwarranted relitigation.

Any person desiring to be heard or to object to Texas Gas's Petition for a Declaratory Order should file a responsive pleading with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.12 and 1.15 of the Commission's Rules of Practice and Procedure (18 C.F.R. 1.12 and 1.15). All such objections should be filed on or before October 12, 1979.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-29494 Filed 9-21-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP79-454]

Transcontinental Gas Pipe Line Corp.; Application

September 18, 1979.

Take notice that on August 24, 1979, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP79-454 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 approximately 13.67 miles of 36-inch pipeline loop and appurtenant facilities, in Calcasieu Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Transco states that the proposed pipeline loop would expand the capacity of Transco's Southwest Louisiana Gathering System (SWLGS). Transco would construct and operate 13.67 miles of 36-inch pipeline loop in Calcasieu Parish, Louisiana, and install a meter and regulator station near Vinton, Louisiana, at an interconnection between Transco and facilities to be constructed by Northern Natural Gas Company (Northern) in order to deliver the gas to be transported for Northern.

Transco assets that its gas supplies in the areas attached by the SWLGS are increasing, and a substantial increase in the quantities transported for other pipelines also is anticipated. The SWGLS is said to be one of the principal pipeline facilities used for the further transportation of gas delivered onshore by U-T Offshore System (U-TOS), which in turn is the principal transporter of quantities gathered by High Island Offshore System (HIOS). The SWGLS also is said to be the system which delivers to Transco's mainline the supplies delivered onshore by Transco's North High Island System. Transco has received requests for transportation services for other pipelines also.

The proposed facilities would increase the estimated maximum daily capacity of the SWLGS from 738,314 Mcf to 1,130,448 Mcf.

The proposed facilities are estimated to cost $10,430,000 and would be financed initially through short-term loans and funds on hand, with permanent financing to be arranged as a

part of Transco's overall long-term financing program.

The proposed expansion of capacity by completing the looping of the existing system is said to be the most economical means to provide the needed capacity and would minimize the impact on the environment by making maximum use of existing pipeline right-of-way.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 9, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Transco to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-29495 Filed 9-21-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP71-89]

United Gas Pipe Line Co.; Petition To Amend

September 13, 1979.

Take notice that on August 16, 1979, United Gas Pipe Line Company (United), P.O. Box 1478 Houston, Texas 77001, filed in Docket No. CP71-89[1] a petition to amend the order of July 20, 1973, issuing a certificate of public convenience and necessity in the instant docket pursuant to Section 7(c) of the Natural Gas Act for authorization to sell natural gas for resale to a successor distributor, all as more fully set forth in the petition to amend which is on file with the Commission and open for public inspection.

Pursuant to the order issued on July 20, 1973, United was authorized to sell natural gas to Jefferson Parish, Louisiana, the owner of the distribution system in the Jefferson Parish, Louisiana, area. The subject sale of gas occurs at the city gate station located in the Lafitte-Barataria-Crown Point area of Jefferson Parish, Louisiana.

United asserts that it has been advised that the system formerly owned by Jefferson Parish has been sold to the Louisiana Gas Service Company. Accordingly, United requests authorization to continue the sale of gas in the same quantity and with no change in facilities and deliveries to Louisiana Gas Service Company. A new service agreement dated July 30, 1979, reflects the change in ownership of the system and provides for the continuation of gas service on the same terms and conditions to the new owner, United States.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before October 3, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb.

Secretary.

[FR Doc. 79-29501 Filed 9-21-79; 8:45 am]

BILLING CODE 6450-01-M

[1] This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the FERC.

[Docket No. CP78-294]

United Gas Pipe Line Co.; Petition To Amend

September 18, 1979.

Take notice that on September 7, 1979, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP78-294 a petition to amend the order, issued September 7, 1978, in said docket pursuant to Section 7(c) of the Natural Gas Act by authorizing United to transport at no cost a total of 9,000,000 Mcf of gas for the account of Arkansas Louisiana Gas Company (Arkla) from Block 32, Eugene Island area, offshore Louisiana, to previously authorized onshore delivery points, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

It is indicated that the order of September 7, 1978, authorized United to transport volumes of natural gas purchased by Arkla from production in Block 57, Eugene Island area, offshore Louisiana. United is obligated to transport up to 27,000 Mcf of gas per day for Arkla from Block 32, Eugene Island area, to points of redelivery onshore.

United states that during the past year it purchased certain volumes of natural gas in Oklahoma remote from its system and that Arkla provided exchange service to United at no cost to United in order to make available by displacement approximately 9,000,000 Mcf of United's Oklahoma gas on the understanding that United would reciprocate by rendering similar service for Arkla at a future time. United and Arkla have agreed to a similar service for Arkla's offshore gas produced from the Block 57 Field, Eugene Island area. United states that it would forego payment until it has transported a total volume of 9,000,000 Mcf of gas for Arkla from the Block 57 Field. Accordingly, United requests authorization to transport such quantity of gas at no cost to Arkla.

Any person desiring to be heard or to make any protest with reference to said petition should on or before October 10, 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 Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-29496 Filed 9-21-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP77-24]

United Pipe Line Co. and Arkansas Louisiana Gas Co.; Petition To Amend

September 12, 1979.

Take notice that on August 17, 1979, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77001, and Arkansas Louisiana Gas Company (Arkla), P.O. Box 1734, Shreveport, Louisiana 71151, filed in Docket No. CP77-24 [1] a petition to amend the order of January 13, 1977, issuing a certificate of public convenience and necessity in the instant docket pursuant to section 7(c) of the Natural Gas Act for authorization to establish three additional points of redelivery of natural gas, all as more fully set forth in the petition to amend which is on file with the Commission and open for public inspection.

Pursuant to the order issued January 13, 1977, as amended, United and Arkla are authorized to exchange up to 1,185 Mcf per day of natural gas and, further, to construct and operate required facilites to enable Arkla to make deliveries to United for Arkla's account and for United to redeliver to Arkla equivalent volumes in such quantities.

Pursuant to a third amendatory agreement between United and Arkla dated March 6, 1979, United and Arkla propose to establish three additioinal points of redelivery where United can make redeliveries to Arkla under the authorized exchange in such quantities and at existing redelivery locations as follows:

(1) 100 Mcf per day on Arkla's line in Sec. 3, T.21N., R.3W., Union Parish, Louisiana,

(2) 168 Mcf per day at the Ruby Dodd No. 1 Well, Carthage Field, Panola County, Texas, and

(3) 10 Mcf per day at the Youngblood No. 1 Rodessa "B" SUA Well, Ada Field, at Arklas's Bistineau Processing Plant, Bienville Parish, Louisiana.

The quantity of gas redelivered by United to Arkla at Bistineau would be the difference between the sum of the volumes delivered by Arkla to United at the previously authorized delivery points and the sum of the volumes redelivered by United to Arkla at the authorized points of redelivery including the proposed redelivery points.

United and Arkla do not propose any increase in volumes to be exchanged and no new facilities would be required, the petition states.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before October 3, 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 interene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-29498 Filed 9-21-79; 8:45 am]

BILLING CODE 6450-01-M

[1] This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the FERC.

[Docket No. CS71-1076, et al.]

W. T. Fail, Inc. (W. T. Fail) et al.; Applications for "Small Producer" Certificates,

September 12, 1979.

Take notice that each of the Applicants listed herein has filed an application pursuant to Section 7(c) of the Natural Gas Act and Section 157.40 of the Regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 10 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before September 21, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission in its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

Docket No.	Date filed	Applicants
CS71-1076 (CS79-513)	[1] 8/2/79	W. T. Fail, Inc. (W. T. Fail), P.O. Box 1394, Shawnee, Oklahoma 74801.
CS73-382	[2] 4/30/79	RVO Petroleum Co. (Flynn Energy Corp.), 2612 Fourth Natl. Blg., Tulsa, Oklahoma 74119.
CS79-524	8/16/79	Sue-Ann Operating Company, 8700 Commerce Park Drive, #141, Houston, Texas 77036.
CS79-525	8/16/79	Beardmore Producing Company, 120 Janet Road, Marietta, Ohio 45750.
CS79-531	8/24/79	Logan T. Monsees & Vivian V. Monsees, husband and wife as joint tenants, P.O. Box 1294, Enid Oklahoma 73701.
CS79-532	8/27/79	M. L. Madison, 608 W. First Street, Roswell, New Mexico 88201.
CS79-533	8/27/79	L. P. Kelley, P.O. Box 971, Roswell, New Mexico 88201.
CS79-534	9/5/79	Martin Exploration Management Corporation, P.O. Box 298, Blue Island, Illinois 60406.
CS79-535	9/4/79	R. Lewis Chandler Trust, 3400 Republic Natl. Bank Bldg., Dallas, Texas 75201.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No.	Date filed	Applicants
CS79-536	8/31/79	Goodrich Oil Company, a Louisiana Corporation, 2003 Beck Building, Shreveport, Louisiana 71101.
CS79-537	8/31/79	Robert E. Somers and Mary E. Hohenberger, 2721 Canterbury, Ponca City, Oklahoma 74601.
CS79-538	8/31/79	Henry B. Martin, *et al.*, 2200 South Post Oak Road, Suite 700, Houston, Texas 77056.
CS79-539	9/5/79	Elma R. Jones or Maryan Klinger, 242 E. Douens, Stockton, California 95204.
CS79-540	9/5/79	Merland Resources, Inc., 402 Fina Building, 736-8 Avenue S.W., Calgary, Alberta T2P 1H4 Canada.
CS79-541	9/6/79	S. T. Joint Venture—1978 A, 401 East 81st Street, New York, N.Y. 10028.
CS79-542	9/6/79	1979 A—Stratigraphic Resources Drilling Program, 401 East 81st Street, New York, N.Y. 10028.
CS79-543	9/6/79	S.T. Joint Venture—1978 B, 401 East 81st Street, New York, N.Y. 10028.
CS79-544	9/6/79	BETA—1979 S. T. Joint Venture, 401 East 81st Street, New York, N.Y. 10028.

[1] Being noticed to reflect that by application filed 8-2-79, was erroneously assigned Docket No. CS79-513. Applicant has succeeded to all of the interest of W. T. Fail (CS71-1076).

[2] Being noticed to reflect a corporate name change from Flynn Energy Corp. to RVO Petroleum Co.

[FR Doc. 79-29499 Filed 9-21-79; 8:45 am]

BILLING CODE 6450-01-M

[Project No. 2936]

Mitchell M. White and Melba M. White; Application for Preliminary Permit

September 13, 1979.

Take notice that on July 6, 1979, Mitchell M. White and Melba M. White filed an application for preliminary permit [pursuant to the Federal Power Act, 16 USC § 791(a)-825(r)] for a proposed water power project, to be known as the Sears Hydroelectric Project, on the Rock River in Rock Island County, Illinois. The proposed project would be interconnected with a utility selling electric energy at wholesale in interstate commerce.

Purpose of Project—Applicants would sell the power generated at the project to Iowa-Illinois Gas and Electric Company, a member of the Mid-America Power Pool.

Proposed Scope and Cost of Study Under Permit—Applicants seek issuance of a preliminary permit for a period of three years, during which time they would carry out preliminary designs, make economic analyses, prepare preliminary plans, an environmental assessment, and a detailed feasibility study. The estimated cost of the work to be performed under the preliminary permit is $30,000.

Project Description—The proposed Sears Hydroelectric Project would consist of a rehabilitated powerhouse, originally built about 1912, and two existing dams, which would be used without modifications. The existing powerhouse which is adjacent to the Sears Dam contains four Francis-type turbines and was in operation until 1967. The rehabilitation would involve the installation of new turbine controls and generators with a proposed installed capacity of 900 kW in the Sears powerhouse. The facilities would be operated on a run-of-the-river basis. The existing Sears and Steel Dams are both overflow concrete gravity structures. The Sears Dam is 13 feet in height and 460 feet long. The Steel Dam is a diversion structure 3.5 feet high and 760 feet long.

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 examination 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 Applicants.) 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 *November 19, 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. 79-29500 Filed 9-21-79; 8:45 am]

BILLING CODE 6450-01-M

Office of Hearings and Appeals

Issuance of Proposed Decisions and Orders; July 9 Through July 13, 1979

Notice is hereby given that during the period July 9 through July 13, 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 1:00 p.m. and 5:00 p.m. e.d.t., except Federal holidays.

September 17, 1979.

Melvin Goldstein,

Director, Office of Hearings and Appeals.

Proposed Decision and Orders

Gulf Oil Corporation, Houston, Texas; DEE-3705, Crude Oil

Gulf Oil Corporation 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 E. G. Robinson, *et al.*, Unit Well No. 1 located in Liberty County, Texas, at upper tier ceiling prices. On July 9, 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 E. G. Robinson, *et al.*, Unit Well No. 1.

Justiss-Mears Oil Company, Inc., Jena, Louisiana; DXE-5533, Crude Oil

Justiss-Mears Oil Company, 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 Saucier No. 1 Well for the benefit of the working interest owners at upper tier ceiling prices. On July 12, 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 Saucier No. 1 Well.

The Shell Company (Puerto Rico) Limited, Commonwealth of Puerto Rico; DEE-2541, Motor Gasoline

The Shell Company (Puerto Rico) Limited (Shell Puerto Rico) filed an Application for Exception in which it requested the following alternative forms of relief: (1) additional entitlements to Puerto Rican refiners and an order that marketers of gasoline in Puerto Rico calculate prices under regulations applicable to resellers; or (2) additional entitlements to Commonwealth Oil Refining Company (Corco) and an order that Corco reduce its gasoline prices to Shell Puerto Rico; or (3) the assignment of Caribbean Gulf Refining Company as the base period supplier of gasoline to Shell Puerto Rico. In a Proposed Decision and Order issued on July 13, 1979, the DOE tentatively determined that the Shell Puerto Rico exception request should not be granted in the form submitted. However, the DOE determined that the Shell Oil Company should be assigned as Shell Puerto Rico's base period supplier and that the Shell Oil Company should obtain the gasoline to be supplied through purchase, exchange or processing agreements with Puerto Rican refiners.

Kenneth L. Tipps, et al., Denver, Colorado; DEE-4109, Crude Oil

Kenneth L. Tipps *et al.*, filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would permit the working interest owners to retroactively and prospectively increase the prices of the crude oil produced from the Government 2-24 lease located in Natrona County, Wyoming. On July 9, 1979 the DOE issued a Proposed Decision and Order and tentatively determined that the exception request be denied in part and dismissed in part.

List of Cases Involving the Standby Petroleum Product Allocation Regulations for Motor Gasoline

Week of July 9 Through July 13, 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., and Location

Auto-Brite Car Wash, DEE-4641; Framingham, MA.
Chevron Car Wash, DEE-5767; New Cannan, CT.
Glenn Oil Co., DEE-6061; Lawton, OK.
Joe Emerson, DEE-6610; Jonesboro, AR.
Jones & Brown Enterprises, Inc., DEE-3274; Sallisaw, OK.
Kerr-McGee Corp., DEE-2244; Okla. City, OK.
L. S. Riggins Oil Co., DEE-3603; Millville, NJ.
"L" Street Car Wash, DEE-3750; Livermore, CA.
Malone Oil Co., DEE-3019; Memphis, TN.
McMurrough Mercantile, DEE-6113; Dobbin, TX.
Midland Energy Corp., DEE-3188; Kansas City, MO.
Mini-Serve, Inc., DEE-5314; Beaumont, TX.
Parker Oil Co., DEE-3117; Des Moines, IA.
People's Amoco, DEE-4932; Wash., DC.
Red Bluff Mobil Service Center, DXE-6230; Pasadena, TX.
R-J Enterprises, Inc., DEE-3425; Scottsdale, AZ.
San-Ann Service, Inc., DEE-2330; Wash., DC.

List of Cases Involving the Standby Petroleum Product Allocation Regulations for Motor Gasoline

Week of July 9 Through July 13, 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., and Location

Acomi Corp., DEE-2465; Wash., DC.
Al Whitmore's Auto & U-Haul, DEE-3560; Buena Park, CA.
Cal's 66 Service Station, DEE-3497; Miami, FL.
Champion Garage and Gasoline, DEE-4889; San Pablo, CA.
Cold Spring Amoco Service; DEE-4891; Baltimore, MD.
Cost Plus Amoco, DEE-3662; Seabrook, MD.
Douglas Gulf & Mower Service, DEE-2998; Dallas, TX.
Elliot Oil Co., DEE-6052; Elliot, SC.
Ernie's Sunoco, DEE-3690; New Castle, CA.
Fred Halon, DEE-4019; Longmeadow, MA.
Mike & Ed's Auto Center, DEE-5260; Los Angeles, CA.
Uncle Russ's Service Station, DEE-5185; Cambridge, MA.
Royal Oil Co., DEE-3096; Johnson City, TN.

[FR Doc. 79-29279 Filed 9-21-79; 8:45 am]

BILLING CODE 6450-01-M

Issuance of Proposed Decision and Orders by the Office of Hearings and Appeals; August 20 Through August 24, 1979

Notice is hereby given that during the period August 20 through August 24, 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 the 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 September 24, 1979, 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, NW., Washington, D.C. 20461, Monday through Friday, between the hours of

1:00 p.m. and 5:00 p.m. e.d.t., except Federal holidays.

Melvin Goldstein,

Director, Office of Hearings and Appeals.

September 19, 1979

Proposed Decisions and Orders

Chevron U.S.A. Inc., San Francisco, Calif., DEE-5818 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 permit the firm to sell at upper tier ceiling price levels the oil produced from the Colonia Unit located in the West Montalvo Field in Ventura County, California. On August 22, 1979, the DOE issued a Proposed Decision and Order which tentatively determined that the exception request be granted.

Chevron U.S.A. Inc., San Francisco, Calif., DEE-5819 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 permit the firm to sell at upper tier ceiling price levels the oil produced from the State Lease PRC 735-1 located in the West Montalvo Field in Ventura County, California. On August 22, 1979, the DOE issued a Proposed Decision and Order which tentatively determined that the exception request be granted.

Chilcote, Inc., El Cajon, Calif., DEE-7784 temperature restrictions

Chilcote, Inc. filed an Application for Exception from the provisions of 10 CFR, Part 490. The Application, if granted, would permit the firm to lower the temperature below 78° F in its offices. On August 22, 1979, the DOE issued a Proposed Decision and Order which tentatively determined that the exception request be denied.

El Paso Natural Gas Co., El Paso, Tex., DEE-1113 natural gas

El Paso Natural Gas Company filed an Application for Exception from the provisions of 10 CFR 211.17(b). The exception request, if granted, would permit El Paso to utilize an alternative reporting procedure in place of Form FEO-1000, the Prime Suppliers Monthly Report. On August 24, 1979, the DOE issued a Proposed Decision and Order and tentatively determined that exception relief should be granted.

James M. Forgotson, Sr., Washington, D.C., DEE-3142 crude oil

James M. Forgotson, Sr. (Forgotson) filed an Application for Exception which, if granted, would permit Forgotson to sell the crude oil which it produces from the Iota Nonunion Struma Sand Unit located in the Iota Field in Acadia Parish, Louisiana, at upper tier ceiling prices. On August 21, 1979, the DOE issued a Proposed Decision and Order and tentatively determined that exception relief should be denied with respect to the applicant's Iota Nonunion Struma Sand Unit.

J. M. Huber Corp., Houston, Tex., DEE-3004 crude oil

J. M. Huber Corporation filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D, which, if granted, would permit Huber to sell at upper tier ceiling prices 100 percent of the crude oil produced for the benefit of the working interest owners of the Pure-State No. 1 Well located in Lea County, New Mexico. On August 22, 1979, the DOE issued a Proposed Decision and Order which tentatively determined that the exception request be granted.

List of Cases Involving the Standby Petroleum Product Allocation Regulations for Motor Gasoline

Week of August 20 Through August 24, 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., and Location

Checker Cab Co., DEE-2847; Las Vegas, Nev.
Glenn Bobbs Oil Co., DEE-4211; Collinsville, Okla.
Sierra Army Depot, Post Restaurant, DEE-4363; Herlong, Calif.
Texaco, Inc., DEE-6985; White Plains, N.Y.
White Oil Distributors, DEE-3853; Dallas, Tex.

List of Cases Involving the Standby Petroleum Product Allocation Regulations for Motor Gasoline

Week of August 20 Through August 24, 1979

The following firms filed Applications for Exceptions 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., and Location

Don's Gulf Service, DEE-6773; Brighton, Mass.
Fleuett's Automotive, DEE-6823; Bellingham, Mass.
Henry Fikse, DEE-4941; Tarlech, Calif.
Jack's Texaco & U-Haul, DEE-6397; Maple Shade, N.J.
Jerry Exxon, DEE-2680; Phila., Pa.
Murphy's Red Horse Service Station, DEE-7345; Milford, Mass.
Navy Exchange (Brunswick), DEE-4768; Brunswick, Maine.
North Eaton Shell, DEE-6382; Albion, Mich
Pat's Amoco, DEE-6698; Monaca, Pa.
Robinson's Texaco, DEE-3290; Baltimore, Md.
Russ's Mobil, DEE-6971; Anaheim, Calif.
Samuel A. Captain, DEE-3647; Rockville, Md
Shelter Bay Exxon, DEE-4282; Mill Valley, Calif.
Stophers Standards Service, DEE-3014; Greenfield, Wis.
Stothard Corp., DEE-3390; Wash., D.C.
Sweeney & Sons, Inc., DEE-3753; Pottsdam, Pa.
Walt's Shell Service, DEE-3774; San Jose, Calif.
White's Service Station, DEE-6997; Alvin, Tex.
Yuen's Exxon, DEE-5792; Wash., D.C.

[FR Doc. 79-29480 Filed 9-21-79; 8:45 am]
BILLING CODE 6450-01-M

Objection to Proposed Remedial Orders Filed With the Office of Hearings and Appeals; Week of August 13 through August 17, 1979

Notice is hereby given that during the week of August 13 through August 17, 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 October 15, 1979, any person who wishes to participate in the proceeding 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). On or before October 24, 1979, the Office of Hearings and Appeals will determine those persons who may participate on an active basis in this proceeding, and will prepare an official service list which it will mail to all persons who filed requests to participate. Persons may also be placed on the official service list as non-participants for good cause shown.

All requests regarding this proceeding 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.

September 18, 1979.

Proposed Remedial and Orders

Arcadia Exxon Service, Old Bridge, N.J., DRO-0348, motor gasoline

On August 15, 1979, Arcadia Exxon Service, of Old Bridge, New Jersey filed a Notice of Objection to an Interim Remedial Order for Immediate Compliance which the New Jersey Deapartment of Energy issued to the firm on July 24, 1979. In the IROIC the New Jersey Department of Energy found that on July 11, 1979 Arcadia Exxon Services was charging more than the maximum lawful price for motor gasoline. The IROIC also states that Arcadia failed to make the required postings of the maximum lawful selling price of motor gasoline, and also failed to maintain required records. According to the IROIC the Arcadia Exxon Services violation resulted in overcharges of 10.2 cents per gallon of leaded regular motor gasoline, 6.7 cents per gallon of premium leaded motor gasoline, and 8.2 cent per gallon of regular unleaded motor gasoline. As a

result the firm has been assessed a civil penalty of $5,020.00.

Car Care Club of Okla., Sapulpa, Okla., DRO-0333, motor gasoline reseller

On August 14, 1979, Bob Hickling d/b/a Car Care Club of Oklahoma, 200 North Mission, Sapulpa, Oklahoma 74066, filed a Notice of Objection to an Interim Remedial Order for Immediate Compliance which the Oklahoma City Field Office of the Economic Regulatory Administration of the Department of Energy issued to the firm on July 30, 1979. In the Interim Remedial Order, the ERA found that (i) there was a strong probability that a violation of the DOE regulation prohibiting discriminatory business practices had occured and was continuing to occur; (ii) this violation was causing an irreparable injury to the public interest; (iii) the issuance of an Interim Remedial Order was necessary in order to prevent irreparable injury to the public interest. The Interim Remedial Order directed Car Care Club of Oklahoma to cease and desist from its allegedly discriminatory business practices.

Gibbons Oil Co., Bath, Maine, DRO-0332, motor gasoline

On August 14, 1979 Gibbons Oil Company, of Bath, Maine filed a Notice of Objection to an Interim Remedial Order for Immediate Compliance which the DOE Northeast District Office of Enforcement issued to the firm on July 27, 1979. In the IROIC, the Northeast District found that during June and July 1979, Gibbons Oil Company improperly failed to supply the outlets operated by McLoon Oil Company of Rockland, Maine. Accordingly, the IROIC directed Gibbons to resume supplying the McLoon outlets.

Fill-n-Wash, Inc., Omaha, Nebr., DRO-0339, retailer

On August 17, 1979 Fill-N-Wash, Inc. (Fill-N-Wash), 6215 Grover, Omaha, Nebraska 68106, filed a Notice of Objection to an Interim Remedial Order for Immediate Compliance (IROIC) which the DOE Central Enforcement District issued to the firm on August 1, 1979. In the IROIC, the Central Enforcement District found that during the time period from July 19, 1979 through August 1, 1979, Fill-N-Wash has knowingly engaged in discriminatory and other unlawful business practices in connection with the sale of motor gasoline. In the IROIC, the Central Enforcement District ordered Fill-N-Wash to cease those practices.

Hunt Oil Co., Dallas, Tex., DRO-0343, crude oil condensate

On August 17, 1979, Hunt Oil Company, 2900 First National Bank Building, Dallas, Texas 75205, filed a Notice of Objection to a Proposed Remedial Order which the DOE Southwest District Office of Enforcement issued to the firm on August 2, 1979. In the Proposed Remedial Order the Southwest District found that during the time period September 1, 1973 through August 31, 1975, Hunt Oil Company committed pricing violations in the States of Texas and Louisiana in connection with the production and sale of crude oil and condensate. According to the Proposed Remedial Order, Hunt's violations resulted in overcharges to its customers of $409,074.

Lincrest Exxon, Linden, N.J., DRO-0338, retailer

On August 14, 1979 Lincrest Exxon (Lincrest), 1800 E. St. George Avenue, Linden, New Jersey 07036, filed a Notice of Objection to an Interim Remedial Order for Immediate Compliance (IROIC) which the New Jersey State DOE issued to the firm on July 24, 1979. In the IROIC, the New Jersey State DOE found that on July 11, 1979 Lincrest committeed pricing violations in connection with the sale of motor gasoline. Accordingly, the New Jersey State DOE ordered Lincrest to roll back its prices to the legal maximum and stated its intention to fine Lincrest in the amount of $4,240.

[FR Doc. 79-29481 Filed 9-21-79; 8:45 am]
BILLING CODE 6450-01-M

Issuance of Proposed Decisions and Orders by the Office of Hearings and Appeals; August 13 through August 17, 1979

Notice is hereby given that during the period August 13 through August 17, 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 September 24, 1979, 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, NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m. e.d.t., except federal holidays.

September 19, 1979.

Melvin Goldstein,

Director, Office of Hearings and appeals.

Proposed Decisions and Orders

Coastal States Gas Corporation, Houston, Texas; Dee-2236, Crude Oil Refiner

Coastal States Gas Corporation (Coastal) filed an Application for Exception from the provisions of § 211.67(a)(4) of the Old Oil Entitlements Program. The exception request, if granted, would result in the issuance of an Order relieving Coastal of a portion of its obligation to purchase entitlements. On August 14, 1979, the DOE issued a Proposed Decision and Order which tentatively determined that Coastal may sell additional entitlements equal in value to the loss of entitlement revenues it experienced during the January-May 1978 period as a result of the provisions of Section 211.67(a)(4).

Double B Oil, Inc., Wichita, Kansas; Dee-5070, Crude Oil

Double B Oil, 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 Hagerman Lease located in Pawnee County, Kansas, at upper tier ceiling prices. On August 14, 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 Hagerman Lease.

Funeral Directors Association of Washington, D.C. et al., Washington, D.C.; DEE-7543, DEE-7568, DEE-7565, DEE-7560, DEE-7569, Temperature Restrictions

The Funeral Directors Association of Washington, D.C., Connie's, Hayman's, Virginia Specialty Stores, Inc., and the Full Cry Shop filed Applications for Exception from the provisions of the Emergency Building Temperature Restrictions (10 CFR Part 490). The exception requests, if granted, would permit the petitionsers to lower the temperature in their business establishments below 78° F. On August 13, 1979, the Department of Energy issued a Proposed Decision and Order which tentatively determined that the exception requests be denied.

Husky Oil Company, Denver, Colorado; DEE-1435, DEE-1441, DEE-1442 Crude Oil

The Husky Oil Company filed Applications for Exception from the provisions of 10 CFR 212.73. The exception requests, if granted, would permit the firm to sell the crude oil produced from the Nicholson, Nicholson #4, and Nicholson #5 Leases located in Santa Barbara County, California at upper tier ceiling price levels. On August 17, 1979, the DOE issued a Proposed Decision and Order in which it tentatively determined that the exception requests be granted for all three leases.

List of Cases Involving the Standby Petroleum Product Allocation Regulations for Motor Gasoline

Week of August 13 Through August 17, 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
G & H Shell, Inc	DEE-6960	Phila., PA
Robert's Gulf	DEE-6922	Carbondale, PA
Smith Service Oil	DEE-2331	Savannah, GA
Sonny's, Inc	DEE-2116	Bossier City, LA
Whiz Fast Car Wash	DEE-3672	Baltimore, MD

List of Cases Involving the Standby Petroleum Product Allocation Regulations for Motor Gasoline

Week August 13 Through August 17, 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
Ball Shell Service	DEE-6156	Asheville, NC
Burton Gulf	DEE-7212	Atlantic City, NJ
Deloach's Texaco	DEE-6695	Dallas, TX
Frank Lapinski	DEE-3365	New Haven, CT
John C. Hudson	DEE-2681	Alexandria, VA
Lake Wright Texaco	DEE-2685	Virginia Beach, VA
Wilson's Amoco	DEE-5993	Ocean City, MD

[FR Doc. 79-29483 Filed 9-21-79; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

Science Advisory Board, Subcommittee on Health Risk Assessment; Open Meeting

Under Public Law 92-463, notice is hereby given that a one-day meeting of the Subcommittee on Health Risk Assessment of the Science Advisory Board will be held at 9 a.m. on October 11, 1979 in Room 3906-08, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C.

The principal purpose of the meeting will be to consult the Subcommittee on plans and programs of EPA's Office of Air Quality Planning and Standards to develop suitable methodology for assessing health risks associated with alternative ambient air quality standards. The Agenda will also include informational items onother Agency activities relating to health risk assessment and of interest to the Subcommittee.

The meeting will be open to the public. Any member of the public wishing to attend or submit a paper, or wishing further information should contact the Secretariat, Science Advisory Board (A-101), U.S. Environmental Protection Agency, Washington, D.C. 20460 by c.o.b. October 5, 1979. Please ask for Mr. Kenneth B. Goggin. The telephone number is (202) 472-9444.

Richard M. Dowd,

Staff Director, Science Advisory Board.

September 19, 1979.

[FR Doc. 79-29589 Filed 9-21-79; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1327-2]

Standards of Performance for New Stationary Sources; Delegation of Authority to State of Wyoming

Between December 23, 1971, and May 4, 1976, pursuant to Section 111 of the Clean Air Act, as amended, the Administrator promulgated regulations establishing standards of performance (NSPS) for twenty-four (24) categories of new stationary sources.

Section 111(c) directs the Administrator to delegate his authority to implement and enforce NSPS to any State which has submitted adequate procedures. Nevertheless, the Administrator retains concurrent authority to implement and enforce the standards following delegation of authority to the State.

On February 23, 1977, the Governor of the State of Wyoming submitted to the EPA Regional Office a request for delegation of authority. Included in that request were procedures for NSPS and information on available resources to implement such review. Also included in that request were copies of the State of Wyoming regulations which incorporate the Federal emission standards and testing procedures set forth in 40 CFR Part 60, with certain exceptions. After thorough review of that request and applicable State statutes, the Regional Administrator determined that, for those twenty-four (24) source categories, delegation was appropriate, subject to certain conditions. On August 2, 1977, by letter to the Governor, NSPS authority was delegated to the State of Wyoming, subject to certain enumerated conditions. Notice of the delegation appeared in the Federal Register on September 15, 1977 (42 FR 46304, 46386).

On December 5, 1977 (42 FR 61537), and February 23, 1978 (43 FR 7572), and March 7, 1978 (43 FR 9278, 9453), and March 15, 1978 (43 FR 10868), and April 13, 1978 (43 FR 15602), pursuant to Section 111 of the Clean Air Act, as amended, the Administrator promulgated regulations establishing standards of performance (NSPS) for two (2) additional categories of stationary sources and revising the NSPS for four (4) of the existing categories of stationary sources.

On January 12, 1979, the Governor of the State of Wyoming submitted to the EPA Regional Office a request for delegation of authority for these additions and revisions to the NSPS. That request incorporated the elements of the Wyoming program as set forth in the original request for delegation of February 23, 1977. After a thorough review of the Wyoming program, the Regional Administrator has determined that, for the source categories set forth in paragraph A of the following official letter to the Governor of the State of Wyoming, delegation is appropriate. Paragraph B provides that the conditions set forth in paragraph 1 through 14 of the letter of delegation of August 2, 1977 (42 FR 46386, September 15, 1977) shall be incorporated herein by reference, and shall be fully effective as if they were set forth in full. Additionally, certain other revisions to the State NSPS regulations were reviewed by EPA and found to be acceptable. The text of the letter from the Regional Administrator to the Governor of the State of Wyoming is set forth below:

REF: 8E-EL

Certified Mail—934737
Return Receipt Requested

Hon. Ed Herschler,
Governor of Wyoming, Wyoming Executive Department, Cheyenne, Wyo.

Dear Governor Herschler: I am pleased to inform you that we are delegating the State of Wyoming authority to implement and enforce standards of performance for certain New Stationary Sources (NSPS) as provided for under the Clean Air Act. This decision is in response to your request of January 12, 1979. This delegation includes the following categories: Opacity Provisions Fossil-Fuel-Fired Steam Generators (Revision of 40 CFR Subpart D); Lignite-Fired Steam Generators (Revision of 40 CFR Subpart D); Petroleum Refinery Claus Sulfur Recovery Plants (Revision of 40 CFR Subpart J); Basic Oxygen Furnaces: Opacity Standard (Revision of 40 CFR Subpart N); Kraft Pulp Mills (New 40 CFR Subpart BB); and Lime Manufacturing Plants (New 40 CFR Subpart HH).

We have reviewed the pertinent laws and regulations of the State of Wyoming and have determined that they provide an adequate and effective procedure for implementation and enforcement of these additional NSPS by the State of Wyoming. Therefore, we hereby delegate our authority, pursuant to Section 111(c) of the Clean Air Act, as amended, for

implementation and enforcement of the NSPS to the State of Wyoming as follows:

A. Authority for all sources located in the State of Wyoming subject to the standards of performance for new stationary sources in the following six categories: Fossil-Fuel-Fired Generators (Opacity Provisions); Lignite-Fired Steam Generators; Petroleum Refinery Claus Sulfur Recovery Plants; Basic Oxygen Furnaces (Opacity Standard); Kraft Pulp Mills; and Lime Manufacturing Plants.

The delegation of these additional categories is based upon the following conditions:

B. All conditions contained in the letter of delegation dated August 2, 1977, from John A. Green, Regional Administrator, Environmental Protection Agency, Region VIII, to Governor Ed Herschler, are incorporated herein by reference, and shall be fully effective as if they were set forth in full.

Since the original delegation to the State of Wyoming, EPA has also amended the NSPS for certain source categories. EPA revisions 40 CFR Subpart D (Section 60.45), 40 CFR Subpart J (Sections 60.102, 60.105, and 60.106), and 40 CFR Subpart P (Section 60.165) have been incorporated into the Wyoming regulations.

The State of Wyoming has also amended the following provisions of its NSPS regulations: Sections 22(e)(2) and (6); 22(g)(1)(b); 22(h)(3); 22(j)(5)(a); and 22(k). EPA finds that these revisions are consistent with the conditions of the delegation and are acceptable.

A notice announcing this delegation will be published in the Federal Register.

Since this delegation is effective immediately, there is no requirement that the State notify EPA of its acceptance. Unless EPA receives written notice of any objections within 10 days of receipt of this letter, the State will be deemed to have accepted all of the terms of this delegation.

As you know, the Clean Air Act gives primary responsibility for control of air pollution to the states, and thus it is EPA's policy to delegate programs such as the New Source Performance Standards to states whenever possible. We look forward to working with the State of Wyoming in the implementation of the Clean Air Act and other environmental legislation in the challenging days ahead.

Sincerely yours,

Roger L. Williams,

Regional Administrator.

cc: Randolph Wood Administrator
Robert Duprey—8A-HM
Irwin Dickstein—8S

Therefore, pursuant to the authority delegated to him by the Administrator, the Regional Administrator notified the Governor of the State of Wyoming on August 9, 1979, that authority to implement and enforce New Source Performance Standards (NSPS) for the categories of sources contained in paragraph A of the above letter was delegated to the State of Wyoming.

Copies of the request for delegation of authority are available for public inspection at the Environmental Protection Agency, Region VIII Office, 1860 Lincoln Street, Denver, Colorado 80295.

Effective immediately, all reports required pursuant to the delegation of these additional New Source Performance Standards (NSPS) should not be submitted to the EPA Region VIII Office, but instead should be submitted to the State Agency at the address contained at 40 CFR 60.4(b)(ZZ).

This Notice is issued under the authority of Section 111 of the Clean Air Act as amended, 42 U.S.C. 7411.

Dated: September 14, 1979.

Roger L. Williams,

Regional Administrator.

[FR Doc. 79-29590 Filed 9-21-79; 8:45 am]

BILLING CODE 6560-01-M

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 18875; FCC 79-503]

Policy To Be Followed in Future Licensing of Facilities for Overseas Communications

AGENCY: Federal Communications Commission.

ACTION: Adoption of Comprehensive North Atlantic Facilities Construction and Use Policy for the period 1979–1985, and circuit activation methodology for telephone service.

SUMMARY: This order reviews revised proposals filed by the American Telephone and Telegraph Company for telephone service between the United States and Belgium and the United States and the United Kingdom. With respect to Belgium, it finds the facilities proposed to be used to be acceptable, but requires AT&T to use more circuit multiplication technology to obtain balanced loading of growth routes. The order also adopts a circuit activation methodology for telephone service proposed by AT&T which is based on balanced loading of growth routes. It declines, however, to order a specific activation methodology for record services to grant the carriers wide flexibility to meet specific customers requirements.

DATES: Non-Applicable.

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

FOR FURTHER INFORMATION CONTRACT: James C. Warwick, International Programs Staff, Common Carrier Bureau, Federal Communications Commission, Washington, D.C. 20554 (202-632-3214).

In the matter of policy to be followed in future licensing of facilities for overseas communications; Memorandum Opinion and Order (see also 44 FR 18084, March 26, 1979).

Adopted: August 1, 1979.

Released: August 28, 1979.

By the Commission: Commissioner Lee absent; Commissioner Washburn issuing a separate statement; Commissioner Fogarty concurring and issuing a separate statement.

1. On March 16, 1979, we issued our Memorandum Opinion and Order in the above-captioned matter, *Overseas Communications*, 71 F.C.C. 2d 71, in which we found acceptable portions of a comprehensive facilities construction and use plan for the North Atlantic region filed by the United States international service carriers (USISC), which consist of the American Telephone and Telegraph Company (AT&T) and the international record carriers (IRCs)[1] That proposed plan, known as Plan 3 (Munich), provides for construction and use of the satellite and cable facilities to satisfy through the end of 1985 the levels of traffic forecast between the United States and 20 nations in the CEPT.[2]

2. In that Order, however, we found the provisions in Plan 3 (Munich) relating to telephone service between the United States and Belgium and between the United States and the United Kingdom to be unwarranted departures from the negotiating guidelines we had provided the carriers. We therefore directed AT&T (the U.S. carrier concerned) to discuss the matter further with its correspondents to see if it could resolve our objections to the original proposals. We now have before us for consideration the renegotiated provisions for Belgium and for the United Kingdom. In our March 16 Order, we also indicated that the carriers had failed to include in Plan 3 (Munich) adequate provision for dealing with what has come to be referred to as the "shortfall" issue—the possibility that actual traffic levels for particular countries may fall short of, or exceed, those forecast. Consequently, we directed the service carriers and Communications Satellite Corporation (Comsat) to meet with our staff to discuss this issue and to submit proposals for dealing with it. We also have before us for consideration alternative proposals for handling

[1] FTC Communications, Inc. (FTCC), ITT World Communications Inc. (ITTWC), RCA Global Communications, Inc. (RCAGC), TRT Telecommunications Corporation (TRT) and Western Union International, Inc. (WUI).

[2] *Conference Europeenne des Administrations des Postes et des Telecommunications*, an organization of the postal and telecommunications entities of 20 European nations.

shortfall submitted by Comsat and by the USISC.

3. On December 23, 1977, we issued our Third Statement of Policy and Guidelines in this proceeding, *Overseas Communications*, 67 F.C.C. 2d 358, in which we adopted a comprehensive facilities construction and use plan, known as Plan 4–M, which did not provide for construction of a seventh transatlantic telephone cable (TAT–7). On reconsideration, Public Notice released October 25, 1978, FCC 78–758, Memorandum Opinion and Order, *Overseas Communications*, 71 F.C.C. 2d 1178, we noted that none of the proponents of the TAT–7 cable had shown it was needed to meet traffic forecasts or that it was otherwise economically justified. However, we also noted that we had not achieved one of our goals in this proceeding: agreement on both sides of the Atlantic on a comprehensive facilities plan to which all interested entities could commit. Accordingly, in order to achieve, for the first time, a commitment to a cable and satellite facilities use plan, which we found a necessary first step toward joint, coordinated cable and satellite planning, we initiated a five-phase procedure to develop a mutually-acceptable compromise plan. Under these procedures, the USISC met with their correspondents in Canada and CEPT and developed Plan 3 (Munich).

The Pleadings

4. On April 23, 1979, AT&T, on behalf of itself and the other USISC, filed a pleading entitled *Proposals of the United States International Service Carriers* which contains: (1) the results of AT&T's further negotiations with its correspondents in Belgium and the United Kingdom; (2) the AT&T and IRC proposals for dealing with deviations from traffic forecasts (shortfall); (3) further information concerning the IRC's proposed use of additional CANTAT–2 circuits and (4) the IRCs' proposals for balanced loading of record bearer circuits. In addition to these matters, AT&T also included in its April 23 filing revised traffic forecasts and circuit distributions for 12 of the CEPT countries.[3]

5. Also on April 23, Comsat filed its *Shortfall/Longfall Proposals of the Communications Satellite Corporation* which set forth its proposals for dealing with deviations from forecast traffic levels. On May 7, 1979, Comsat filed *Comments on Proposals of The U.S. International Service Carriers*, in which it generally opposes the shortfall proposals of AT&T and the IRCs (finding its proposals more easily administered), approves AT&T's renegotiated provisions for Belgium, takes issue with the renegotiated provisions for the U.K., agrees with the IRCs' proposal to use balanced routing for record bearer circuits and files its own proposal for dealing with the IRCs' projected use of additional CANTAT–2 circuits. Also on May 7, the USISC filed their *Comments* on Comsat's shortfall methodology in which they find both the proposal for telephone and that for record service to be contrary to the balanced-route principle adopted by the Commission and lacking in flexibility of administration. On May 14, 1979, Comsat and the USISC each replied to the other's comments.

Renegotiated Proposals

6. In our March 16 Order, the aspect of Plan 3 (Munich) to which we had objected was AT&T's proposal, in the case of Belgium, to acquire 20 circuits in CANTAT–2—Plan 3 Revised had not provided for use of CANTAT–2 for service to Belgium—and, in the case of the U.K., to acquire 150 circuits in CANTAT–2 and 150 in TAT–6 above the 470 circuits in each of those cables for U.K. service which Plan 3 Revised had provided. Chiefly, we objected to the fact that these proposals would increase AT&T's investment and that there had been no effort to justify the increase. As a result, we could find no basis for imposing this extra burden on the ratepayer. Accordingly, we directed AT&T to conduct further discussion with its correspondents to attempt resolution of these concerns.

7. *Belgium.* For Belgium, AT&T's renegotiated provisions differ from Plan 3 (Munich) in that they eliminate use of the subject 20 CANTAT–2 circuits. In their place, the provisions call for use of an additional ten circuits in TAT–6 and an additional ten on the satellite. The renegotiated provisions thus continue to call for use of 20 more circuits than had Plan 3 Revised; the major difference is the facilities on which they are to be placed. These provisions are based on a revised traffic forecast which is somewhat larger than the one that had been used in developing Plan 3 Revised. AT&T states that it has secured agreement with one of the IRCs[4] to acquire the additional TAT–6 circuits at depreciated cost and that upon approval of the renegotiated provision it will file the appropriate request for authorization to acquire the circuits.

8. *United Kingdom.* With respect to the U.K., AT&T states that it has reached agreement with the British Post Office (the communications entity in the U.K.) and Teleglobe/Canada (the Canadian overseas communications entity) to modify the terms under which it will acquire the additional TAT–6 and CANTAT–2 circuits. That is, AT&T will acquire from Teleglobe/Canada interest in 97 CANTAT–2 circuits at the depreciated value of these circuits as of June 1, 1979. AT&T will also acquire from the British Post Office interests in an additional 150 CANTAT–2 circuits at an identical depreciated price. Finally, in mid-1983, AT&T will reacquire from Teleglobe/Canada, at their then depreciated price, the interests in 150 circuits in TAT–6 which it had previously sold to that entity.[5]

9. In support of the renegotiated provisions, AT&T states that they represent substantial compromises on the part of Belgium and the U.K. First, AT&T notes that Belgium has agreed to forego use of CANTAT–2. Second, AT&T notes that the U.K. has accepted use of "fully depreciated prices" for acquisition of the TAT–6 and CANTAT–2 circuits. AT&T also notes that under the renegotiated provisions paths will be "more equally balanced" over the planning period. AT&T further states that the renegotiated plan will increase the relative use of satellite and, in this connection, notes that the provision "retain(s) the use of three satellite paths" to the U.K. beginning in 1982.

10. *Comsat Response.* In its May 7 response, Comsat supports AT&T's renegotiated arrangement for Belgium. Comsat notes that since AT&T will acquire the ten additional circuits in TAT–6 from an IRC, their use will not increase total U.S. ratepayer cost for use of TAT–6. Similarly, since the ten satellite circuits will be leased from Comsat, Comsat states that there will be no increased expense under the revised provisions "due to payments to a foreign telecommunications entity." Comsat

[3] The USISC, in late April 1977 had submitted traffic forecasts for each of the 20 CEPT countries. Although we did not agree with those forecasts, or the method by which they were developed, we accepted them for purposes of analyzing various alternative plans because we concluded that the precise level of the USISC forecast made no diffefence in our selection of Plan 4–M as our preferred plan. *See* Overseas Communications, FCC 77–536, para. 8, released August 1, 1977. *See also* Overseas Communications, 67 F.C.C. 2d 358, 360, 372–3 (1977). In developing Plan 3 (Munich), however, the USISC revised their forecasts for five countries. In reviewing that plan we neither accepted nor rejected the revised forecasts; but merely noted where there were differences. With the present revisions, there are only four countries whose plans are still based on the 1977 forecasts.

[4] The April 23 USISC filing indicated only that AT&T would acquire the ten TAT–6 circuits from "an IRC." By an amendment to Plan 3 (Munich) filed May 18, 1979, AT&T indicated that the IRC in question is WUI.

[5] *See* American Telephone and Telegraph Company, 63 F.C.C. 2d 557 (1977).

Comments, at p. 23. Accordingly, Comsat asserts that this provision meets our guidelines and serves the public interest; and therefore urges us to accept it.

11. With respect to the U.K. provisions, however, Comsat asserts that AT&T has still failed to justify use of additional CANTAT-2 and TAT-6 circuits. Rather, Comsat finds the level of use of those cables set out in Plan 3 Revised, adjusted to reflect the increased traffic forecasts, to be more appropriate. Comsat notes that in our March 16 Order we had rejected the only justification offered by AT&T for use of the 300 additional circuits—that their use would permit the USISC to maintain the two cables as balanced routes in the early part of the planning period—on the grounds that any benefit thus derived was not commensurate with the $4.2 million we estimated the circuits would cost AT&T.[6] Comsat notes that AT&T merely reasserts the desirability of its original proposal (since it retains provision for the 300 circuits) and that the only change from its earlier filing is that the U.K. traffic forecast has been increased. Thus, Comsat argues that this proposal fails to meet our public interest standards and that our prior finding of no justification remains unrebutted.

12. Comsat further argues that the new substantive justifications offered by AT&T similarly do not meet our public interest standards. First, Comsat argues that the agreement of the British Post Office and Teleglobe/Canada to sell AT&T circuits at depreciated price offers no support, since it finds it is difficult to believe that we would accept any other basis in view of our recent decision in *American Telephone and Telegraph Company*, F.C.C. 79-793, 71 F.C.C. 2d 106, released March 27, 1979.[7] Second, Comsat finds no merit in AT&T's argument that with the additional circuits, the available paths will be "more equally balanced" over the planning period. Comsat, rather, alleges that its analysis shows that, as compared to Plan 3 (Munich), paths will actually be less equally balanced in 1979-81 and in 1984 under the renegotiated provisions and that the degree of balance in 1983 will be about the same under either proposal. More importantly, however, Comsat states that this is the first time that AT&T has addressed balanced loading in relative terms—"more equally balanced"—and finds it unpersuasive, stating that anything less than absolute balanced loading is not balanced loading at all. Third, with respect to AT&T's assertion that the renegotiated provisions will increase the relative use of the satellite medium. Comsat notes that any increase in satellite use is due solely to the increased traffic forecasts. Finally, Comsat finds no justification for the provisions in the fact that they retain use of three satellite paths, since it finds it hard to believe that we could accept any implication that the U.K. would revert to only two paths if it does not prevail on the issue of the 300 additional cable circuits.

13. The USISC's April 23 joint filing also included two proposed distribution methodologies—one for AT&T and one for the IRCs—for dealing with shortfall. In our March 16 Order, we had noted that because no one principle of circuit distribution had been followed uniformly in Plan 3 (Munich), it would be difficult to predict what would happen in the event that actual traffic fell short of, or exceeded, the forecasts underlying that plan. Comsat, in its comments on Phase 2 of this proceeding had expressed concern that a shortfall in circuit demand before introduction of TAT-7 (in Mid-1983) would fall more heavily on satellite facilities than on cable. Comsat also noted that a "pent-up" demand had been observed immediately prior to introduction of TAT-6 and was concerned that it might occur again here. Recognizing the uncertainty inherent in forecasting, we agreed with Comsat that the lack of an internal mechanism in Plan 3 (Munich) for dealing with traffic fluctuations is a serious weakness and directed the USISC and Comsat to meet with our staff to develop ways by which traffic fluctuations may be handled.

14. After a number of meetigs, it became apparent that due to their varying characteristics and interests, the participants would not be able to agree on a single methodology. Accordingly, the staff directed AT&T, the IRCs and Comsat each to file its own proposal for our consideration. In the comments herein, we have before us a proposal by AT&T, for telephone service, one by the IRCs for record services and one by Comsat which it states will handle both record and voice traffic.

15. *AT&T Proposal.* AT&T notes that the traffic forecasts it submitted in an earlier phase of this proceeding have proved to be quite accurate and states that it therefore believes the development of any substantial deviations from its current forecasts is unlikely. However, should traffic levels depart from the forecasts for some unforseen reason, the resulting shortfall or overage should be handled by its circuit activation methodology. To each country, in each year, AT&T will activate circuits on the smallest growing route to that country until it reaches balance with other routes planned for growth. Thereafter, circuits will be added equally to each growth route so as to maintain balanced loading. For countries where the facilities plan does not provide for a route to be balanced in a particular year, AT&T will activate circuits first on the smallest growth route until it reaches either the level of use called for in the plan for that year or a level of use equal to the next-larger growth route.[8] Thereafter growth would be assigned to the next-smaller growth route (or routes). For growth larger than predicted rates, on the other hand, AT&T would merely move ahead to the following year's circuit allocation pattern for that point. Where capacity limitations would prevent acceleration of activation patterns, AT&T states that it would place excess growth on the smallest route where capacity is available.

16. AT&T states that it believes its proposed metholology should effectively accommodate any deviations from forecast traffic levels which may develop. AT&T, however, recognizes that the basis for Comsat's arguments is its concern that AT&T or its correspondents might artificially create shortfall just prior to introduction of TAT-7 to aviod activiting a certain number of satellite circuits ("hold back"). AT&T, on this question, states that it believes there is no basis to assume that the USISC will fail to live up to their facilities commitments but that, speaking for itself, the deterioration in service occasioned by an artificial holdback would be

[6] In our March 16 Order, we noted that the net depreciated price for 150 CANTAT-2 and 150 TAT-6 circuits would be $5.4 million. This figure, offset by the $300,000 AT&T would save for each TASI system deleted from the number called for in Plan 3 Revised, would yield a net investment for AT&T of $4.2 million. *See* 71 F.C.C. 2d at 89.

[7] In that Order, we denied an application by AT&T to acquire IRU's in the SAT-1 cable because we found the terms on which AT&T prepared to acquire the IRU's not in the public interest. Briefly, AT&T proposed to acquire the IRU's at a price computed by taking the original investment cost, less depreciation accrued over its life, *plus* an amount representing the "accrued cost of money," compounded annually since introduction of the cable. It is not clear what this factor represents but appears to be either a tacit contribution to the acquisition of a replacement facility or a recoupment of investment for the unused portion.

[8] In its Proposal, AT&T notes one exception to its proposed circuit activation metholology—Italy. AT&T notes that the circuit distribution for Italy shown in Plan 3 (Munich) demonstrates an Italian policy of dividing growth 50-50 between the cable and satellite media throughout the planning period. Italy, therefore, will not fit within AT&T's proposed circuit activation policy. Rather, AT&T notes that it will activate circuits on the 50-50 basis and that shortfall or overage would be similarly allocated. USISC *Proposals*, at p. 6.

unacceptable. Accordingly, AT&T asserts that it will impress upon its correspondents that hold back "cannot be tolerated." USISC Proposals at p. 8. To reassure Comsat of its good faith, however, AT&T states that it will continue, as it has for TAT-6, to report monthly to the Commission the percentage "no circuit" (NC) levels for individual countries. These data will show, it asserts, whether appropriate numbers of circuits have been activated. Should the NC levels for any country rise above three per cent and remain above that level for three consecutive months during the six months prior to the introduction of TAT-7, and there is a shortfall in satellite circuit activations during that time, AT&T asserts that it will activate enough satellite circuits in the year following introduction of TAT-7 circuits to that country to make up all shortfall in satellite activations in existence on July 1, 1983. The only exceptions to this policy are where the rise in NC level is due to a limit on the capacity available in a major satellite or cable facility, or to a political upheaval or labor dispute beyond AT&T's control.

17. *IRC Proposal.* The IRCs repeat in the present filing the position they have maintained throughout this proceeding that the nature of record service is such that a rigid circuit activation schedule such as that proposed for AT&T—where shortfall or overage is handled on a country-by-country basis—would be burdensome. The IRCs note that approximately 70 per cent of their circuits are used for leased record channel services. Of these, they state, most are for customers who specify the particular type—cable or satellite—of circuit they want. The IRCs also argue that, unlike the case for telephone service, the record-service industry has multiple, competitive carriers; and each carrier must be able to respond at any time to a customer need for a particular type of facility. Thus, the IRCs assert that even though the cable/satellite proportions shown in the plan are their best estimates of likely future use (based on past patterns), they cannot state several years in advance that they will be accurate for every country in every year. Rather, to retain the flexibility they assert they need, the IRCs propose to deal with a shortfall or overage on an overall "area basis." That is, they propose to allocate shortfall in leased circuits proportionately to cable and satellite proportions shown in the plan.

18. In place of an activation schedule, the IRCs note that their monthly circuit status reports will permit us to monitor their performance to assure that circuit activations are appropriately handled. The IRCs also state that, should an IRC be unable to meet a customer request for a circuit in a particular type of facility, even under the more flexible methodology proposed above, that IRC should be free to petition the Commission for modification of its activation plan. Upon justification of such a claim, the IRCs argue that the record carrier should be free to depart from the cable/satellite proportion by as much as 10-15 per cent, or five circuits, whichever is greater. The IRCs note in this connection that some of them have had difficulty meeting customer requirements under the relatively flexible area-wide activation plan now in effect in the Pacific and assert that the uncertainties which have caused those problems are likely to be present also in the North Atlantic.

19. *Comsat Proposal.* As it had at earlier stages in this proceeding, Comsat opposes both the AT&T and the IRC proposed methodologies, and advocates in their place a modification of the circuit-activation procedures currently in use for TAT-6. Essentially, for both record and voice services, Comsat focuses on the circuit distributions in the master plan and would handle deviations from forecasts by stretching out or accelerating, as necessary, the timetable for the yearly circuit-distribution "target." At the outset, Comsat sets forth five public-interest standards which it believes a shortfall methodology should meet. First, it states that such a methodology should *confirm expectations.* The agreed master plan reflects the expectations of the parties thereto—what they bargained for—and the objective in implementing the plan should be to achieve those expectations to the maximum extent possible. Second, a shortfall methodology should have *accountability;* those who developed the forecasts on which the plan was based should bear their proportionate share of the risk of a shortfall. Third, a shortfall methodology should have *simplicity and predictability.* The method used should not have formulas or ratios; mathematical calculations should be minimized to avoid problems of differing interpretation. Fourth, the method adopted should allow the parties *ease in monitoring* its performance. Finally, the method used should be *self-regulating* to the maximum extent possible to avoid disputes.

20. Comsat believes that these standards, whose conformity with the public interest it deems self-evident, may best be advanced through its methodology—which seeks as closely as possible to achieve the yearly circuit-distribution targets contained in Plan 3 (Munich). By thus giving effect to the intention of the parties expressed in the agreed plan, and found in the public interest by the Commission, its methodology would, it believes, most fairly apportion the risk (or benefit) of traffic fluctuations. Comsat proposes that the facility loading levels in the plan be treated on a quarterly basis so that, at the end of each quarter, the actual growth can be compared to projected growth. If there is an excess over forecast traffic, the activation schedule for that quarter could be achieved sooner than anticipated and one would simply move to the next goal. If, on the other hand, traffic falls short, one simply continues to apply the then current quarterly target until actual levels equal projected levels.

21. In recognition of the concerns of AT&T, and of the IRCs, Comsat makes two special proposals. First, to satisfy AT&T's concern that a consistent shortfall would delay introduction of TAT-7, and to assure that it grows to a "respectable" level, Comsat offers in the case of a shortfall to suspend the master plan for a period of six months following introduction of TAT-7 to direct all growth to TAT-7. Comsat then proposes to return to the plan as soon thereafter as possible. Second, to aid the IRCs in retaining the flexibility they say they need, Comsat proposes that the IRCs aggregate their cable and satellite circuit authorizations on a quarterly basis, to all CEPT countries, so that the level for a particular country may differ from the plan so long as the overall cable/satellite levels are reasonably close to those in the plan. Should customer requirements cause the IRCs to run short of available cable circuits, Comsat further proposes they be able to "dip into" the next quarter's allotment, irrespective of satellite loading—so long as the satellite does not fall more than one quarter behind the plan, and such lag is made up within six months.

Discussion

Renegotiated Provisions

22. *Belgium.* We turn first to the results of AT&T's further negotiations with its correspondents in Belgium and the United Kingdom. Looking first to the provisions for Belgium, after reviewing all the comments of the parties, we conclude that this modification of Plan 3 (Munich) falls generally within our policy guidelines and shall, therefore, adopt it as part of the agreed-upon comprehensive facilities construction and use plan. In our March 16 Order, we had objected to the fact that AT&T had

made no attempt to justify use of 20 circuits in the CANTAT-2 cable for service to Belgium.[9] Plan 3 Revised had not called for use of CANTAT-2 circuits for telephone service to that point. In the renegotiated provisions, total circuit requirements still exceed those in Plan 3 Revised, but the extra circuits which Plan 3 (Munich) had placed on CANTAT-2 are now placed on the TAT-6 cable and the satellite (ten circuits on each). AT&T does not offer any new justification for use of additional circuits. AT&T does note, however, that Plan 3 (Munich) and the renegotiated provisions are based on a traffic forecast which has been increased (10-15%) over the one used for Plan 3 Revised.

23. As we have noted in the past, we do not have enough information to pass upon the validity of AT&T's forecasts, either for the region as a whole or for a particular country. As we have in the past, however, we shall accept it for purposes of analyzing the renegotiated provisions. In view of the larger traffic projection for Belgium, it would appear that some number of additional circuits would be required over the levels in Plan 3 Revised. Thus, while we cannot specify what that number would be, the fact that the renegotiated provisions call for more circuits is not itself unreasonable. We need not determine that number precisely, however, since the important question is how the circuits will be distributed; and on that point, the present provisions represent a clear improvement over Plan 3 (Munich). That is, because of the circuit activation policy AT&T has proposed, which we discuss below, it appears that facilities will be used so as generally to maintain balanced loading within the contours of the comprehensive plan. That activation methodology, therefore, should assure that facilities are efficiently used. We also note that, inasmuch as AT&T will acquire the ten TAT-6 circuits from the half-circuit pool at depreciated cost,[10] their acquisition will not increase total U.S. costs for TAT-6 use, merely shift the cost of those circuits from one or more U.S. carriers to AT&T. Furthermore, the renegotiated provisions do yield one additional operational benefit. If the forecast is accurate, AT&T will have an earlier need for these circuits than would the carrier which had originally planned to use them. The renegotiated provisions, therefore, will yield a slightly more efficient use of the TAT-6 cable. With respect to the satellite circuits, since AT&T will acquire them from Comsat, the renegotiated provision will not increase AT&T's foreign payouts to foreign carriers. We wish to not that this fact alone would not justify use of the additional circuits; however, it does help reduce U.S. costs for Belgium service and, thus constitutes an improvement over the Plan 3 (Munich) provision. On balance, therefore, we find the circuit distribution in the renegotiated provision for Belgium generally consistent with our facilities guidelines and shall not object to its inclusion in the comprehensive facilities plan[11] set forth in Attachment C, below.[12]

24. *United Kingdom.* We similarly shall interpose no objection to the renegotiated provision for the United Kingdom which calls for acquistion of additional TAT-6 and CANTAT-2 circuits—although the situation here is not so simple as in the case of the Belgium provisions. We continue, however, to have difficulties with some aspects of the proposed use of these facilities. In our March 16 Order, we had found that AT&T had not justified the use of the 150 additional CANTAT-2 and 150 additional TAT-6 bearer circuits for service to the U.K. and that we were uncertain as to the terms on which AT&T would acquire the CANTAT-2 circuits. Plan 3 Revised had provided for substantial use of both the CANTAT-2 and TAT-6 cables (470 bearer circuits in each cable). Our analysis indicated, calculated on the basis of depreciated price, that the additional 300 bearer circuits would increase AT&T's net investment by approximately $4.2 million and that AT&T had not justified that increased investment.[13] We were particularly troubled by the fact that AT&T had limited its proposed use of TASI (Time Assignment Speech Interpolation) circuit multiplication and would therefore appear not to use the facilities in the most reasonable and efficient manner. For example, under the original Plan 3 (Munich) proposal, AT&T would use the 620 CANTAT-2 circuits and 620 TAT-6 circuits so as to derive no more than 860 circuits in each cable (1720 total). By way of contrast, Plan 3 Revised, with 300 fewer bearer circuits but with full use of TASI, could derive 940 circuits in each cable (1880 total).

25. In support, AT&T cites four points it characterizes as substantial compromises on the part of the U.K. administration which it believes justifies our acceptance of the revised provisions. First, AT&T notes that the U.K. and Teleglobe/Canada have agreed to provide AT&T with the requisite interests in the CANTAT-2 and TAT-6 circuits at net depreciated price. Second, AT&T notes that a comparison of Plan 3 (Munich) and the renegotiated provisions shows that under the new provision the loading of major facilities will be more equally balanced throughout the planning period. Third, AT&T argues that the renegotiated provisions will result in a relatively greater use of satellite than would be the case under Plan 3 (Munich). Finally, AT&T notes that the circuit distribution in the renegotiated plan retains the use of a third satellite path for U.K. service beginning in 1982. Comsat challenged whether these points constitute compromises by the U.K., noting that they either constitute prerequisites in the negotiating guidelines or that the effect cited is due solely to the increased forecast rather than to a change in AT&T or U.K. policy.

[9] In our March 16 Order, we had also objected to the terms on which AT&T had proposed to acquire the 20 CANTAT-2 circuits for use with Belgium. In its pleading in support of Plan 3 (Munich), AT&T indicated that it had oral agreement with Teleglobe/Canada to acquire these 20 circuits at the price set forth in its application to acquire 97 circuits in CANTAT-2 for U.S.-U.K. service—*viz.*, a negotiated price somewhat in excess of net depreciated price. *See* AT&T File No. I-P-C-8277-8, filed August 10, 1978. AT&T's proposal to delete the use of CANTAT-2 circuits thus moots the price question as an objection to the Belgium provisions in Plan 3 (Munich).

[10] AT&T states that it will acquire the ten TAT-6 circuits from WUI. More accurately, however, it will acquire them from the TAT-6 half-circuit pool. Under the TAT-6 authorization, American Telephone and Telegraph Co., 35 F.C.C. 2d 801 (1972), *modified* 39 F.C.C. 2d 865 (1973) ownership of the circuits is shared one-half by the user on the U.S. end and one-half by a foreign correspondent: referred to as a "half-circuit." At a conference in Eastbourne, U.K., the owners of the cable had agreed to an allocation of all the circuits in the cable as to the countries for which they would be used and as to the U.S. carrier which would use them. In authorizing the cable, however, we indicated that we thought projections for use of the circuits beyond 1980 were too uncertain for specific allocation. Accordingly, the order created a pool of approximately 912 half-circuits to be jointly owned on the U.S. end by AT&T ITTWC, RCAGC and WUI but by individual, specific correspondents on the European end. The U.S. owners have an individual share of each circuit in the pool which is equal to that carrier's ownership share of the cable as a whole. The ten TAT-6 circuits AT&T proposes to acquire are among those which the Eastbourne agreement had allocated to WUI for use with Belgium: three were planned for use between 1979 and 1985 and seven for use beyond 1985.

[11] Notwithstanding our action herein, AT&T will still require specific authorization before it actually acquires these 20 additional circuits.

[12] We have included as part of this Order a series of Attachments which set forth, with the amendments discussed herein and a number of typographical corrections, the agreed-upon facilities construction and use plan submitted by the USISC and adopted by us as our policy guideline. Attachment A sets forth the USISC forecast for the 20 CEPT nations, as amended through April 23, 1979. Attachment B sets forth our TASI-E assumptions. Attachment C sets forth the facilities plan for the USISC as a whole: AT&T and total IRCs. Attachments D-H set forth the breakdown of the Attachment C figures for each individual IRC.

[13] *See* 71 F.C.C. 2d at 89.

26. After reviewing the comments of the parties, we are inclined to question the extent to which the renegotiated provisions represent a compromise by the U.K. Turning first to the matter of depreciated price, we are, of course, gratified to see the agreement of the BPO and Teleglobe/Canada to sell AT&T interests in CANTAT-2 circuits at net depreciated price. This agreement is consistent with our general pricing policies and, thus, removes a potential area of controversy. However, the price AT&T would pay for CANTAT-2 circuits was not precisely at issue in the renegotiated provisions[14] and, does not bear upon the reasonableness of acquiring additional bearer circuits or their use. With regard to AT&T's assertion that routes will be more evenly balanced under the renegotiated provision, it appears from a review of the revised circuit distribution that loading will be closer to balance in 1985 than it would be under Plan 3 (Munich). However, despite the addition of 300 bearer circuits, the 1985 circuit distribution is farther from balance than was Plan 3 Revised. While we grant that the traffic forecast has been increased, which places a greater demand on available circuits, the improvement over Plan 3 (Munich) is slight. Considering the cost of the additional circuits, that slight improvement offers little support for the renegotiated provisions. In fact, it appears that the chief reason that the renegotiated provisions come closer to balance in 1985 is the increased traffic forecast.

27. Much the same is true of AT&T's argument that the renegotiated plan will yield a greater relative use of satellite than would Plan 3 (Munich). While there is a slight increase in satellite use under the renegotiated plan (from 54% satellite under Plan 3 (Munich) to 57%), it appears that Comsat is correct that this increase is due only to the increased traffic forecast and not to any change in AT&T's circuit allocation policy. If one applies the allocation pattern underlying Plan 3 (Munich) to the revised forecast, the result is the circuit distributions in the renegotiated provisions before us. Thus, the fact of greater satellite use under the renegotiated provision neither argues for nor against the provision. The crucial matter is the reasonableness of the methodology used for circuit allocation. Finally, maintenance of a third satellite path to the U.K. in 1982 was not at issue in our March 16 Order. Plan 3 (Munich) itself called for a third satellite path to the U.K. to be introduced in 1982. Therefore, while we are pleased that the U.K. continues to call for a third satellite path in 1982, that fact does not bear on the reasonableness of the renegotiated plan.

28. The most striking feature of the renegotiated provisions is a characteristic it shares with Plan 3 (Munich)—the limitation AT&T has placed on the use of TASI. It is not as though AT&T doubted the viability of TASI-E—AT&T in fact had proposed a significant level of TASI use even in Plan 3 (Munich) and has actually increased it in the present provision.[15] In view of AT&T's strong advocacy of balanced loading, it is ironic that AT&T has taken the course it has—since, with only a minimal increase in TASI use (one more TASI system), it could have achieved full balance on all growth routes to the U.K. AT&T, however, has sought to justify the expense of adding 300 bearer circuits while failing to make the most efficient use of them.

29. At the outset, we note that the increase in the traffic forecast for the U.K. is substantial. Indeed, we note that, even with full use of TASI, it would not be possible to achieve balance in 1985 using only the 470 bearer circuits in TAT-6 and in CANTAT-2 that Plan 3 Revised had provided. With TASI, those 470 circuits would yield a total of 940 circuits in each of those cables—which is out of balance with the 1130 circuits in each of the TAT-7 and three satellite paths which are needed to handle the forecast traffic level. At that level of traffic, full balanced loading would require 1,067 circuits in each of the six (three cable and three satellite) growth routes to the U.K.

Since, with TASI, 470 cable bearer circuits would yield only 940 circuits, it is obvious there would not be enough circuits available in the TAT-6 and CANTAT-2 cables to reach balance.

30. This does not mean that balance is impossible or that the only recourse is to add 300 bearer circuits as was done in the renegotiated provisions. Even assuming the larger traffic, balance is achievable, with full TASI, by the addition of only 70 bearer circuits (from 470 to 540) in TAT-6 and 70 in the CANTAT-2 (with full TASI, 540 bearer circuits would yield up to 1,080 circuits). It is interesting to note that AT&T's capital expenditures for this result, at net depreciated price, would be approximately $5.22 million—$1.12 million for the 70 CANTAT-2 circuits, $1.4 million for the 70 TAT-6 circuits and $2.7 million for nine TASI systems. Under the renegotiated provisions, AT&T's additional capital expenditure would be approximately $7.5 million ($5.4 million for the 300 TAT-6 and CANTAT-2 circuits and $2.1 million for seven TASI systems.) Thus, the renegotiated plan would cost AT&T approximately $2.28 million more than buying only 70 circuits in each cable—yet the renegotiated plan provides fewer circuits overall and fails to achieve balanced loading.

31. Were this the only consideration, it would be doubtful that we could find the distribution in the renegotiated plan for the U.K. acceptable. We note, however, that throughout this proceeding we have limited our attention to the 1979–1985 period. While this is realistic in terms of the pace of technological change, and necessary if we are to develop a complete and accurate record for decision, we recognize that the present planning period is part of a continuum and that under appropriate circumstances we can take cognizance of factors which will be of importance beyond the present period. AT&T has noted that the 300 additional bearer circuits will provide it substantial additional capacity and, thus, greater flexibility to meet traffic levels both during the planning period and in the short term beyond the period. Since the U.S.-U.K. route is the largest traffic stream in the North Atlantic, and appears to be growing at a strong rate, it is likely that these facilities will be of substantial benefit to sound telephone operations both in the current period and beyond. This being the case, and since the U.K. has indicated a preference to have these facilities available, we are unwilling to conclude that AT&T's position is unreasonable. We have followed in this matter the policy that an entity who foresees the reasonable need for extra capacity should make provision for it and that such entity, rather than another, should bear the costs of having the capacity available. Therefore, we shall not interpose an objection to AT&T's acquisition (at net depreciated price) of interests in the 150 CANTAT-2 and 150

[14] In our March 16 Order, we noted that Plan 3 (Munich) was silent with respect to the price AT&T would pay for CANTAT-2 circuits. We noted that in a prior application, File No. I-P-C-8277-8, filed August 10, 1978, for authority to acquire 97 CANTAT-2 circuits for service to the U.K., AT&T had stated a negotiated price in excess of their net depreciated price. Because of AT&T's silence, we were uncertain whether AT&T considered that negotiated price to apply also to the circuits in CANTAT-2 it proposed to acquire under Plan 3 (Munich). On that point, however, we found that any price other than depreciated price would fall outside our guidelines. *See* 71 F.C.C. 2d at 90–1.

[15] AT&T is not limiting TASI use in terms of the number of circuits it will derive from each TASI system. Rather it has limited the number of systems it will use—that is, the number of circuits on which it will use TASI. On those circuits where it will use TASI, AT&T will make full use of it to derive twice as many effecive circuits as the number of bearer circuits to which it is applied.

TAT-6 circuits called for in the renegotiated plan.

32. As we have noted, under appropriate circumstances, it is not unreasonable for a carrier to have limited amounts of spare capacity available. Indeed, in an era of large-capacity, long-lived facilities, the existence of such spare capacity is virtually unavoidable in the short run. The important thing, therefore, is to assure that those facilties are efficiently used. Throughout this proceeding we have focused much attention on this factor; in fact, it is this aspect both of Plan 3 (Munich) and of the renegotiated provisions which has troubled us. We are aware from AT&T's May 14 *Reply Comments* that its U.K. correspondent wishes to limit the use it makes of TASI, even though it could thereby achieve balanced loading. Nevertheless, it also appears from AT&T's reply that the U.K. administration is willing to reconsider its position in the interests of attaining a resolution acceptable to all.

33. We believe that an accommodation of both our concerns can be reached. We have frequently stated our support of TASI circuit multiplication as a cost-effective way to increase the effective capacity of facilities. We have also indicated that although we do not consider balanced loading a sufficient reason for construction of a new facility we do see that it can provide some service benefits. We also believe that the use of TASI to achieve balanced loading represents a particularly favorable way to achieve our service objectives. In this connection, we note from AT&T's reply that the U.K. proposes to balance growth routes in the period beyond the present planning period, but that it would be willing to consider moving that goal up into the planning period. We are pleased to see this expression of cooperation on the part of the U.K. administration and its willingness to understand our concerns. Accordingly, while we shall not object to AT&T's acquiring the 300 additional bearer circuits, we must emphasize the importance we attach to the appropriate use of TASI. We shall expect AT&T to use the facilities we are authorizing fully and efficiently. We also encourage AT&T to pursue the U.K.'s offer of compromise. We have in Attachment C, below, included in the agreed-upon facilities plan a revised circuit distribution for the United Kingdom which reflects the assumptions of the renegotiated provisions as to which facilities will be used for U.S.-U.K. service and which; through a slightly increased use of TASI, achieves balanced loading throughout the planning period. This distribution reflects what we understand to be the import of the statements in AT&T's reply and is acceptable to the Commission. Since the revisions represent a reasonable use of facilities, as well as offering some service benefits, we anticipate that the United Kingdom will have no objection to them. Therefore, we will not condition our adoption of Plan 3 (Munich) upon the U.K.'s acceptance of the revised distribution, but do request that AT&T confirm them with its correspondent.

Shortfall

34. We turn now to the matter of shortfall. In our March 16 Order we had directed the USISC and Comsat to work with the Commission's staff to develop a mutually-acceptable method for dealing with deviation from traffic forecasts. After reviewing the proposals of the parties and their comments on the other proposals, it is clear that they take widely divergent views on the question and that agreement is therefore unlikely. Because of the importance of a cable/satellite use plan, particularly as a basis for future planning efforts, we believe it imperative that we have a firm, predictable method for handling traffic deviation and shall, therefore, ourselves select a method. After reviewing the matter, we have concluded to adopt the AT&T proposal for telephone circuit shortfall but, because of the nature of leased record-channel service, have concluded not to adopt a specific activation methodology for record service.

35. As we noted in our March 16 Order, the reason for the shortfall issue is the fact that plan 3 (Munich) did not uniformly apply balanced loading or other suitable circuit-activation principles. A uniform activation principle would simply allocate traffic systematically among available facilities no matter what level of traffic actually occurs. Shortfall or overage would thus be automatically accommodated so as overall to assure a reasonable use of facilities. Failing such an internal mechanism, it is necessary to have a shortfall methodology to accomplish the same result of efficient facilities use.

36. In the matter of handling telephone circuit shortfall, both the Comsat and AT&T methods appear to be impartial. Further, it appears that both methods could, under most circumstances, provide a reasonable use of facilities. We thus do not see any major advantage or disadvantage in the substantive provisions of either methodology. AT&T's method, however, has one advantage in that its use of balanced loading as a circuit-activation principle will tend to preserve the service benefits of that principle and will therefore, tend to be simpler and more automatic to administer.

37. Comsat approached the shortfall question by setting forth a series of five public-interest tests it believes a shortfall methodology must meet. *See* paragraph 19, *supra*. Since Comsat uses these standards as the framework both for its challenge to AT&T's method and its defense of its own proposal, we believe they represent a convenient framework for presenting our analysis. first, on the question of confirming expectations, Comsat argues that AT&T's proposal by applying balanced loading to a plan not based on that principle, will result in constant adjustments to the circuit distributions which would lead to departures from the agreed-upon plan. Comsat argues that AT&T's method thus fails to confirm the expectations of the parties to the plan. Comsat notes that its method, on the other hand, will treat the circuit distributions for each year as a growth "target" to be achieved before moving to the next target. Comsat therefore argues that its plan will preserve the contours of the plan—merely varying the time needed to achieve each target—and will confirm what each party expects from the plan.

38. It appears that Comsat has misperceived AT&T's proposal. AT&T's states that it will activate circuits on the smallest growing route until it equals the loading of other growth routes and, thereafter, will allocate growth equally to all growth routes—up to the level called for in the plan for a particular route in a particular year. Because of this limitation, it appears that the AT&T activation methodology will fairly accurately track the agreed-upon plan. When growth on any route in any year reaches the level called for in the plan, no more growth will be assigned to it until all other routes reach their projected levels. Thus, it does not appear that AT&T's methodology will yield significant departures from the plan; at least we see nothing inherent in the methodology which would make such a result likely.

39. We also find unpersuasive Comsat's second challenge to AT&T's methodology: that it lacks accountability. We agree with Comsat that those responsible for the traffic forecasts should share in the risk of a shortfall; we do not agree, however, that AT&T's methodology allows the USISC unfairly to escape that risk. Comsat does not offer any reason why it believes AT&T's methodology would

unfairly increase the burden of a shortfall on it. We note that because TAT-7 will be introduced in 1983, most growth prior to that time will be placed on the satellite. Accordingly, if there is a shortfall in that period its effect will be felt more heavily by the satellite. Conversely, if a shortfall occurs after introduction of TAT-7, it will fall more heavily on TAT-7. In either case, however, it is not the shortfall methodology which causes the heavier impact, but the dates when facilities are introduced and the fact that, upon introduction, a new facility is the most lightly loaded. Despite the reservations we have expressed about the justification of the carriers' forecasts, we have no evidence before us which suggests they are unreasonable. We note AT&T's assertion that experience since the forecasts were originally developed have increased its confidence in their validity. However, we believe it is important to have a mechanism for handling a shortfall should the forecasts prove inaccurate. AT&T's methodology will provide an activation methodology which will apportion the burden of such s shortfall, advance service reliability goals and not unduly penalize either transmission medium.

40. We shall consider Comsat's third and fourth points together: ease of implementation and ease of monitoring. Comsat states that under AT&T's methodology the growth targets are "constantly shifting" and that it is therefore complex and difficult to administer or monitor. Comsat does not state what features of the methodology make it complex or difficult to deal with; it states only that it will require detailed tracking of each facility to each point and constant referral to implementation plans. We agree with Comsat that implementation of the AT&T's methodology will require tracking of growth patterns and implementation schedules—as, indeed, would Comsat's own methodology and as will the agreed-upon plan itself. This does not mean that AT&T's method is unduly complex or cumbersome. There is certainly nothing about using balanced loading as an activation technique which is particularly difficult or likely to lead to controversy. The only area of potential controversy we see is the possibility that balanced loading would cause the loading on a facility to exceed the level called for under the plan for a particular year. Even that, as we have noted, appears adequately to have been covered by the caveat to AT&T's proposal: that it will load facilities only to the level agreed upon.[16]

41. The figures shown in Plan 3 (Munich) are "snapshots" of projected facility loadings on fixed dates (usually, the last day of each year). As a result, those figures represent goals or targets; they, however, give no hint as to how they will be achieved. We know that all growth circuits will not be activated on the last day of the year, but periodically through the year as growth and sound operations require. Even Comsat's methodology provides only the goals to be achieved but does not provide any mechanism to deal with activation. The AT&T proposal, however, does provide a specific and trackable activation mechanism. AT&T indicated that it will activate additional circuits throughout the planning period at whatever rate is required to maintain acceptable levels of service quality in accordance with the balanced-loading principle. Accordingly, assuming good faith, it should be relatively easy to follow AT&T's actions and to determine whether it has adhered to the methodology. It will thus not be necessary formally to recognize the existence of a shortfall or of an overage. Such departures from forecasts would automatically be handled by the circuit activation technique—circuits would simply be activated at a rate slower than the plan in the event of a shortfall or faster in case of an overage. In either case, or when traffic is growing as predicted, the facility on which a growth circuit is to be placed will be determined by the balanced-loading principle. The AT&T proposal, therefore, has the operational benefit over the Comsat proposal in that it is relatively automatic and should lead to fewer, rather than more, disputes.

42. For the same reason, we find Comsat's fifth challenge to AT&T's proposal—that it is not self-regulating—similarly unpersuasive. Comsat states that AT&T's proposal is open to differing interpretations and will therefore lead to frequent disputes with the need for Commission intervention. We agree that virtually any proposal could lead to disputes, we do not see anything in AT&T's proposal which makes it likely to be particularly troublesome in this regard. On the contrary, because AT&T's proposal relies on balanced loading as a circuit-activation methodology, we believe that it will be more predictable than Comsat's proposal and will, therefore, lead to fewer differences of interpretation. From the record of this proceeding it appears that what is comprehended by the concept of balanced loading is reasonably understood by all interested entities. In operation, the order in which circuits are to be activated is determined by the need to reach or maintain balance on growth routes. Its mechanics are, thus, relatively automatic and dictated by traffic growth patterns as they occur. As a result, the potential for dispute on the major features of the proposal is thus significantly reduced.

43. We wish to make one final comment about the Comsat proposal. As we have already indicated, we do not believe that Comsat's methodology would necessarily lead to an inefficient use of facilities. Indeed, under most circumstances, the results under that approach would probably resemble closely those under under AT&T's proposal. The chief advantage of the AT&T proposal is that it provides a comprehensive plan for activating circuits throughout the planning period. Another problem with Comsat's methodology, however, is the way it would handle the introduction of new facilities—particularly, the introduction of TAT-7. Comsat's proposal to hold activations to a fixed growth target irrespective of the level of traffic could create service reliability problems; it would at least be inconsistent with balanced loading. It makes little sense, operationally, to introduce a major facility and then to leave it unused or substantially underused. While Comsat's proposal to depart from the plan to assign growth to TAT-7 after its introduction will ameliorate this problem, to some extent, we cannot now say that it will be reasonable to assign all growth for six months to TAT-7, or to stop assigning growth to it at the end of six months. At the very least, the fact that Comsat must depart from the plan to deal with such situations suggests its relative inflexibility. AT&T's proposal, on the other hand, will adapt automatically to the introduction of the TAT-7 cable—or, indeed, of any facility—with a minimum of distortion or departure from balanced loading. To the extent that there will be any distortions, they are due to the vagaries of traffic fluctuations and not to a weakness in AT&T's methodology.

Artificial Shortfall or Holdback

44. The above discussion has concerned itself with the question of "real" shortfall: the possibility that

[16] We note the specific exception to AT&T's activation methodology for Italy, where balanced loading does not appear impractical. As AT&T notes, since that portion of the plan is based on an even split between satellite and cable it would appear impractical to attempt to apply balanced loading. However, the methodology AT&T will apply for Italy can easily and adequately be used to accommodate a shortfall or overage.

traffic does not occur at projected levels whether through an overoptimistic forecast or because of changed circumstances. Comsat, however, had been equally concerned with the possibility that the projected demand might exist but that circuit activations would be artifically held back until the introduction of TAT-7 to avoid activating the number of satellite circuits called for in the plan. It was to this possibility that Comsat's shortfall was chiefly aimed—the use of fixed growth targets ties the activation of additional cable circuits to the activation of the projected level of satellite circuits. In recognition of Comsat's concern, AT&T included in its proposal a guarantee that it will make up any holdback in activation of satellite circuits prior to introduction of TAT-7. AT&T notes that its monthly circuit status reports indicate the percentage of customers who are unable to complete a call because no circuit is available—referred to as the percentage NC (no circuit) level—and that those reports could be used to monitor the existence of holdback. AT&T notes that because the existence of holdback presupposes that the demand exists, but is not reflected in circuit activations, such holdback would result in an increase in the number of customers encountering an NC condition and would show up as a rise in the precentage NC level. AT&T states that if for any country the NC level exceeds 3 percent,[17] and remains above that level for three consecutive months prior to introduction of TAT-7, and there is a concurrent shortfall in satellite-circuit activations, it will add enough additional satellite circuits in the year following introduction of TAT-7 to make up all satellite shortfall.

45. Comsat states that it accepts the sincerity of AT&T's offer but doubts its practicability in operation. First, Comsat notes that while data on outbound traffic are available, such data are not available for inbound. Comsat notes that holdback could occur as well as inbound circuits as on outbound. Second, Comsat agrees that even were such inbound data available, it questions whether the Commission has authority to redress holdback. Finally, Comsat indicates that, while it accepts the three percent threshold as an appropriate standard, there may be problems implementing it. Comsat notes that recent AT&T circuit status reports show several countries with NC levels in excess of three percent.[18] Comsat states that it lacks the information necessary to determine whether any of these countries fall within the cavet to AT&T's guarantee.[19]

46. While we agree with Comsat that there may be some administrative problems associated with the AT&T guarantee, we do not have any information before us which would cause us to doubt AT&T's good faith in carrying out its terms. We recognize that we lack data on inbound calls and that it would be possible for holdback to occur there which we would not be able to pinpoint. We shall be able to monitor outbound traffic and to take corrective action if we detect holdback. With respect to inbound traffic, we note that in our ongoing consultations with AT&T's correspondents, they have repeatedly asserted the importance they attach to maintenance of adequate service quality. Therefore, we cannot assume that they would be willing to incur substantial service degradation in an effort artificially to hold back on circuit activations. In any event, we note that maintenance of high-quality service remains an important issue in facilities planning for the next planning period.[20] The North Atlantic Consultative Process will provide an appropriate forum to address any problems in this regard. Similarly, we recognize that there is room for question as to what falls within AT&T's proposed standard of the three percent NC level. Again, however, we cannot assume that any entity will act in bad faith.

47. More importantly, however, it appears that AT&T's guarantee offers little more than a statement of its good faith. If traffic forecasts are assumed to be accurate, Comsat is virtually assured that the absolute number of satellite circuits called for in the plan will be activated, with or without AT&T's guarantee—since the projected traffic could not be accommodated without them. The variable is the date when they are activated. Delay of activation pending introduction of TAT-7 can be accomplished only at the expense of rising NC levels and degradation of service quality. Therefore, unless AT&T is willing to continue to degrade service after introduction of TAT-7, it must rapidly activate enough circuits to handle the traffic—the number called for in the plan. Since AT&T has only a limited number of options within the provisions of the plan and the dictates of balanced loading to meet demand, this means that it will be required to activate all or most of the satellite circuits called for in the plan soon after introduction of TAT-7.

48. This does not mean, however, that Comsat would not be harmed by holdback. To the contrary, unless we were willing to countenance a questionable use of available facilities, there is no way that AT&T's promise could make Comsat whole in the event of holdback. This is because Comsat is interested not only in the number of circuits it leases, but also the length of time for which they are leased. This is what is comprehended by the term "circuit year": one voice-grade circuit leased for one year. Thus, unless AT&T is proposing to depart from the plan to activate a greater number of satellite circuits after introduction of TAT-7 to compensate for the time lost in delayed activation, there is no way Comsat's time interest can be protected.[21] Our interest, however, is not to protect Comsat's revenues. No one has suggested that holdback would seriously affect Comsat's revenues or hamper its ability to provide adequate service to the public. In all likelihood, AT&T's requirement to activate circuits in accordance with balanced loading and its commercial interest in maintaining good service to the public will be enough to protect comsat from the worst effects of holdback. We will, moreover, monitor AT&T's performance to assure that it lives up to its commitments and that service standards are maintained throughout the planning period. In the event we were to find conduct which threatens user interests we shall take whatever corrective action appears appropriate.

Record Circuit Shortfall

49. We turn now to the question of handling shortfall in record-service circuit activation. Comsat and the IRCs each filed a proposal for handling such shortfall. Comsat's proposal is similar to the one it filed for telephone service, although it proposes to develop the growth targets on a quarterly rather

[17] AT&T states that it engineers its network to the P.01 level of service: it seeks to have enough capacity to handle traffic so that during the busy hour no more than one caller out of every hundred encounters an NC condition. AT&T indicates that the actual percentage NC level will, therefore, indicate whether an appropriate number of circuits have been activated.

[18] The most recent report, June 1979, indicates an NC level for Cyprus of 5.5 percent, for Ireland an NC of 21.2 percent, for Switzerland an NC for 4.9 percent and for Turkey an NC of 22.5 percent.

[19] AT&T states that is guarantee will not apply to a satellite-circuit shortfall caused by insufficient capacity available in a major facility, or where the shortfall is due to political upheavals or labor disputes beyond its control.

[20] *See* Overseas Communications, FCC 79-457, —F.C.C. 2d— (CC Docket No. 79-184) (released August 1, 1979).

[21] This, however, would mean that activation of some or all TAT-7 circuits called for in that period would be delayed. This would be a further departure from balanced loading to which we would likely object, since it makes little operational sense to underuse the TAT-7 cable once it is available.

than monthly basis. Further, to provide the flexibility the IRCs claim they need, Comsat proposes to aggregate satellite and cable circuits for all CEPT countries and, to permit the IRCs to meet customer requirements for cable circuits, to allow the satellite activation target to lag up to one quarter—so long as it is made up within six months thereafter. The IRCs, on the other hand, while agreeing that Comsat's proposal offers some of the flexibility they need, argue that it is still too restrictive if they are to maintain service quality and their competitive positions. In place of a rigid activation schedule, they propose to distribute a shortfall (or overage) among available circuits so as to preserve the overall cable/satellite ratio in Plan 3 (Munich). However, they also state that this would have to be subject to a customer requirement for a cable or a satellite circuit. Although they believe that the cable/satellite ratios in the plan are fairly reliable, based on past experience, they assert that customer requirements are sufficiently uncertain that they must allow for deviations from the plan ratios. To assure that there will be no abuses, the IRCs propose a limit on such departures of 10–15 percent or 5 circuits, whichever is greater. Finally, recognizing that theirs is a competitive business with changing conditions, the IRCs indicate that it might be necessary in the future to petition the Commission for amendments to the record-service plan.

50. Each of the proponents offers public interest benefits it believes will flow from its proposal. Comsat, for example, relies upon the same five public interest standards it advanced for its telephone-service proposal. Briefly, Comsat argues that its proposal preserves the contours of the agreement and assures that all parties will bear some of the risk of a shortfall, or share the benefit of an overage. The IRCs, however, equate the public interest with flexibility to maintain their competitive positions *vis a vis* each other and to meet the customer requirements or specific types of leased channels. Comsat does not challenge the IRCs' need to maintain flexibility; its only criticism of their position is that one cannot determine in advance the pattern of circuit activation.

51. We agree with Comsat that we cannot now specify the order in which the IRCs will activate circuits. We do not agree, however, that their proposal is therefore "vague" in the legal sense. Indeed, because there are multiple suppliers of record services and because customers sometimes have requirements for specific types of circuits, we do not believe it is possible to prescribe an activation schedule. Comsat is here, as in the case of telephone service, trying to assure that if there is a shortfall it will retain the share of circuits allotted it under Plan 3 (Munich). However, as we said in connection with the telephone-service proposal, our interest is to assure the efficient use of facilities and the availability to customers of high-quality communications services. Comsat does not challenge that the IRCs have made a good-faith effort to project their circuit needs and, for our part, we have no basis to challenge that cable/satellite split. In recognition of the uncertainty of forecasting such circuit needs,we believe that we should allow the IRCs flexibility to meet future events by not ordering any activiation schedule for leased record-channel service. We shall, however, expect them to make every effort to assure that actual activations closely track the plan. To assure that there are no abuses, we shall monitor their performance [22] and shall take whatever corrective action may be necessary to maintain efficient use of facilities. While this course may result in minor departures from the agreed-upon plan, we believe that such departures may be warranted. In view of the relatively small volume of leased record service, any such departures are unlikely to have a significant negative impact on overall North Atlantic facilities use. In these circumstances, monitoring and corrective action should provide adequate assurance of efficient use.

52. In this connection, we note that the IRCs have agreed with the position we took in our March 16 Order concerning balanced loading for record bearer circuits (*e.g.* those used for PMS and telex). *See* 71 F.C.C. 2d at 85–6. The IRCs did not provide any particulars, but stated that they propose, subject to the concurrence of their correspondents, to apply balanced loading to their non-leased-channel circuits. While we agree that balanced loading is useful and approve of the IRCs' efforts in this direction, we see some circumstances where it might not be advisable to apply balanced loading strictly. In recognition of customer requirements for specific types of circuits, we shall permit departures from balanced loading of record bearer circuits so that an IRC can reconfigure its circuits to make a cable or satellite circuit available to honor a customer request.

IRC Use of CANTAT–2

53. One final matter which the IRCs and Comsat address in their pleadings is the IRCs' proposal in Plan 3 (Munich) to use more circuits in CANTAT–2 than we had provided for in the guidelines (Plan 3 Revised and Plan 4–M Revised). In Plan 3 (Munich), the three largest IRCs (ITTWC, RCAGC and WUI) had provided for temporary use of CANTAT–2 circuits in the period prior to the introduction of TAT–7 in mid-1983. The carriers' justification for their proposals was that they believed all other cable circuits available to them would be used up before the TAT–7 becomes available. In our March 16 Order, we recognized that it might be necessary for the IRCs to acquire more CANTAT–2 circuits [23] and that such an eventuality, if properly justified, would fall within our facilities use policy. We stated, however, that we had no information before us on which to judge the necessity of such additional CANTAT–2 use and that we would reserve judgment until proper justification had been offered. *See* 71 F.C.C. 2d at 91.

54. In their April 23 filing, the IRCs again held out the possibility that additional CANTAT–2 circuits would be required, but stated that the inherent uncertainty of forecasting prevented their being able to specify at this time whether they will use them. Rather, they state that they anticipate filing applications for any additional circuits they find they need. They further indicate that they have arrangements with Teleglobe/Canada to acquire such circuits on either an IRU or lease basis. Their agreement further provides that if the IRCs elect to proceed on an IRU basis, details of the arrangements, however, would be negotiated if and when the acquisition becomes necessary.Comsat, in its comments, does not object to the IRCs' proposed additional use of CANTAT–2. The only point Comsat raises is that the IRCs have not filed the justification information we called for in our March 16 Order.

55. We agree with Comsat that the IRCs have not yet justified a greater use of CANTAT–2 than that already contemplated. We also believe, however, that we need not now decide whether they will need any additional circuits in that cable. We shall simply

[22] We shall monitor performance through monthly circuit status reports modeled on the ones now filed in connection with the IRCs' use of TAT–6. The format of these reports will be specified in connection with our action on the USISC application for authorization to construct the TAT–7 cable, *see* File No. I–P–C–56 *et al.*

[23] In our CANTAT–2 orders, we had authorized ITTWC, RCAGC and WUI to acquire up to 20 circuits each in the CANTAT–2 cable for U.S.-CEPT record service. *See, e.g.* American Telephone and Telegraph Co., 35 F.C.C. 2d 801 (1972).

require justification for the acquisition of any additional CANTAT-2 circuits. Accordingly, while we shall retain the IRC proposal to use additional circuits as part of Plan 3 (Munich), this does not constitute a finding that they are needed, or a commitment to grant authority to acquire such circuits.

56. There is one matter involving FTCC which must be addressed here. FTCC included in Plan 3 (Munich) provision for use of a circuit in TAT-7 for service to Switzerland. Attachment D, *infra.*, also includes that circuit. However, as is explained more fully in the companion item authorizing construction of the TAT-7 cable, File No. I-P-C-56, *et al.*, adopted this day, FTCC has not yet been certified to serve Switzerland directly. Indeed, that question is before us in a pending FTCC Application File No. I-T-C-2336-13. Accordingly, until we act formally on FTCC's pending application, we wish to make clear that the inclusion of the circuit to Switzerland in FTCC's facilities use plan is for planning purposes only and should not be taken as prejudging FTCC's pending application. That application will be judged on its own merits; should we act favorably on FTCC's request, our authorization would include appropriate activation authority. We note that there is a similar problem with respect to TRT. TRT included in the plan provision for one circuit in TAT-7 for use to Luxembourg. TRT, however, has never been certified for direct service to Luxembourg. Accordingly, while we shall include the Luxembourg circuit for planning purposes, we wish to make it clear that TRT is not hereby authorized to acquire or operate any circuits to that country. We shall withhold decision on that matter until TRT has filed a properly-justified application for authority to serve Luxembourg directly.

57. This is also an appropriate place to make clear that the present order, by adopting the agreed upon Comprehensive North Atlantic Facilities Construction and Use Plan, does not itself constitute authority for the carriers to acquire or operate any facilities mentioned in that plan. In the above-referenced action in File No. I-P-C-56 *et al.*, we grant authority to construct the TAT-7 cable and to activate circuits in that cable in accordance with the Commission's Comprehensive Plan. All other cable, satellite and TASI facilities called for in the plan which the carriers have not already been authorized to acquire or activate will still require specific Commission authorization. The carriers should submit proper applications for their facilities as soon as practicable.

58. Accordingly, It is ordered, pursuant to Sections 4i, 214 and 403 of the Communications Act of 1934, 47 U.S.C. §§ 154(i), 214 and 403 (1970), that the comprehensive cable and satellite facilities construction and use plan negotiated by the United States international service carriers and their correspondents, amended as provided for herein, and set forth in attachments C-H hereto, is hereby ADOPTED as this Commission's policy guideline for the 1979-1985 planning period.

59. It is further ordered that the circuit activation methodology for telephone service filed by the American Telephone and Telegraph Company (AT&T), as provided herein, is ADOPTED and that AT&T shall activate all circuits covered by the agreed-upon comprehensive facilities plan in accordance with that methodology.

60. It is further ordered that the opposition to the USISC proposals filed by Communications Satellite Corporation is DENIED.

Federal Communications Commission.[24]

William J. Tricarico,

Secretary.

August 1, 1979.

Separate Statement of Commissioner Abbott Washburn

Re: Docket 18875.

As Contrasted to Belgium, the United Kingdon has refused any substantial compromise in its renegotiated plan. Such an intransigent attitude on the part of our largest European correspondent is hardly in accord with international comity. This is especially true when viewed in the light of major U.S. compromise, i.e. the reversal of our position on the construction of the transatlantic telephone cable in April of this year to accommodate European desires. Comity, to have any real meaning, must be a two-way street.

The staff approaches the issue of shortfall from an operational point of view. In so doing they miss the main purpose of including shortfall in the planning phase—to present the planner with proper incentives in forecasting traffic. Without some reconciliation for misestimating future traffic there might be incentives to use the traffic estimates to control the timing of the planned introduction of major facilities. As the staff correctly notes in footnote 21: ". . . It makes little operational sense to underuse the TAT-7 cable once it is available." However, it should be this very same fear of inefficiency that tempers the planner's otherwise unbridled enthusiasm for additional facilities.

[24] See attached Statements of Commissioners Washburn and Fogarty. Attachments A—H filed as part of the original document.

Concurring Statement of Commissioner Joseph R. Fogarty

In re: Policy to be Followed in Future Licensing of Facilities for Overseas Communications—Docket No. 18875: Renegotiated Provisions of Plan 3 (Munich) relating to Belgium and the United Kingdom

In our March 16, 1979 Memorandum Opinion and Order in this proceeding, we accepted Plan 3 (Munich), including its provision for a TAT-7 cable within the planning period, on the basis that "the public interest would be served by a compromise . . . if that would facilitate development of a cable and satellite use plan on which all interested parties can agree and to whose implementation they would be willing to commit."[1] At the same time, however, we found the provisions in Plan 3 (Munich) relating to Belgium and the United Kingdom to be unwarranted departures from the negotiating guidelines given to the carriers. In response to this finding, further negotiations between AT & T and its Belgium correspondent have resulted in modifications falling within our guidelines. On the other hand, further negotiations between AT & T and its United Kingdom correspondent with respect to AT & T's acquisition of bearer circuit interests in the TAT-6 and CANTAT-2 cables have yielded results which the Commission's Order charitably describes as "ironic." From AT & T's comments, it appears that the U.K. administration does not wish to participate fully in the use of TASI on these circuits even though TASI would allow balanced loading, an objective of our guidelines.

Because it also appears that the U.K. correspondent is prepared to reconsider this position, and because we are in essence conditioning approval of AT & T's acquisition of the additional TAT-6 and CANTAT-2 circuits on AT & T's pursuing the U.K.'s offer to compromise, I am concurring in this Commission action. I trust that AT & T's pursuits will be met with success in the same spirit of comity and compromise that moved this Commission to accept Plan 3 (Munich). As I have stated and would reiterate here, "In the final analysis, reciprocity must be a two-way street, a dialogue rather than a monologue.[2]

[FR Doc. 79-29416 Filed 9-21-79; 8:45 am]

BILLING CODE 6712-01-M

[1] *Overseas Communications*, 71 FCC 2d 71, 80 (1979).

[2] *Overseas Communications*, Separate Statement of Commissioner Joseph R. Fogarty, 71 FCC 2d 97, 99 (1979).

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration

Advisory Committee; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following National Advisory body

scheduled to meet during the month of October 1979:

Name: Graduate Medical Education National Advisory Committee
Date and Time: October 15–16, 1979, 8:30 a.m.
Place: Center Building, Room 7–32, 3700 East-West Highway, Hyattsville, Maryland 20782.
Open for entire meeting.
Purpose: The Graduate Medical Education National Advisory Committee is responsible for advising and making recommendations with respect to: (1) present and future supply and requirements of physicians by specialty and geographic location; (2) ranges and types of numbers of graduate training opportunities needed to approach a more desirable distribution of physician services; and (3) the impact of various activities which influence specialty distribution and the availability of training opportunities including systems of reimbursement and the financing of graduate medical education.
Agenda: A review of a proposed outline for the contents of the April Report to the Secretary and a discussion of anticipated GMENAC work responsibilities through April 1980; a review of the progress in the area of financing issues; and a discussion of existing GMENAC modeling work in the areas of obstetrics-gynecology and dermatology.

Due to limited seating, attendance by the public will be provided on a first-come, first-serve basis.

Anyone wishing to obtain a roster of members, minutes of meeting, or other relevant information should contact Mr. Paul Schwab, Executive Secretary, Room 10–27, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782, Telephone (301) 436–7170.

Agenda items are subject to change as priorities dictate.

Dated: September 18, 1979.

James A. Walsh,

Associate Administrator for Operations and Management.

[FR Doc. 79-29468 Filed 9-21-79; 8:45 am]

BILLING CODE 4110-83-M

Advisory Committee; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following National Advisory body scheduled to meet during the month of October 1979:

Name: Agenda Planning Subcommittee of the National Council on Health Planning and Development
Date and Time: October 2, 1979, 12 noon–2:00 p.m.
Place: HEW North Building, Conference Room 4131, 330 Independence Avenue, S.W., Washington, D.C. 20201.
Open for entire meeting.
Purpose: The objectives of the Agenda Planning Subcommittee are to (1) assist the Chairperson in planning the order and timing of agenda topics for full Council consideration and action to assure that the Secretary will receive advice and/or recommendations on each of its three areas of functional responsibilities under section 1503(a) in an appropriate time and manner; (2) coordinate information about and among subcommittee activities and plans; and (3) provide preliminary review of proposed changes in Council operations.
Agenda: The Subcommittee will plan the agenda for the November 8–9, meeting of the National Council on Health Planning and Development, which is to be held in Los Angeles.

Anyone requiring information regarding the subject Subcommittee should contact Mrs. S. Judy Silsbee, Executive Secretary, National Council on Health Planning and Development, Room 10–27, Center Building, 3700 East-West Highway, Hyattsville, Maryland, 20782. Telephone (301) 436–7175.

Agenda items are subject to change as priorities dictate.

Dated: September 18, 1979.

James A. Walsh,

Associate Administrator for Operations and Management.

[FR Doc. 79-29469 Filed 9-21-79; 8:45 am]

BILLING CODE 4110-83-M

Office of Education

Undergraduate International Studies Program; Closing Date for Transmittal of Applications for Fiscal Year 1980

Applications are invited for new projects under the Undergraduate International Studies Program.

Authority for this program is contained in Title VI section 601(a) of the National Defense Education Act of 1958, as amended. (20 U.S.C. 511(a))

This program issues awards to institutions of higher education; consortium applications are eligible but must be submitted by a member institution.

The purpose of the awards is to assist institutions to initiate or strengthen international and global components in their instructional program.

Closing date for transmittal of applications: An application for a grant must be mailed or hand delivered by December 5, 1979.

Applications delivered by mail: An application sent by mail must be addressed to the U.S. Office of Education, Application Control Center, Attention: 13.435B, Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service Postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the U.S. Commissioner of Education.

If an application is sent through the U.S. Postal Service, the Commissioner does not accept either of the following as proof of mailing: (1) a private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered.

Applications delivered by hand: An application that is hand delivered must be taken to the U.S. Office of Education, Application Control Center, Room 5673, Regional Office Building, 3, 7th and D Streets, S.W., Washington, D.C.

The Application Control Center will accept a hand-delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C., time) daily, except Saturdays, Sundays, and Federal holidays.

An application that is hand delivered will not be accepted after 4:30 p.m. on the closing date.

Program information: Specific information about this program is contained in the regulations and guidelines published in the Federal Register of May 23, 1977, and in the program information and application package.

Available funds: It is estimated that approximately $534,000 will be available for the Undergraduate International Studies Program in FY 1980 to support 12 new projects. Awards will be made to individual institutions of higher education and to consortia of such institutions. Single institution awards will average from $40,000 to $80,000; consortia awards will range from $50,000 to $100,000.

These estimates do not bind the U.S. Office of Education to a specific number of grants or to the amount of any grant unless that amount is otherwise specified by statute or regulations.

Application forms: Application forms and program information packages are expected to be ready for mailing by October 5, 1979. They may be obtained by writing to the International Studies Branch, Division of International Education, U.S. Office of Education (Room 3671, Regional Office Building 3),

400 Maryland Avenue, S.W., Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. The Commissioner urges that the narrative portion of the application not exceed 25 pages in length. The Commissioner further urges that applicants not submit information that is not requested.

Applicable regulations: Regulations applicable to this program include the following:

(a) Regulations governing the Undergraduate International Studies Program (45 CFR Part 146); and

(b) General Provisions Regulations for Office of Education Programs (45 CFR Parts 100 and 100a).

Note.—The proposed Education Division General Administrative Regulations (EDGAR) were published in the Federal Register on May 4, 1979 (44 F.R. 26298). When EDGAR becomes effective, it will supersede the General Provisions Regulations for Office of Education Programs.

If EDGAR takes effect before grants are made under this program, those grants will be subject to the following provisions of EDGAR: Subpart A (General); Subpart E (What Conditions Must Be Met by a Grantee?); Subpart F (What Are the Administrative Responsibilities of a Grantee?); and Subpart G (What Procedures Does the Education Division Use to Get Compliance?).

Further information: For further information contact Mrs. Susanna Easton, Senior Program Officer, Undergraduate International Studies Program, U.S. Office of Education (Room 3671, Regional Office Building 3), 400 Maryland Avenue, S.W., Washington, D.C. 20202, Telephone: (202) 245-9588.

(20 U.S.C. 511(a))

Dated: September 19, 1979.

(Catalog of Federal Domestic Assistance Number 13.435B; Undergraduate International Studies Programs)

John Ellis,

Executive Deputy Commissioner for Educational Programs.

[FR Doc. 79-29473 Filed 9-21-79; 8:45 am]

BILLING CODE 4110-02-M

Graduate and Undergraduate International Studies Program; Closing Date for Transmittal of Applications for Fiscal Year 1980

Applications are invited for noncompeting continuation projects under the Graduate and Undergraduate International Studies Program.

Authority for these programs is contained in section 601(a) of the National Defense Education Act of 1958, as amended.

(20 U.S.C. 511(a)

These programs issue awards to individual institutions of higher education; consortia applications are eligible but must be submitted by a member institution.

The purpose of the awards is to assist these institutions to initiate or strengthen international or global components in their instructional programs.

Closing date for transmittal of applications: To be assured of consideration for funding, an application for a noncompeting continuation award should be mailed or hand delivered by December 21, 1979.

If the application is late, the Office of Education may lack sufficient time to review it with other noncompeting continuation applications and may decline to accept it.

Applications delivered by mail: An application sent by mail should be addressed to the U.S. Office of Education, Application Control Center, Attention: 13.435 B (Undergraduate) or 13.435 C (Graduate), Washington, D.C. 20202.

An applicant should show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the U.S. Commissioner of Education.

If an application is sent through the U.S. Postal Service, the Commissioner does not accept either of the following as proof of mailing: (1) a private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail.

Applications delivered by hand: An application that is hand delivered should be taken to the U.S. Office of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, S.W., Washington, D.C.

The Application Control Center will accept a hand delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C., time) daily, except Saturdays, Sundays, and Federal holidays.

Program information: Specific information about these programs is contained in the regulations and guidelines (published in the Federal Register on May 23, 1977, 45 CFR Part 146) and in the program information and application package.

Available funds: It is estimated that approximately $655,500 will be available for continuing grants under the Graduate and Undergraduate International Studies Programs in FY 1980.

Under the Graduate International Studies Program it is estimated that six continuing grants will be awarded at an average of $34,200. Under the Undergraduate International Studies Program it is estimated that approximately eleven continuing grants will be awarded at an average of $36,000. Under the Graduate International Studies Programs, it is estimated that one continuing consortium grant will be awarded at an amount up to $50,000.

Grants for either Graduate or Undergraduate Programs will not exceed $45,000 annually for a single institution or $70,000 for a consortium.

These estimates do not bind the U.S. Office of Education except as may be required by the applicable statute and regulations.

Application forms: Application forms and program information packages are expected to be ready for mailing October 9, 1979. They may be obtained by writing to the International Studies Branch, U.S. Office of Education (Room 3671, Regional Office Building 3), 400 Maryland Avenue, S.W., Washington, D.C. 20202.

Appications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. The Commissioner strongly urges that applicants not submit information that is not requested.

Applicable regulations: Regulations applicable to this program include the following:

(a) Regulations governing the Graduate and Undergraduate International Studies Program (45 CFR Part 146); and

(b) General Provisions Regulations for Office of Education Programs (45 CFR Parts 100 and 100a).

Note.—The proposed Education Division General Administrative Regulations (EDGAR) were published in the Federal Register on May 4, 1979 (F.R. 26298). When EDGAR becomes effective, it will supersede

the General Provisions Regulations for Office of Education Programs.

If EDGAR takes effect before grants are made under this program, those grants will be subject to the following provisions of EDGAR: Subpart A (General); Subpart E (What Conditions Must Be Met by a Grantee?); Subpart F (What Are the Administrative Responsibilities of a Grantee?); and Subpart G (What Procedure Does the Education Division Use to Get Compliance?).

Further information: For further information, contact Dr. Ann I. Schneider (for Graduate International Studies Programs) or Mrs. Susanna Easton (for Undergraduate International Studies Programs), International Studies Branch, DIE, U.S. Office of Education (Room 3671, Regional Office Building 3), 400 Maryland Avenue, S.W., Washington, D.C. 20202. Telephone: (202) 245-9588.

(20 U.S.C. 511(a))

(Catalog of Federal Domestic Assistance Number 13.435B-C; Foreign Language and Area Studies—International Studies Programs)

Dated: September 19, 1979.

John Ellis,

Executive Deputy Commissioner for Educational Programs.

[FR Doc. 79-29474 Filed 9-21-79; 8:45 am]

BILLING CODE 4110-02-M

Office of the Assistant Secretary for Health

National Committee on Vital and Health Statistics; Meeting

Pursuant to the Federal Advisory Act (Pub. L. 92-463) notice is hereby given that the National Committee on Vital and Health Statistics established pursuant to 42 U.S.C. 242K, section 306(k)(2) of the Public Health Service Act, as amended, will convene on Monday, October 22, 1979 at 9:30 A.M. and Tuesday, October 23, 1979 at 9:00 A.M., in Room 800 of the Hubert H. Humphrey Building, 200 Independence Avenue, S.W., Washington, D.C. 20201. Principal items for discussion and consideration will be the new focus of the National Committee on Vital and Health Statistics and its revised charter; a report of new environmental studies being conducted by the National Center for Health Statistics; *Health, U.S.*, its status and future plans; the status of the Health Care Financing Administration/Public Health Service Joint Agreement on Facilities; and the status of the Cooperative Health Statistics System. In addition, four new members will be sworn in. These meetings are open for public observation and participation.

Further information regarding the Committee may be obtained by contacting Samuel P. Korper, Ph.D., M.P.H., Executive Secretary, National Committee on Vital and Health Statistics, Office of Health Research, Statistics, and Technology, Room 17A-31, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, telephone (301) 443-2660.

Dated: September 18, 1979.

Marilyn McCarroll,

Acting Executive Secretary, Office of Health Research, Statistics, and Technology.

[FR Doc. 79-29451 Filed 9-21-79; 8:45 am]

BILLING CODE 4110-85-M

Advisory Committees; Meetings

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), announcement is made of the following National Advisory bodies scheduled to meet during months of October-November 1979:

Name: Health Care Technology Study Section.

Date and Time: October 29-30, 1979, 8:30 a.m.

Place: Georgetown University, Medical Dental Building, Executive Faculty Room, 3900 Reservoir Road NW., Washington, D.C. 20007; Open October 29, 8:30 a.m.-10:30 a.m.; Closed for remainder of meeting.

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Center for Health Services Research.

Agenda: The open session of the meeting on October 29 will be devoted to a business meeting covering administrative matters and a presentation by the Director, NCHSR, to the Study Section. The closed portion of the meeting will be utilized in a review of health services research grant applications relating to the delivery, organization, and financing of health services. The closing is in accordance with the provisions set forth in section 552b(c)(6), Title 5, U.S. Code, and the Determination by the Assistant Secretary for Health, pursuant to Public Law 92-463.

Anyone wishing to obtain a roster of members, minutes of meetings, or other relevant information should contact Dr. Alan E. Mayers, National Center for Health Services Research, OASH, Room 7-50A, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782. Telephone (301) 436-6196.

Name: Health Services Developmental Grants Review Subcommittee.

Date and Time: November 7, 1979, 8:00 p.m.-10:00 p.m., November 8, 1979, 8:00 a.m.

Place: Studio One, Barbizon Plaza Hotel, 106 Central Park South at 6th Avenue, New York, New York 10019; Open November 7, 8:00 p.m.-10:00 p.m., Closed for remainder of meeting.

Purpose: The Subcommittee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Center for Health Services Research.

Agenda: The open session of the meeting on November 7 will be devoted to a business meeting covering administrative matters and reports. During the closed sessions, the Subcommittee will be reviewing research grant applications relating to the delivery, organization, and financing of health services. The closing is in accordance with provisions set forth in section 552b(c)(6), Title 5, U.S. Code, and the Determination by the Assistant Secretary for Health, pursuant to Public Law 92-463.

Anyone wishing to obtain a roster of members, minutes of meetings, or other relevant information should contact Mr. David McFall, National Center for Health Services Research, OASH, Room 7-50A, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782. Telephone (301) 436-6916.

Name: Health Services Research Review Subcommittee.

Date and Time: October 11, 1979, 8:00 a.m.-October 12, 1979, 9:00 a.m.; Place: Terrace "C", Ramada Inn, 8400 Wisconsin Avenue, Bethesda, Maryland 20014; Open October 11, 8:00 a.m.-9:00 a.m.; Closed for remainder of meeting.

Purpose: The Subcommittee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Center for Health Services Research.

Agenda: The open session on October 11 will be devoted to a business meeting covering administrative matters and reports. During the closed session, the Subcommittee will be reviewing research grant applications relating to the delivery, organization, and financing of health services. The closing is in accordance with provisions set forth in section 552b(c)(6), Title 5, U.S. Code, and the Determination by the Assistant Secretary for Health, pursuant to Public Law 92-463.

Anyone wishing to obtain a roster of members, minutes of meetings, or other relevant information should contact Marco Montoya, Ph. D., National Center for Health Services Research, OASH, Room 7-50A, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782. Telephone (301) 436-6918.

Agenda items are subject to change as priorities dictate.

Dated: September 18, 1979.

Marilyn McCarroll,

Acting Executive Secretary, Office of Health Research, Statistics, and Technology.

[FR Doc. 79-29452 Filed 9-21-79; 8:45 am]

BILLING CODE 4110-85-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Intent To Apply Coal Unsuitability Criteria in the Alton, Kaiparowits, and Eastern Kolob Fields, Utah; Meeting for Public Input and Comment

A meeting will be held on Wednesday, October 17, 1979 to obtain public input and comment concerning the application of the final criteria for assessing lands unsuitable for all or certain stipulated methods of coal mining (coal unsuitability criteria) for coal lands under the jurisdiction of the Cedar City District, Bureau of Land Management. The meeting will begin at 7:00 p.m. at the Bureau of Land Management Kanab Area Office, Kanab, Utah.

The coal unsuitability assessment procedures and standards are outlined in 43 Subpart 3461 (Federal Register Vol. 44, No. 14 July 19, 1979) and the Final Environmental Statement on the Federal Coal Management Program dated April 1979. The criteria and exceptions, if applicable, are to be part of the comprehensive land use plans for the Escalante, Paria and Zion planning units. Draft coal unsuitability criteria have previously been applied as part of these land use plans. However, because the final criteria differ from the draft criteria and because studies are underway to gather more information concerning certain criteria, the land use plans will be updated and revised as to coal unsuitability criteria.

Anyone who has data which can be used in applying coal unsuitability criteria and exceptions in the Alton, Kaiparowits, and Eastern Kolob Fields should send it to District Manager, Cedar City District BLM Office, P.O. Box 724, Cedar City, Utah 84720 by October 31, 1979.

After the criteria and applicable exceptions are applied, a notice will be published in the Federal Register by November 30, 1979. It will announce the availability of results of the application of each of the unsuitability criteria and maps displaying the criteria. Where there are inadequate or unreliable data, the analysis shall discuss the reasons therefore and tell when the data needed to make an assessment would be generated.

Dated: September 14, 1979.

Morgan S. Jensen,

District Manager.

[FR Doc. 79-29407 Filed 9-21-79; 8:45 am]

BILLING CODE 4310-84-M

Bureau of Reclamation

Contract Negotiations With the Central Arizona Water Conservation District; Intent To Negotiate Standard Subcontract Forms

The Department of the Interior, through the Bureau of Reclamation, is negotiating standard subcontract forms for use in contracting for water service from the Central Arizona Project for municipal, industrial, and agricultural purposes.

The December 15, 1972, master contract between the United States and the Central Arizona Water Conservation District, Phoenix, Arizona, specifies that the United States shall be a party to subcontracts between the district and water user entities. The district and the United States intend to have approved subcontract forms available when final Central Arizona Project water allocations are made by the Secretary of the Interior so that contract negotiations may commence with individual subcontractors when the allocations are made.

All meetings scheduled by the Bureau of Reclamation for the purpose of discussing terms and conditions of the proposed subcontracts shall be open to the general public as observers. Advance notice of meetings shall be furnished only to those parties having previously furnished a written request for such notice to the office identified below at least 1 week prior to any meetings. All written correspondence concerning the proposed subcontracts shall be made available to the general public pursuant to the terms and procedures of the Freedom of Information Act (80 Stat. 383), as amended.

The public is invited to submit written comments on the forms of the proposed subcontracts not later than 30 days after the completed subcontract drafts are declared to be available to the public.

For further information about scheduled negotiations and copies of the proposed subcontracts, please contact Ms. Pam Kohnken, Chief, Contracts and Repayment Branch, Arizona Projects Office, Bureau of Reclamation, 2200 Valley Bank Center, Phoenix, Arizona 85073, telephone (602) 261-3735.

Dated: September 14, 1979.

R. Keith Higginson,

Commissioner of Reclamation.

[FR Doc. 79-29185 Filed 9-19-79; 8:45 am]

BILLING CODE 4310-09-M

Fish and Wildlife Service

Correction of Date of a Meeting Regarding Lower Kinnickinnic River Valley in Pierce County, Wis.

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice, Correction of meeting date.

SUMMARY: In the Thursday September 13 Federal Register (44 FR 53317) the Service issued a Notice of Intent to prepare an Environmental Impact Statement on the preservation of a portion of the lower Kinnickinnic River Valley in Pierce County, Wisconsin. The date for the public meeting was erroneously listed as October 16, 1979. The correct date is October 25, 1979.

DATES: Written comments should be received by October 15, 1979. A public meeting will be held near River Falls, Wisconsin, October 25, 1979.

ADDRESSES: Comments should be addressed to: Regional Director (Attention: Environmental Coordinator), U.S. Fish and Wildlife Service, Federal Building—Fort Snelling, Twin Cities, Minnesota 55111.

The public meeting on October 25, 1979, will be held in the Clifton Town Hall approximately four miles West of River Falls, Wisconsin on County Road FF at the County Road QQ intersection as stated in the original publication of the Notice.

FOR FURTHER INFORMATION CONTACT: Peter Knight, Wildlife Biologist, U.S. Fish and Wildlife Service, Federal Building—Fort Snelling, Twin Cities, Minnesota 55111, (612) 725-3313.

Dated: September 19, 1979.

Robert S. Cook,

Deputy Director, Fish and Wildlife Service.

[FR Doc. 79-29475 Filed 9-21-79; 8:45 am]

BILLING CODE 4310-55-M

National Park Service

Cape Cod National Seashore Advisory Commission; Meeting

Notice is hereby given in accordance with Public Law 92-463 that a meeting of the Cape Cod National Seashore Advisory Commission will be held on Friday, October 19, 1979, at 1:30 pm at the Headquarters Building, Cape Cod National Seashore, Marconi Station Area, South Wellfleet, Massachusetts.

The Commission was established pursuant to Public Law 91–383 to meet and consult with the Secretary of the Interior on general policies and specific matters relating to the development of Cape Cod National Seashore.

The Commission will consider the following matters: (1) Nauset Regional School district Request for Continued Use of Marconi Station Site; (2) Status of Dunes Stabilization Study; (3) Land Acquisition Plan; (4) Water Resources Management Plan; (5) Land Exchange Proposal by Massachusetts Department of Public Works; and (6) Advisory Commission Recharter.

The meeting is open to the public. It is expected that 15 persons will be able to attend the session in addition to Commission members.

Interested persons may make oral/written presentations to the Commission or file written statements. Such requests should be made to the official listed below at least seven days prior to the meeting

Further information concerning this meeting may be obtained from Herbert Olsen, Superintendent, Cape Cod National Seashore, South Wellfleet, Massachusetts 02663, Telephone 617–349–3785. Minutes of the meeting will be available for public information and copying four weeks after the meeting at the Office of the Superintendent, Cape Cod National Seashore, South Wellfleet, Massachusetts.

Dated: September 17, 1979

Herbert Olsen,

Superintendent, Cape Cod National Seashore.

[FR Doc. 79-29542 Filed 9-21-79; 8.45 am]

BILLING CODE 4310-70-M

National Capital Memorial Advisory Committee; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the National Capital Memorial Advisory Committee will be held at 1:30 p.m. on Wednesday, October 24, 1979, in Room 234, at the National Capital Region Headquarters, 1100 Ohio Drive, SW., Washington, D.C. 20242.

The Committee was established for the purpose of preparing and recommending to the Secretary broad criteria, guidelines, and policies for memorializing persons and events on Federal lands in the National Capital Region (as defined in the National Capital Planning Act of 1952, as amended) through the media of monuments, memorials, and statues. It is to examine each memorial proposal for adequacy and appropriateness, make recomendations to the Secretary with respect to site location on Federal land in the National Capital Region and to serve as an information focal point for those seeking to erect memorials on Federal land in the National Capital Region.

The members of the Committee are as follows:

Mr. William J. Whalen, Chairman, Director, National Park Service, Washington, D.C.
Mr. George M. White, Architect of the Capitol, Washington, D.C.
General Mark W. Clark, Chairman, American Battle Monuments Commission, Washington, D.C.
Mr. J. Carter Brown, Chairman, Fine Arts Commission, Washington, D.C.
Mr. David Childs, Chairman, National Capital Planning Commission, Washington, D.C.
Honorable Marion Barry, Mayor of the District of Columbia, Washington, D.C.
Mr. A. R. Marschall, Commissioner, Public Buildings Service, Washington, D.C.

The purpose of this meeting is to discuss the appropriateness of several proposals and review site designs for memorials to be erected in the Nation's Capital. Among the proposals to be considered are:

1. S.J. Resolution 64 and H.R. 3269 to authorize the United States Navy Memorial Foundation to erect a memorial in the District of Columbia.

2. Relocation of the General George G. Meade Memorial.

3. Alternative designs for memorial to 56 signers of the Declaration of Independence to be located in Constitution Gardens.

The meeting will be open to the public. Any person may file with the Committee a written statement concerning the matters to be discussed. Persons who wish to file a written statement or who want further information concerning the meeting may contact Mr. John Parsons, Associate Regional Director, Land Use Coordination, National Capital Region, at (202) 426–6715. Minutes of the meeting will be available for public inspection and copying 2 weeks after the meeting at the Office of National Capital Region, Room 208, 1100 Ohio Drive, SW., Washington, D.C.

Dated: September 17, 1979.

John G. Parsons,

Regional Director, National Capital Region.

[FR Doc. 79-29525 Filed 9-21-79; 8.45 am]

BILLING CODE 4310-70-M

Office of the Secretary

[INT FES 79-42]

Availability of Final Drewsey Grazing Management Environmental Statement, Harney County, Oreg.

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement for the Drewsey ES Area. The proposal involves implementing an improved livestock grazing program on public lands within a portion of the Burns District in central Oregon.

The environmental statement considers the impacts of implementing a grazing management program consisting of forage allocation, grazing systems and range improvements projects.

A limited number of copies are available upon request to the State director or the Burns District Office.

Public reading copies will be available for review at the following locations:

Bureau of Land Management, Office of Public Affairs, 18th and C Streets NW., Washington, D.C.
Bureau of Land Mangement, Office of Public Affairs, 729 N.E. Oregon Street, Portland, Oregon.
Bureau of Land Management, Burns District Office, 74 South Alvord Street, Burns, Oregon.
Library, Central Oregon Community College, Bend, Oregon.
Library, Portland State University, Portland, Oregon.
Library, Oregon State University, Corvallis, Oregon.
Harney County Library, Burns, Oregon.

Dated: September 19, 1979.

James W. Curlin,

Deputy Assistant Secretary.

[FR Doc. 79-29514 Filed 9-21-79; 8.45 am]

BILLING CODE 4310-84-M

[INT FES 79-41]

Proposed Grazing Management Program for the Three Corners Planning Unit, Utah; Availability of Final Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement for proposed grazing management of the Three Corners Planning Unit, located in the northeast corner of Utah approximately 20 miles north of Vernal, Utah. The planning unit includes a total of 190,536 acres of public lands administered by the Bureau of Land Management, 34,230 of which are in Colorado.

The proposed action is to initially allocate the following animal unit month

(AUMs) of forage: 15,788 for cattle; 3,655 for sheep; 9,684 for deer; 4,838 for elk; and 378 for antelope. In 15 to 20 years the proposed allocation of AUM's would be: 16,174 for cattle; 3,259 for sheep; 10,299 for deer; 6,091 for elk; and 380 for antelope.

The 50 existing allotments in the Three Corners Planning Unit are proposed to be combined into 39 allotments. The proposed action for these 39 allotments would include continuing to reserve one allotment for big game. Present allotment wide grazing is proposed to continue on 17 allotments and present improved management is proposed to continue on four allotments with existing management plans. The proposal includes the implementation of improved grazing management on 17 allotments.

Developments proposed for the Three Corners Planning Unit include 3.5 miles of stream bank fencing, 26.6 miles of division and allotment boundary fencing, and 52 water developments. Sage brush control is proposed on 1,620 acres.

Copies of the final environmental statement are available at the Vernal District Office, Bureau of Land Management, 170 South 500 East, Vernal, Utah 84078, Telephone (801) 789-1362.

A copy of the statement may be reviewed at the following locations:

Office of Public Affairs, Bureau of Land Management, Interior Building, 18th and C Street, NW., Washington, D.C.
Richfield District Office, 150 East 900 North Street, Richfield, Utah 84701.
Harold B. Lee Library, Brigham Young University, Provo, Utah 84601.
Utah State Office, Bureau of Land Management, University Club Building, 136 East South Temple, Salt Lake City, Utah.
Vernal District Office, 170 South 500 East, Vernal, Utah 84078.
Uintah County Library, Courthouse, Vernal, Utah 84078.

Comments on the draft statement from the public and interested government agencies have been considered in the preparation of the final environmental statement.

Dated: September 19, 1979.

James W. Curlin,

Deputy Assistant Secretary.

[FR Doc. 79-29515 Filed 9-21-79; 8:45 am]

BILLING CODE 4310-84-M

DEPARTMENT OF INTERIOR

Office of Surface Mining

Consolidation Coal Comp., (ConPaso Project) Burnham Mine, San Juan County, New Mexico; Revised Notice of Pending Decision on Approval of Surface Mining and Reclamation Plan

[Navajo Tribal Coal Lease No. NOOC—14-20-2190]

AGENCY: Office of Surface Mining Reclamation and Enforcement.

ACTION: Notice of Extension of Public Comment Period for Proposed Surface Coal Mining and Reclamation Plan.

SUMMARY: Pursuant to 40 CFR 1506.6 notice is hereby given that the Office of Surface Mining Reclamation and Enforcement (OSM) has received a written request for extension of the decision period on the Burnham Mine mining and reclamation plan from Mr. Peter MacDonald, the Chairman of the Navajo Tribal Council, on the behalf of the Navajo Council. The request has been made to allow the Navajo lessees to complete technical examination of the environmental protection and mitigation measures discussed in the analysis of the plan, which was noticed in the Federal Register (44 FR 51711).

DATES: A final decision to approve or disapprove the proposed plan will not be made by the Department prior to 30 days following the publication of this notice in the Federal Register, October 24, 1979. The Secretary's decision will consider the recommendations of OSM, the Navajo Nation, the Bureau of Indian Affairs, the U.S. Geological Survey, and any public comments received before or during the notice period.

The technical analysis, environmental assessment, stipulations to the mining and reclamation plan, and supporting documents are available for public review upon request at the Region V OSM offices, Room 270, 1823 Stout Street, Denver, Colorado. Any comments on the proposed plan should be addressed to the Regional Director, Region V, OSM, at the above address.

Walter N. Heine,

Director.

[FR Doc. 79-29792 Filed 9-21-79; 11:34 am]

BILLING CODE 4310-05-M

INTERNATIONAL JOINT COMMISSION—UNITED STATES AND CANADA

Water Quality of the Poplar River; Public Hearings

The International Joint Commission will hold further public hearings to those held on September 10 and 11, 1979, at the times and place noted below to receive testimony and evidence related to the recent report of its International Poplar River Water Quality Board. This Board was requested by the IJC to study and report on the water quality of the Poplar River basin (with particular emphasis on the East Poplar), including present quality, the factors affecting water quality and its uses, and the consequent effects of: (1) Apportionment as recommended by the international Souris-Red Rivers Engineering Board's task force; (2) a 600 MW thermal power project; and (3) other reasonably foreseeable water uses.

The report has been distributed and copies may be obtained from Bob Schneekloth, Three Corners Boundary Association, Flaxville, Montana; the International Joint Commission in Ottawa at the address noted below; and at the Office of Environment Canada, Motherwell Building, Victoria Street, Regina, Saskatchewan. A copy is available for study at the office of the Daniels County Library at Scobey and the Rural Municipality of Hart Butte #11, Coronach.

Residents of Canada and the United States may testify at these hearings and statements may be made orally or in writing. Information may be offered on a speaker's own behalf or in a representative capacity. On the first day of the hearings the Commission will receive testimony and evidence from members of the general public acting on their own behalf or on behalf of citizen groups or associations. On the second day the Commission will receive testimony and evidence from elected public officials, officials of departments and agencies of governments, and representatives of business and industry.

While not mandatory, written statements are desirable to supplement oral testimony and to ensure accuracy of the record. When a written statement is presented, the Commission requests 30 copies, if convenient.

Time allotted to each witness may be limited. If a written statement will take more than ten (10) minutes to present, a summary should be given and the full statement presented for the record. Copies of the letter of Reference from the Governments of Canada and the United States to the Commission are available on request from the International Joint Commission.

Times and Place of Hearings

October 16, 1979, Catholic Centre, Scobey, Montana—1:00 p.m.-5:30 p.m., 7:30 p.m.-9:30 p.m.

October 17, 1979, Catholic Centre, Scobey, Montana—10:00 a.m.–12:30 p.m., 2:00 p.m.–6:00 p.m.

David A. LaRoche Secretary, United States Section, International Joint Commission, 1717 H Street, N.W., Washington, D.C. 20440 Stop 86, (202) 296–2142.

David G. Chance, Secretary, Canadian Section, International Joint Commission, 100 Metcalfe Street, 18th Floor, Ottawa, Ontario K1P 5M1, (613) 995–2984.

David A. LaRoche,

Secretary, United States Section.

September 17, 1979.

[FR Doc. 79-29611 Filed 9-21-79; 8:45 am]

BILLING CODE 4710-14-M

NATIONAL SCIENCE FOUNDATION

Subcommittee on Glaciology of the Advisory Committee for Polar Programs; Meeting

In accordance with the Federal Advisory Committee Act, as amended, P.L. 92–463, the National Science Foundation announces the following meeting:

Name: Subcommittee on Glaciology of the Advisory Committee for Polar Programs.

Date and time: October 10 and 11, 1979; 9:00 a.m. to 4:30 p.m. both days.

Place: Room 10A, 4240 Ridge Lea Road, State University of New York at Buffalo, Amherst, New York 14226.

Type of meeting: Closed.

Contact person: Dr. Richard L. Cameron, Program Manager, Room 620, National Science Foundation, Washington, D.C. 20550, telephone 202/632–4164.

Purpose of subcommittee: To advise the Division of Polar Programs on such things as the development of specialized ice drilling equipment and on the other techniques for ice sheet sounding such as thermal probes and remote sensing methods, required to obtain data for basic research on the internal characteristics and properties of the large ice sheet on Greenland and in Antarctica.

Agenda: To review proposals for the Greenland Ice Sheet Program (GISP) and the Polar Ice Coring Office.

Reason for closing: The proposals and projects being reviewed include information of a proprietary or confidential nature, including technical information, financial data, such as salaries, and personal information concerning individuals associated with the proposal. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of P.L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

Joyce F. Laplante,

Acting Committee Management Coordinator.

September 19, 1979.

[FR Doc. 79-29522 Filed 9-21-79; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards Ad Hoc Subcommittee on the Three Mile Island, Unit 2 Accident-Implications re Nuclear Powerplant Design; Meeting

Correction

In FR Doc. 7590–01; in the issue of Tuesday, September 18, 1979, on page 54139, the heading should be corrected to read as set forth above.

BILLING CODE 1505-01-M

[Docket No. STN 50–482]

Kansas Gas & Electric Co. and Kansas City Power & Light Co.; Proposed Issuance of Amendment to a Construction Permit

The United States Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Construction Permit CPPR–147 issued to Kansas Gas and Electric Company and Kansas City Power and Light Company (applicants) on May 17, 1977. Construction of the Wolf Creek Generating Station, Unit No. 1, located in Coffey County, Kansas is underway.

The amendment would add the Kansas Electric Power Cooperative, Inc. as a co-owner assuming 17 percent interest in the Wolf Creek facility in accordance with the applicants' application, dated July 30, 1979.

Prior to issuance of the proposed permit amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By October 24, 1979 the applicants may file a request for a hearing with respect to issuance of the amendment to the construction permit and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of a petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend his petition, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, the petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene shall be filed with the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C., 20555, Attention: Docketing and Service Section, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. by the above date. Where petitions are filed during the last

ten (10) days of the notice period, it is requested the petitioner or a representative for the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Olan D. Parr: (petitioner's name and telephone number); (date petition was mailed); (plant name); and (publication date and page number of this Federal Register notice). A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C., 20555, and to Gerald Charnoff, Esq., Shaw, Pittman, Potts & Trowbridge, 1800 M Street NW., Washington, D.C., 20036, attorney for the applicant.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(i)-(v) and 2.714(d).

This notice of consideration of amendment to the construction permit and opportunity for hearing is being published pursuant to the Nuclear Regulatory Commission staff's commitment to the Atomic Safety and Licensing Board by letter, dated September 3, 1976.

For further details with respect to this action, see the application for amendment dated July 30, 1979 and the staff's commitment to the Atomic Safety and Licensing Board, dated September 3, 1976, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Coffey County Courthouse, Burlington, Kansas, 66839.

Dated at Bethesda, Maryland this 18th day of September 1979.

For the Nuclear Regulatory Commission.

Olan D. Parr,

Chief, Light Water Reactors, Branch No. 3, Division of Project Management.

[FR Doc. 79-29015 Filed 9-21-79; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

Background

September 19, 1979.

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Federal Reports Act (44 USC, Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public or significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions, or reinstatements. Each entry contains the following information:

The name and telephone number of the agency clearance officer;

The office of the agency issuing this form;

The title of the form;

The agency form number, if applicable;

How often the form must be filled out;

Who will be required or asked to report;

An estimate of the number of forms that will be filled out;

An estimate of the total number of hours needed to fill out the form; and

The name and telephone number of the person or office responsible for OMB review.

Reporting and recordkeeping requirements that appear to raise no significant issues are approved promptly. In addition, most repetitive reporting requirements or forms that require one half hour or less to complete and a total of 20,000 hours or less annually will be approved ten business days after this notice is published unless specific issues are raised; such forms are identified in the list by an asterisk (*).

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Stanley E. Morris, Deputy Associate Director for Regulatory Policy and Reports Management, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—447-6201

Revisions

Economics, Statistics, and Cooperatives Service

Study of Consumer Food Related Behavior Attitudes and Motives—4th Phase

Single time

Sample of households, 2,100 responses; 1,226 hours

Office of Federal Statistical Policy & Standard, 673-7974

Economics, Statistics, and Cooperatives Service

*White Bread-Type Flour Monthly Commercial Sales Report Monthly

Flour Milling Firms, 216 responses; 108 hours

Office of Federal Statistical Policy & Standard, 673-7974

Forest Service

*Grazing Permit Administration Forms FS2200-16A, FS2200-16B, FS2200-17

Other (see SF-83)

Applicants for Grazing Permits on FS Land, 6,700 responses; 2,705 hours

Charles A. Eilett, 395-5080

Extensions

Economics, Statistics, and Cooperatives Service

*Stocks of Wool and Related Fibers in the United States Annually

Companies & Warehouses Holding Wool Stocks, 350 responses; 88 hours

Office of Federal Statistical Policy & Standard, 673-7974

DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward Michals—377-3627

New Forms

Industry and Trade Administration
Study of Field Research and Data/ Information Collection on Technology Transfer
ITA-825P
Single time
Firms With R&D Estabs. Which are Owned by Foreign Firms, 100 responses; 400 hours
Office of Federal Statistical Policy & Standard, 673-7974

Revisions

Bureau of Economic Analysis
Schedule of Expenditures for Property, Plant, and Equipment of U.S. Direct Investment Abroad
BE-133C
Annually
U.S. Corporations Having Foreign Affiliates, 1,800 responses; 1,800 hours
Office of Federal Statistical Policy & Standard, 673-7974

Extensions

Industry and Trade Administration
*Export Mailing List Request Form
ITA-4052P
On occasion
U.S. Exporters, 3,000 responses; 1,000 hours
Richard Sheppard, 395-3211

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Agency Clearance Officer—Peter Gness—245-7488

New Forms

Center for Disease Control
Consumer Health Insurance Survey
Single Time
Adults Representing Households in General Public, 1,250 Responses; 417 Hours
Richard Eisinger, 395-3214

Center for Disease Control
Survey of Chronic Diseases Among Defined U.S. Worker
Populations
Single Time
Hospital Patients, 10,000 Responses; 1,000 Hours
Richard Eisinger, 395-3214

Health Care Financing Administration (Departmental)
Utilization of Operating Room Personnel
HCFA-155T & I-155T
Single Time
Gen'l Hospitals Listed in AHA Guide, 5,500 Responses; 1,375 Hours
Richard Eisinger, 395-3214

Health Care Financing Administration
Child Health Status Report
HCFA-156
Quarterly
State Medicaid Agencies, 224 Responses; 448 Hours
Richard Eisinger, 395-3214

National Institutes of Health
Animal Group Environment and Husbandry Conditions
LADB 79-1
Single Time
Any Institution Performing Animal Research or Testimony, 200 Responses; 100 Hours
Richard Eisinger, 395-3214

DEPARTMENT OF LABOR

Agency Clearance Officer—Philip M. Oliver—523-6341

New Forms

Employment and Training Administration
Baseline Household Surveys for the Employment
Opportunity Pilot Projects
MT-300
Single Time
Families in 14 EOPP CETA Prime Sponsor Areas, 116,030 Responses; 43,158 Hours
Arnold Strasser, 395-5080

DEPARTMENT OF STATE (EXC. AID)

Agency Clearance Officer—Gail J. Cook—632-3538

Revisions

Nonimmigrant Visa Application
OF-156
Other (SEE SF-83)
All Aliens Applying for Nonimmigrant Visas, 6,700,000 Responses; 1,117,000 Hours
Marsha D. Traynham, 395-6140

DEPARTMENT OF THE TREASURY

Agency Clearance Officer—Floyd I. Sandlin—376-0436

Revisions

Assistant Secretary (Economic Policy)
Reporting Bank's Own Claims on "Foreigners" (Part 1)
Claims of Reporting Bank's Domestic Customers on "Foreigners" (Part 2) Payable in Dollars
IC BQ-1/ BQ-1(A)
Quarterly
U.S. Banks and Broker-Dealers, 100 Responses; 300 Hours
Susan B. Geiger, 395-5867

Assistant Secretary (Economic Policy)
Reporting Bank's Own Claims on "Foreigners"—Payable In Dollars
IC BC/BC-(A)
Monthly
U.S. Banks, Brokers, & Dealers, 300 Responses; 900 Hours
Susan B. Geiger, 395-5867

Assistant Secretary (Economic Policy)
Reporting Bank's Own Liabilities Claims on "Foreigners" (Pt. 1) and Claims on Domestic Customers on "Foreigners" (Pt. 2) Payable in Foreign Currency
IC BQ-2/ BQ-2(A)
Quarterly
U.S. Banks and Broker-Dealers, 40 Responses; 40 Hours
Susan B. Geiger, 395-5867

WATER RESOURCES COUNCIL

Agency Clearance Officer—Louis D. Walker—254-6453

Revisions

Title III Request for Assistance and Annual Report
Annually
Description not Furnished by Agency, 55 Responses; 1,760 Hours
Edward H. Clarke, 395-5867

ACTION

Agency Clearance Officer— W. D. Baldridge—254-7845

New Forms

Senior Companion Program Evaluation
Other (See SF-83)
Description Not Furnished by Agency, 2,300 Responses; 1,725 Hours
Barbara F. Young, 395-6132

AGENCY FOR INTERNATIONAL DEVELOPMENT

Agency Clearance Officer—Linwood A. Rhodes—632-0064

New Forms

*Certificate of Eligibility for Exchange Visitor
(J-1) Status
IAP-66A
On Occasion
Description not Furnished by Agency, 7,000 Responses; 1,190 Hours
Marsha D. Traynham, 395-6140

RAILROAD RETIREMENT BOARD

Agency Clearance Officer—Pauline Lohens—312-751-4693

Revisions

*Employers' Supplemental Report of Service and Compensation and Employees' Termination of Service
G-88 & G-88A
On Occasion
Applicants for RRA Annuity; Railroad Employers 30,000 Responses; 3,000 Hours
Barbara F. Young, 395-6132

U.S. METRIC BOARD

Agency Clearance Officer—Stanley R. Parent—235-2583

New Forms

1979 Survey of U.S. Industries
Single Time
"Fortune" 1000 Listing of U.S. Industries, 200 Responses; 250 Hours
Laverne V. Collins, 395-3214

Stanley E. Morris,

Deputy Associate Director for Regulatory Policy and Reports Management.

[FR Doc. 79-29581 Filed 9-21-79; 8:45 am]

BILLING CODE 3110-01-M

POSTAL RATE COMMISSION

[Docket No. MC79-3]

Red-Tag Proceeding, 1979; Order Enlarging Scope of Proceeding to Include Consideration of a Bundle Carrier Route Classification and Granting ILPA's Motion to Enlarge Scope of Proceeding

September 18, 1979.

First Notice of Inquiry

On June 27, 1979, the Commission issued its first Notice of Inquiry in this Docket. In that Notice, the Commission sought to encourage the parties to explore the possibility that red-tag mailers are performing work sharing.[1] Specifically, the Commission focused the attention of the parties to carrier route presorted bundles. Seven parties, including the Postal Service and the OOC, responded to that Notice.

In its response to the Notice the Postal Service stated that it too had been considering and examining work sharing performed by second-Class mailers.[2] As a result of its consideration the Postal Service proposed rules which alter the preparation requirements and rate category eligibility criteria for bulk mailings including second-class mail. The Service expressly neither supported nor opposed expansion of the Docket. The Commission assumes that the Service's position is that expansion of the Docket is unnecessary due to the Service's unilateral action. The Commission has already commented on the Service's proposed rules by stating that they constitute a classification change which requires Commission action.[3]

Magazine Publishers Association, Inc. (MPA) and Reader's digest Association, Inc. (RD) each supported an examination of work sharing. However, both MPA and RD suggested that this Docket was not the appropriate proceeding in which to examine work sharing.[4] Both RD and MPA cited lack of data for their response. Moreover, RD was concerned that expansion of the Docket would delay the proceeding.

Dow Jones & Company, Inc. offered two proposals to recognize work sharing of second-class mailers.[5] It also had no objection to a bundle carrier presort classification. Dow Jones would offer testimony in support of its proposal if the Commission expands the Docket.[6]

American Business Press, Inc. (ABP) expressed concern in its response that a proceeding to consider possible red tag surcharge not be changed into one concerned with additional discounts for large circulation red tag mailers and increased rates for small circulation red tag mailers.[7, 8]

American Newspaper Publishers Association and the National Newspaper Association (ANPA/NNA) offered the testimony of Alfred Stout in support of a carrier route bundle presort classification. ANPA/NNA argued that the presort classification was justified on its own merits regardless of the outcome of a red-tag/non red-tag classification distinction.

Finally, the OOC responded that he lacked data to offer any proposal but would "fully evaluate any proposal presented by other parties".[9] The Commission assumes that the OOC, therefore, does not oppose expansion of this Docket.

The Commission upon initiating this Docket was concerned not only with a red-tag/non red-tag distinction in light of the concept of service related costs but also the voluntary work sharing which second-class mailers performed.[10] Thus, the First Notice of Inquiry was a further expression of the concerns expressed in order No. 228. The expansion of the Docket is consistent with our Order. The arguments of MPA and Reader's Digest do not alter that fact and are, therefore, without merit.

Reader's Digest's concern that expansion might delay this proceeding has some merit. We too are concerned with undue delay. However, expansion of the issues need not unduly delay this case. In this regard, we note that rebuttal testimony is due on October 12, 1979. We will require that any further testimony on work sharing will also be due on that date. This would not cause any prolonged delay in the proceeding.

Petitions to Enlarge Issues by Nonprofit Mailers

The anticipated expansion of the Docket led the International Labor Press Association AFL-CIO/CLC (ILPA) to move on August 20, 1979, to expand the proceeding to consider presort classification distinctions for nonprofit second-class mail. ILPA argued that the Commission did not adopt any presort distinctions due to lack of data.[11] ILPA claimed that data now exists which would support a nonprofit presort level classification distinction.[12] Catholic Press Association joined ILPA in its motion on August 23, 1979.

Three parties, OOC, Reader's Digest and Newsweek, responded to the ILPA motion. The OOC supported the motion.[13] Newsweek in its own fashion supported the motion.[14] Newsweek, however, was generally opposed to the entire Docket. Reader's Digest opposed the motion on the ground that (1) it would cause delay; (2) it would "disfocus" the proceeding and (3) the order establishing the proceeding already "permits such a pursuit".[15]

Although we are concerned that this docket might become overly cumbersome if we grant further expansion of the issues, since the Commission will review work sharing of regular rate second-class mail, equity dictates that a review of work sharing for nonprofit would also be appropriate. In fact, all preferred second-class work sharing should be reviewed.[16] As with the regular rate testimony, the testimony on behalf of the nonprofit groups will also be due on October 12, 1979.

Therefore, the Commission orders: 1. This Docket be expanded to review proposals concerning work sharing;

2. ILPA's motion to enlarge the Docket to review work sharing of nonprofit second-class publications is granted and expanded to include all preferred rate second-class mail; and

[1] The Commission had invited this exploration in its order initiating this proceeding. Order No. 228 at 6.

[2] Postal Service Response at 1.

[3] The Commission is also concerned with the impact which the proposed rules would have on this Docket and Docket No. MC78-2. Moreover, if the rules were adopted, cost data for the next rate case would reflect the old bulk preparation requirements and might not be applicable.

[4] MPA Response at 1; RD response at 6.

[5] Dow Jones response at 4 and 5.

[6] *ID.* at 12.

[7] ABP Response at 2.

[8] In some respects this concern seems misplaced since ABP proposed a six-piece bundle presort discount in the last rate case. PRC op. R77-1, pp 316, 329, 330.

[9] OOC Response at 1 and 2.

[10] Order No. 228 at 3-6.

[11] ILPA Motion at 2.

[12] Id. at 2 and 3.

[13] OOC Response to ILPA at

[14] Newsweek Response to ILPA at 3.

[15] Reader's Digest Response at 2.

[16] Discounts which encourage publishers to perform additional work sharing increase combined mailer/Postal Service productivity. The Commission, whenever applicable, will strive to improve productivity, which is, in fact, a nationwide goal.

3. All testimony on any new proposal in the expanded issues will be filed with the Secretary no later than October 12, 1979.

By the Commission.

David F. Harris,

Secretary.

[FR Doc. 79-29470 Filed 9-21-79; 8:45 am]

BILLING CODE 7715-01-M

PRESIDENT'S COMMISSION ON THE ACCIDENT AT THREE MILE ISLAND

Meetings

In accordance with the Federal Advisory Committee Act (Pub. L. 92463), announcement is made of the following meetings:

Name:

President's Commission on the Accident at Three Mile Island.

Place:

Washington, D.C., 2100 M Street, N.W.

Time:

Saturday, September 29, 9 a.m.–6 p.m.
Sunday, September 30, 9 a.m.–6 p.m.
Monday, October 1, 9 a.m.–6 p.m.
Tuesday, October 2, 9 a.m.–6 p.m.
Wednesday, October 3, 9 a.m.–6 p.m.

Proposed Agenda:

I. Discussion of findings and recommendations
II. Discussion of staff reports
III. Discussion of internal personnel rules and practices

The Commission was established by Executive Order 12130 on April 11, 1979, to conduct a comprehensive study and investigation of the accident involving the nuclear power facility on Three Mile Island in Pennsylvania.

On September 29–October 3, 1979, the Commission will meet in closed session to discuss its findings and recommendations.

These meetings will be held pending notification and approval by the GSA Administrator.

Inquiries should be addressed to Barbara Jorgenson (202/653-7677).

September 18, 1979.

Barbara Jorgenson,

Public Information Director.

[FR Doc. 79-29771 Filed 9-21-79; 10:03 am]

BILLING CODE 6820-AJ-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

General Aviation District Office at Fort Worth, Tex.; Engineering and Manufacturing District Office at Fort Worth, Tex.; Aeronautical Quality Assurance Field Office at Fort Worth, Tex.

Notice is hereby given that on or about October 1, 1979, the General Aviation District Office at Fort Worth, Texas; the Engineering and Manufacturing District Office at Fort Worth, Texas; and the Aeronautical Quality Assurance Field Office at Fort Worth, Texas, will be consolidated. The consolidated office will be listed as the Flight Standards District Office, Fort Worth, Texas. All services to the public formerly provided by the individual offices will be provided by the consolidated office. This information will be reflected in the FAA Organization Statement the next time it is reissued.

Issued in Fort Worth, Texas, on September 13, 1979.

Paul J. Baker,

Acting Director, Southwest Region.

[FR Doc. 79-29446 Filed 9-21-79; 8:45 am]

BILLING CODE 4910-13-M

General Aviation District Office at Oklahoma City, Okla., and Engineering and Manufacturing District Office at Oklahoma City, Okla.

Notice is hereby given that on or about October 1, 1979, the General Aviation District Office at Oklahoma City, Oklahoma, and the Engineering and Manufacturing District Office at Oklahoma City, Oklahoma, will be consolidated. The consolidated office will be listed as the Flight Standards District Office, Oklahoma City, Oklahoma. All services to the public formerly provided by the individual offices will be provided by the consolidated office. This information will be reflected in the FAA Organization Statement the next time it is reissued.

Issued in Fort Worth, Texas, on September 12, 1979.

Paul J. Baker,

Acting Director, Southwest Region.

[FR Doc. 79-29447 Filed 9-21-79; 8:45 am]

BILLING CODE 4910-13-M

Satellite General Aviation District Office at Corpus Christi, Tex.; Closing

Notice is hereby given that on or about November 18, 1979, the Satellite General Aviation District Office at Corpus Christi, Texas, will be closed. Services to the general aviation public formerly provided by that office, will be provided by the General Aviation District Office in San Antonio, Texas. This information will be reflected in the FAA Organization Statement the next time it is reissued.

Issued in Fort Worth, Texas, on September 12, 1979.

Paul J. Baker,

Acting Director, Southwest Region.

[FR Doc. 79-29443 Filed 9-21-79; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Minority Business Resource Center Advisory Committee; Meeting

Pursuant to Section 19(a) and (2) of the Federal Advisory Committee Act (Pub. L. 92-463); (5 U.S.C. App. I), notice is hereby given of a meeting of the Minority Business Resource Center Advisory Committee to be held October 15, 1979, at 10 a.m. until 1 p.m. at the Department of Transportation, 800 Independence Avenue, S.W., 3rd floor auditorium, Washington, D.C. 20591. The agenda for the meeting is as follows:

Review of Business Development Projects.
Review FY 1981 Goals and Objectives.

Attendance is open to the interested public but limited to the space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to attend and persons wishing to present oral statements should notify the Minority Business Resource Center not later than the day before the meeting. Information pertaining to the meeting may be obtained from Mr. Malcolm Johnson, Advisory Committee Staff Assistant, Minority Business Resource Center, Federal Railroad Administration, 400 7th Street, S.W., Washington, D.C. 20590, telephone: (202)472-2430. Any member of the public may present a written statement to the Committee at any time.

Issued in Washington, D.C. on September 20, 1979.

Kenneth E. Bolton,

Director.

[FR Doc. 79-29523 Filed 9-21-79; 8:45 am]

BILLING CODE 4910-06-M

Notice of Applications for Exemptions

AGENCY: Materials Transportation Bureau, D.O.T.

ACTION: List of Applicants for Exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Regulations of the Materials Transportation Bureau has received the applications described herein.

DATES: Comment period closes October 24, 1979.

ADDRESS COMMENTS TO: Dockets Branch, Information Services Division, Materials Transportation Bureau, U.S. Department of Transportation, Washington, D.C. 20590.

Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION: Copies of the application are available for inspection in the Dockets Branch, Room 8426, Nassif Building, 400 Seventh Street, S.W., Washington, D.C.

Each mode of transportation for which a particular exemption is requested is indicated by a number in the "Nature of Application" portion of the table below as follows: 1-Motor vehicle, 2-Rail freight, 3-Cargo vessel, 4-Cargo-only aircraft, 5-Passenger-carrying aircraft.

New Exemptions

Application No.	Applicant	Regulations affected	Nature of exemption thereof
8266-N	Industrial Plastic Container Co., Long Beach, Calif	49 CFR Part 173 Subpart D, F, and H, 178.211.	To manufacture, mark and sell DOT specification 12P packagings having inside two 2½ gallon Specification 2U containers for shipment of various haardous materials. (Modes 1, 2, 3.)
8267-N	GTE Sylvania, Inc., Needham, Mass	49 CFR 172.101, 173.206(a)(1), 173.247.	To authorize shipments of lithium batteries in a submodule configuration packed in non-DOT specification plywood packaging. (Mode 1.)
8268-N	Union Carbide Corp., Bound Brook, N.J	49 CFR 173.119(m)(14)	To authorize shipment of certain amines meeting both the flammable and corrosive definition in DOT Specification 105A class tank cars. (Mode 2.)
8269-N	M-D Trailer Co., Fort Worth, Tex	49 CFR 173.119(a)(17), 173.245(a)(31), 178.342-5, 178.345-5.	To manufacture, mark and sell non-DOT specification cargo tanks complying generally with DOT Specification MC-312 except for bottom outlet valve variation for the transport of flammable or corrosive waste liquids or semisolids. (Mode 1.)
8270-N	3M Co., St. Paul, Minn	49 CFR 173.134	To authorize shipment of pyrophoric solids in solvents, classed as flammable liquids in DOT Specification 6A, 6B or 6C drums. (Mode 1.)
8271-N	Constructors John Brown Ltd., Hampshire, England	49 CFR 173.134	To ship a pyrophoric solid dispersed in a flammable liquid in a non-DOT specification portable tank comparable to DOT Specification 51. (Modes 1, 2, 3.)
8272-N	Airesearch Manufacturing Co. of Arizona, Phoenix, Ariz.	49 CFR 173.302, 178.65	To authorize shipment of helium in a non-DOT specification steel cylinder similar to a DOT specification 39. (Modes 1, 4.)
8273-N	Hamill Manufacturing Co., Washington, Mich	49 CFR Parts 171 through 178	To qualify shipments of explosive power device, class B or C, when shipped as an integral part of a passive restraint system, as a non-regulated material. (Mode 1.)
8274-N	ANF Industrie, Paris, France	49 CFR Part 173, Subpart D, F, and H.	To authorize shipments of various hazardous materials in non-DOT specification IMCO Type 1 portable tanks. (Modes 1, 2, 3.)
8275-N	ANF Industrie, Paris, France	49 CFR Part 173, Subpart D, F, and H.	To authorize shipment of various hazardous materials in non-DOT specification IMCO Type II portable tanks. (Modes 1, 2, 3.)
8276-N	Safeway Stores, Inc., Oakland, Calif	49 CFR 173.1200(a)	To ship materials classed as ORM-D in wire baskets on rollers via private carriage. (Mode 1.)
8277-N	Interox America, Houston, Tex	49 CFR 173.221	To authorize use of a plastic bottle comparable with DOT Specification 2E except for maximum capacity of 5 liters for hazardous materials for which DOT Specification 2E is prescribed (Modes 1, 2, 3.)
8278-N	Maintenance Mechanical Corp., Houston, Tex	49 CFR 173.304, 173.315	To authorize shipments of liquid hydrocarbons transported in a container affixed to a truck or trailer used to calibrate meters. (Mode 1.)
8279-N	Hamler Industries, Inc., Chicago Heights, Ill	49 CFR 178.337-17	To authorize shipments of anhydrous ammonia in a tank motor vehicle which does not contain the metal identification plate. (Mode 1.)
8281-N	IMC Chemical Group, Inc., Allentown, Pa	49 CFR 173.93	To authorize shipment of a propellant explosive, solid, class B, in various types of packages involving polyethylene bags, fiber tubes, burlap bags or fiberboard boxes, BA 832, 912, and 1040 (Mode 1.)

This notice of receipt of applications for new exemptions is published in accordance with Section 107 of the Hazardous Materials Transportation Act (49 CFR U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, D.C., on September 13, 1979.

J. R. Grothe,

Chief, Exemptions Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 79-29386 Filed 9-21-79; 8:45 am]

BILLING CODE 4910-60-M

Materials Transportation Bureau

Notice of Applications for Renewal or Modification of Exemptions or Applications To Become a Party to an Exemption

AGENCY: Materials Transportation Bureau, D.O.T.

ACTION: List of Applications for Renewal or Modification of Exemptions or Application To Become a Party to an Exemption.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Regulation of the Materials Transportation Bureau has received the applications described herein. This notice is abbreviated to expedite docketing and public notice. Because the sections affected, modes of transportation, and the nature of application have been shown in earlier

Federal Register publications, they are not repeated here. Except as otherwise noted, renewal applications are for extension of the exemption terms only. Where changes are requested (e.g. to provide for additional hazardous materials, packaging design changes, additional mode of transportation, etc.) they are described in footnotes to the application number. Application numbers with the suffix "X" denote renewal; application numbers with the suffix "P" denote party to. These applications have been separated from the new applications for exemptions to facilitate processing.

DATES: Comment period closes on or before October 9, 1979.

ADDRESSED TO: Dockets Branch, Information Services Division, Materials Transportation Bureau, U.S. Department of Transportation, Washington, D.C. 20590.

Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION: Copies of the applications are available for inspection in the Dockets Branch, Room 8426, Nassif Building, 400 7th Street, S.W., Washington, D.C.

Application No.	Applicant	Renewal of Exemption
3630-X	Allied Chemical Corporation, Morristown, N.J.	3630
3657-X	Union Carbide Corporation, Tarrytown, N.Y. (See Footnote 1).	3657
4354-X	Minerec Corporation, Baltimore, Md.	4354
4354-X	Pennwalt Corporation, Buffalo, N.Y.	4354
4390-X	Mallinckrodt, Inc., St. Louis, Missouri.	4390
5022-X	Department of the Army, Washington, D.C.	5022
5652-X	Air Products and Chemicals, Inc., Allentown, Pennsylvania.	5652
5876-X	FMC Corporation, Philadelphia, Pa. (See Footnote 2).	5876
5923-X	Union Carbide Corporation, Tarrytown, N.Y. (See Footnote 3).	5923
5945-X	Chemetron Corporation, Countryside, Illinois.	5945
6126-X	Dow Chemical Company, Midland, Michigan.	6126
6232-X	Department of the Army, Washington, D.C.	6232
6253-X	Cheminova, A/S, Lemvig, Denmark	6253
6253-X	Containertechnik, Hamburg, Germany (See Footnote 4).	6253
6452-X	Pennwalt Corporation, Buffalo, N.Y.	6452
6526-X	Dow Chemical Company, Midland, Michigan.	6526
6768-X	PPG Industries, Inc., Pittsburgh, Pa. (See Footnote 5).	6768
6883-X	Hedwin Corporation, Baltimore, Maryland (See Footnote 6).	6883
7071-X	Philip A. Hunt Chemical Corporation, Palisades Park, N.J.	7071
7440-X	Roux Laboratories, Inc., Jacksonville, Fla. (See Footnote 7).	7440
7725-X	Economics Laboratory, Inc., St. Paul, Minnesota.	7725
7731-X	Minnesota Valley Engineering, New Prague, Minn. (See Footnote 8).	7731
7772-X	Fauvet Girel, Paris, France (See Footnote 9).	7772
7840-X	Douglas Aircraft Company, Long Beach, California.	7840
7869-X	Oxy Metal Industries Corporation, Morenci, Michigan.	7869
7924-X	Ray-O-Vac Division, ESB Inc., Madison, Wisconsin (See Footnote 10).	7924
7969-X	Royalvac, Inc., Fort Lauderdale, Florida.	7969
8099-X	Union Carbide Corporation, Bound Brook, N.J. (See Footnote 11).	8099
8126-X	Transport International Containers, S.A. Paris, France (See Footnote 12).	8126

[1] To renew and to add liquefied natural gas as an additional commodity to be shipped in Cosmodyne Cryogenics cargo tanks FB-1 and FB-3.

[2] To authorize Furadan 80 and Furaden 85 wettable powder as an additional commodity.

[3] To authorize water as an additional mode of transportation and to add monoethylamine (anhydrous) as an additional commodity.

[4] To provide for tank design modifications involving insulation and heating systems.

[5] To renew and to amend paragraph 8(g) by deleting the reference to Mine Safety Appliance Company's equipment and to provide for another type of self contained breathing device equivalent to that presently prescribed.

[6] To authorize shipment of various Poison B liquids as an additional commodity in non-DOT Specification 55-gallon polyethylene drum.

[7] To authorize use of an additional aluminum alloy 1050 in manufacturing the 32 ounce aerosol cans to ship solutions containing isopropyl alcohol and ammonia.

[8] To provide for various design modifications to the portable tank, e.g., vent line, baffling system and support rings.

[9] To provide for fittings and valve modifications for portable tanks.

[10] To expand the exemption to include certain lithium batteries.

[11] To authorize an additional Class B poison solid mixture.

[12] To add additional tanks similar to those presently authorized and to accommodate monomethylamine as an additional commodity.

Application No.	Applicant	Parties of Exemption
4453-P	Casebier Bulk Transport Co., Inc., Beaver Dam, Kentucky.	4453
6113-P	Roadway Express, Inc., Akron, Ohio	6113
6518-P	Arapahoe Chemicals, Inc., Boulder, Colorado.	6518
6762-P	TEXO Corporation, Cincinnati, Ohio	6762
6806-P	Barnebey Cheney Company, Columbus, Ohio.	6806
6932-P	Fauvet Girel, Paris, France	6932
6984-P	Ireco Chemicals, Salt Lake City, Utah	6984
7052-P	The Charles Stark Draper Lab., Inc., Cambridge, Massachusetts.	7052
7060-P	Petroleum Air Transport, Inc., Hazelwood, Missouri.	7060
7716-P	Kinepak, Inc., Lewisville, Texas	7716
7770-P	Fauvet Girel, Paris, France	7770
7772-P	Fauvet Girel, Paris, France	7772
7835-P	Airco Industrial Gases, Murray Hill, N.J.	7835
7929-P	C-I-L Chemicals, Southfield, MI. (See Footnote 1).	7929
7998-P	FMC Corporation, Philadelphia, Pennsylvania.	7998
8002-P	Lowaco S.A., Geneva, Switzerland	8002
8156-P	Scott Environmental Technology Inc., Plumsteadville, Pennsylvania.	8156
8171-P	Sea Containers Inc., London, England.	8171
8229-P	W. A. Murphy, Inc., El Monte, California.	8229
8229-P	R. L. Owens, Inc., Keene, New Hampshire.	8229
8229-P	J. D. Shea & Sons, Inc., W. Quincy, Mass.	8229
8229-P	Olson Explosives, Inc., Decorah, Iowa.	8229
8229-P	Rock Energy Products, Inc., Lithia Springs, Georgia.	8229
8229-P	W. H. Burt Explosive, Inc., Moab, Utah.	8229
8229-P	IMC Chemical Group, Inc., Allentown, Pennsylvania.	8229
8229-P	Laverty Supply, Inc., Indianola, Iowa	8229
8273-P	Ford Motor Company, Dearborn, Michigan.	8273
8274-P	Eurotainer, Paris, France	8274
8274-P	Societe Auxiliaire de Transports et d Industries, Paris, France.	8274
8274-P	Compagnie des Containers Reservoirs Neuilley-Sur-Seine Cedex, France.	8274
8275-P	Eurotainer, Paris, France	8275
8275-P	Societe Auxiliaire de Transports et d Industries, Paris, France.	8275
8275-P	Compagnie des Containers Reservoirs, Neuilley-Sur-Seine Cedex, France.	8275

[1] Request for party status and to amend exemption to include 25 kg of flaked TNT.

This notice of receipt of applications for renewal of exemptions and for party to an exemption is published in accordance with Section 107 of the Hazardous Materials Transportation Act (49 CFR U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, D.C., on September 14, 1979.

J. R. Grothe,

Chief, Exemptions Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 79-29385 Filed 9-21-79; 8:45 am]

BILLING CODE 4910-60-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Denial of Petition for Rulemaking

This notice denies a petition submitted by Mr. William H. Page, Jr. requesting rulemaking to require side underride protection devices on large trailers. Mr. Page indicated that the problems of smaller vehicles underriding the sides of trailers are now significant and will increase as the size of passenger cars decreases.

The National Highway Traffic Safety Administration (NHTSA) has reviewed Mr. Page's request. Currently, the NHTSA is pursuing rulemaking in the area of truck rear underride devices. In the course of that rulemaking, the agency will collect information relating to the problem of side underride. Until the agency has gathered this material on side underride, it does not consider it appropriate to invest more of its limited agency resources in this area.

The agency will continue to gather information on side underride during the rear underride rulemaking. If the evidence gathered by the agency indicates that side underride rulemaking could contribute significantly to safety, the agency will commence rulemaking.

At the present, however, the agency concludes that side underride rulemaking should not be commenced and Mr. Page's petition is denied.

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegations of authority at 49 CFR 1.50.)

Issued on September 17, 1979.

Joan Claybrook,

Administrator.

[FR Doc. 79-29384 Filed 9-21-79; 8:45 am]

BILLING CODE 4910-59-M

[Docket No. IP79-1; Notice 2]

International Harvester Corp.; Denial of Petition for Determination of Inconsequential Noncompliance

This notice denies the petition by International Harvester Corp. of Fort Wayne, Indiana, to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 et seq.) for an apparent noncompliance with 49 CFR 571.120, *Tire Selection and Rims for Vehicles Other Than Passenger Cars.* The basis of the petition was that the noncompliance is inconsequential as it relates to motor vehicle safety.

Notice of receipt of a petition was published on February 15, 1979, and an opportunity afforded for comment (44 FR 9824).

Petitioner is the final stage manufacturer of multi-stage vehicles. From September 1, 1977, through November 1978 approximately 3,200 improper certification labels may have been provided through its service parts system to company-owned outlets and processing centers for use on medium and heavy duty trucks. Specifically, S5.3(a) of Standard No. 120 requires a manufacturer to provide on the vehicle's certification label (affixed pursuant to 49 CFR Part 567) or separate tire information label the size designation of tires appropriate for the vehicle's GAWR, the rims size and type designation appropriate for those tires, and the cold inflation pressure of the tire. In its compliance testing of a Harvester truck NHTSA discovered that all this information was missing (agency file CIR 2024).

Petitioner argued that this noncompliance is inconsequential because the correct tires and rims were supplied with each vehicle for the GAWR and GVWR of the wheels, and the tires and rims otherwise meet the requirements of Standard No. 120. In addition, the information is provided the vehicle operator by other means: line set tickets affixed to the vehicle, as well as contained in the owner's manual, to which the operator is referred by the erroneous certification label.

No comments were received on the petition.

The NHTSA has decided to deny the petition by International Harvester. One of the major purposes of Standard 120 is to assure that vehicles are equipped with tires and rims of appropriate size and type and adequate load carrying capability. These must be related to GAWR-GVWR values. In the event that equipment becomes separated from the vehicle, the manufacturer's recommendation of tires and rims for the vehicle can be found on the vehicle's label. A standardized method of presenting this material is specified in Standard No. 120 for purposes of uniformity and to expedite the locating, reading, and understanding of vital information.

Although a quantity of 3200 labels (or vehicles) is specifically limited, the number is large enough not to be overlooked or disregarded as a source of potential safety hazards, and should not go uncorrected as a precaution for the future operation of the vehicles.

Since there is no assurance that tire and rim servicing will not be done outside the petitioner's service outlets, NHTSA cannot agree that line set tickets will serve adequately in place of the prescribed vehicle label. Life expectancy of perhaps 10 to 15 years must be considered and it is not unreasonable to expect a number of tire replacements will be made by different owners at different service shops during this time.

An owner could be permanently misled if tires or wheels were once improperly replaced. Although the manufacturer may refer to other publications and sources to provide additional information, the agency does not believe tire and rim information would be as useful in a location entirely separate from the certification label. NHTSA continues to reject the theory that providing tire and rim information elsewhere on the vehicle satisfies the needs of safety, a point argued when the standard was in its rulemaking stage.

Therefore, NHTSA cannot agree that noncompliance is inconsequential as it relates to motor vehicle safety. Notification and remedy is necessary and reasonable to minimize potential hazard associated with up to 3200 vehicles and particularly in those occasions where tires and rims require service attention and become separated from the vehicles. By providing a proper certification or tire information label, a simple but effective remedy can be achieved.

Petitioner has failed to meet its burden of persuasion that the noncompliance herein described is inconsequential as it relates to motor vehicle safety and its petition is hereby denied.

(Sec. 102, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on September 17, 1979.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc. 79-29383 Filed 9-21-79; 8:45 am]

BILLING CODE 4910-59-M

Office of the Secretary

[Notice No. 79-15a]

Citizen Participation Transportation Planning; Advance Notice of Proposed Policy

AGENCY: Department of Transportation (DOT), Office of the Secretary.

ACTION: Extend the Public Comment period on Advance Notice of Proposed Policy on Citizen Participation in Transportation Planning.

SUMMARY: To encourage full public comment on this notice, the Department of Transportation (DOT) is extending the deadline date for comments from October 9, 1979 to November 9, 1979. The extension is the result of requests from citizens and citizen groups asking for a longer comment period to prepare more thorough responses to the notice.

DATES: The new deadline for public comment is November 9, 1979.

ADDRESS: U.S. Department of Transportation, Office of Consumer Affairs, Room 9402, 400 Seventh Street, SW, Washington, DC 20590.

FOR MORE INFORMATION CONTACT: Lee Gray, Office of Consumer Affairs, Room 9402, U.S. Department of Transportation, 400 Seventh Street, SW, Washington, DC 20590, (202) 426-4520.

SUPPLEMENTARY INFORMATION: On Thursday, August 9, 1979, an Advance Notice of Proposed Policy on Citizen Participation in Transportation Planning appeared in the Federal Register (44 FR 46971) requesting Public Comment on a number of questions concerning public involvement. State and local agencies using U.S. DOT funds to provide transportation facilities or services are required by laws and regulation to provide for public involvement in the transportation planning and project development process. The Department is seeking a broad and representative response from persons with firsthand knowledge of local transportation planning, including individual citizens;

citizens' organizations; and State, regional, and local officials. In the hope of increasing the response, the Department is allowing an additional month for the public to prepare and submit comments (49 U.S.C. 1651 et seq.)

Issued in Washington, DC, on September 13, 1979.

Susan J. Williams,

Acting Assistant Secretary for Governmental and Public Affairs.

[FR Doc. 79-29339 Filed 9-21-79; 8:45 am]

BILLING CODE 4910-62-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Dept. Circular Public Debt Series—No. 22-79]

Treasury Notes of September 30, 1983; Series F-1983

September 19, 1979.

1. Invitation for Tenders

1. 1. The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, invites tenders for approximately $2,500,000,000 of United States securities, designated Treasury Notes of September 30, 1983, Series F-1983 (CUSIP No. 912827 JZ 6). The securities will be sold at auction with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the new securities may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities, to the extent that the aggregate amount of tenders for such accounts exceeds the aggregate amount of maturing securities held by them.

2. Description of Securities

2. 1. The securities will be dated October 1, 1979, and will bear interest from that date, payable on a semiannual basis on March 31, 1980, and each subsequent 6 months on September 30 and March 31, until the principal becomes payable. They will mature September 30, 1983, and will not be subject to call for redemption prior to maturity.

2. 2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2. 3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2. 4. Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000, and $1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of coupon, registered and book-entry securities, and the transfer of registered securities will be permitted.

2. 5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3. 1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 2026, up to 1:30 p.m., Eastern Daylight Saving time, Wednesday, September 26, 1979. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Tuesday, September 25, 1979.

3. 2. Each tender must state the face amount of securities bid for. The minimum bid is $1,000 and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.11%. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender and the amount may not exceed $1,000,000.

3. 3. All bidders must certify that they have not made and will not make any agreements for the sale or purchase of any securities of this issue prior to the deadline established in Section 3.1. for receipt of tenders. Those authorized to submit tenders for the account of customers will be required to certify that such tenders are submitted under the same conditions, agreements, and certifications as tenders submitted directly by bidders for their own account.

3. 4. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit tenders for their own account.

3.5. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by a deposit of 5% of the face amount of securities applied for (in the form of cash, maturing Treasury securities or readily collectible checks), or by a guarantee of such deposit by a commercial bank or a primary dealer.

3. 6. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, a coupon rate will be established, on the basis of a ⅛ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 99.250. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the

Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3. 7. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full, or when the price is over par.

4. Reservations

4. 1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5. 1. Settlement for allotted securities must be made or completed on or before Monday, October 1, 1979, at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received at such institution no later than:

(a) Friday, September 28, 1979, if the check is drawn on a bank in the Federal Reserve District of the institution to which the check is submitted (the Fifth Federal Reserve District in case of the Bureau of the Public Debt), or

(b) Friday, September 28, 1979, if the check is drawn on a bank in another Federal Reserve District.

Checks received after the dates set forth in the preceding sentence will not be accepted unless they are payable at the applicable Federal Reserve Bank. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5. 2. In every case where full payment is not completed on time, the deposit submitted with the tender, up to 5 percent of the face amount of securities alloted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5. 3. Registered securities tendered as deposits and in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5. 4. If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5. 5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. General Provisions

6. 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6. 2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Supplementary statement: The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the Departmental procedures applicable to such regulations.

Paul H. Taylor,

Fiscal Assistant Secretary.

[FR Doc. 79-29527 Filed 9-20-79; 8:45 am]
BILLING CODE 4810-40-M

[Dept. Circular, Public Debt Series No. 21-79]

Treasury Notes of Sept. 30, 1981, Series X-1981

September 19, 1979.

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, invites tenders for approximately $3,250,000,000 of United States securities, designated Treasury Notes of September 30, 1981, Series X-1981 (CUSIP No. 912827 JY 9). The securities will be sold at auction with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued to government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the new securities may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities, to the extent that the aggregate amount of tenders for such accounts exceeds the aggregate amount of maturing securities held by them.

2. Description of Securities

2.1. The securities will be dated October 1, 1979, and will bear interest from that date, payable on a semiannual basis on March 31, 1980, and each subsequent 6 months on September 30

and March 31, until the principal becomes payable. They will mature September 30, 1981, and will not be subject to call for redemption prior to maturity.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any state, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of $5,000, $10,000, $100,000, and $1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of coupon, registered and book-entry securities, and the transfer of registered securities will be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Daylight Saving time, Tuesday, September 25, 1979. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Monday, September 24, 1979.

3.2. Each tender must state the face amount of securities bid for. The minimum bid is $5,000 and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.11%. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender and the amount may not exceed $1,000,000.

3.3. All bidders must certify that they have not made and will not make any agreements for the sale or purchase of any securities of this issue prior to the deadline established in Section 3.1. for receipt of tenders. Those authorized to submit tenders for the account of customers will be required to certify that such tenders are submitted under the same conditions, agreements, and certifications, as tenders submitted directly by bidders for their own account.

3.4. Commerical banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit tenders for their own account.

3.5. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by a deposit of 5% of the face amount of securities applied for (in the form of cash, maturing Treasury securities or readily collectible checks), or by a guarantee of such deposit by a commercial bank or a primary dealer.

3.6. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations, expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, a coupon rate will be established, on the basis of a ⅛ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 99.750. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair detemination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.7. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full, or when the price is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for allotted securities must be made or completed on or before Monday, October 1, 1979, at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received at such institution no later than:

(a) Friday, September 28, 1979, if the check is drawn on a bank in the Federal Reserve District of the institution to which the check is submitted (the Fifth Federal Reserve District in case of the Bureau of the Public Debt), or

(b) Friday, September 28, 1979, if the check is drawn on a bank in another Federal Reserve District.

Checks received after the dates set forth in the preceding sentence will not be accepted unless they are payable at

the applicable Federal Reserve Bank. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment is not completed on time, the deposit submitted with the tender, up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered as deposits and in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5.5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Supplementary Statement: The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the Departmental procedures applicable to such regulations.

Paul H. Taylor,

Fiscal Assistant Secretary.

[FR Doc. 79-29528 Filed 9-20-79; 8:45 am]

BILLING CODE 4810-40-M]

VETERANS ADMINISTRATION

Career Development Committee; Meeting

The Veterans Administration gives notice pursuant to Public Law 92-463 that a meeting of the Career Development Committee, authorized by 38 USC 4101, will be held in Room 817 of the Veterans Administration, 810 Vermont Avenue NW., Washington, DC 20420, October 29-30, 1979 at 8:30 a.m. The meeting will be for the purpose of scientific review of applications for appointment to the Career Development Program in the Veterans Administration system. The Committee advises the Director, Medical Research Service on selection and appointment of Associate Investigators, Research Associates, Clinical Investigators, Medical Investigators, Senior Medical Investigators and William S. Middleton Award Nominees.

The meeting will be open to the public up to the seating capacity of the room from 8:30 a.m. to 9 a.m. to discuss the general status of the program. Because of the limited seating capacity of the room, those who plan to attend should contact Mr. David D. Thomas, Executive Secretary of the Committee, Veterans Administration Central Office, Washington, DC (202-389-2317) prior to October 15, 1979.

The meeting will be closed from 9 a.m. to 5 p.m. on October 29-30 for consideration of individual applications for positions in the Career Development Program. This necessarily requires examination of personnel files and discussion and evaluation of the qualifications, competence, and potential of the several candidates, disclosure of which would constitute a clearly unwarranted invasion of personal privacy. In addition, decisions recommended by the board are strictly advisory in nature; other factors are considered in final decisions. Premature disclosure of board recommendations as well as the disclosure of research information would be likely to significantly frustrate implementation of final proposed agency actions. Accordingly, closure of this portion of the meeting is permitted by section 10(d) of the Federal Advisory Committee Act, Pub. L. 92-463 as amended, in accordance with subsections (c) (6) and (c) 9(B) of the Government in the Sunshine Act, 5 USC 552b.

Minutes of the meeting and rosters of the committee members may be obtained from Mr. David D. Thomas, Chief, Career Development Program, Medical Research Service, Veterans Administration, Washington, DC (Phone 202-389-2317).

Dated: September 18, 1979.

Rufus H. Wilson,

Deputy Administrator.

[FR Doc. 79-29467 Filed 9-21-79; 8:45 am]

BILLING CODE 8320-01-M

Station Committee on Educational Allowances; Notice of Meeting

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on *October 26, 1979,* at *1:30 p.m.,* the *Veterans Administration Medical and Regional Office Center* Station Committee on Educational Allowances shall at *Togus, Maine* conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in *Unity College, Unity, Maine* should be discontinued, as provided in 38 C.F.R. 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the committee at that time and place.

Dated: September 18, 1979.

R. H. Wallace,

Director, VA Regional Office, Togus, Maine.

[FR Doc. 79-29408 Filed 9-21-79; 8:45 am]

BILLING CODE 8320-01-M

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 311]

Expedited Procedures for Recovery of Fuel Costs

Decided: September 18, 1979

In our decisions of September 11, 1979, a 9.5 percent surcharge was authorized on all owner-operator traffic, and on all truckload-rated traffic whether or not owner-operators were employed. We ordered that all owner-operators were to receive compensation at this level. In addition, a 1.7 percent surcharge was authorized on less-than-truckload (LTL) traffic performed by carriers not utilizing owner-operators.

Although the weekly figures set forth in the appendix for transportation performed by owner-operators and for truckload-rated traffic is 9.8 percent, we are requiring that the surcharge for this traffic be held at 9.5 percent. All owner-operators are to receive compensation at the 9.5 percent level. In addition, no change will be made in the existing authorization of a 1.7 percent surcharge on LTL traffic performed by carriers not utilizing owner-operators.

Notice of this decision 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.

It is ordered:

This decision shall become effective Friday at 12:01 a.m., September 21, 1979.

By the Commission, Chairman O'Neal, Vice Chairman Stafford, Commissioners Gresham, Clapp, Christian, Trantum, Gaskins, and Alexis.

Agatha L. Mergenovich,

Secretary.

Appendix.—*Fuel Surcharge*

Base Date and Price Per Gallon (Including Tax)	
January 1, 1979	63.5¢
Date of Current Price Measurement and Price Per Gallon (Including Tax)	
September 17, 1979	100.2

Average Percent Fuel Expenses (Including Taxes) of Total Revenue

(1) From Transportation Performed by Owner Operators (Apply to All Truckload Rated Traffic)	(2) Other (Including Less-Truckload Traffic)
16.9%	2.9% [1]
Percent Surcharge Developed	
9.8%	1.7%
Percent Surcharge Allowed	
9.5%	1.7%

[1] Additional data for general commodity carriers indicate the following:

(a) Percent Fuel (including tax) of revenue (all traffic) 7.3%

(b) Percent T.L. and LTL Revenue of total revenue:

	Revenue (000)	Percent
T.L.	$3,451,661	32
LTL	7,427,232	68
Total	10,878,833	100

Utilizing the T.L. and LTL weighting factors and retaining the relationship of fuel to revenue for owner operators (also applied to T.L. rated traffic) and in total of 16.9 percent and 7.3 percent respectively, the comparable relationship for LTL is 2.9 percent. This figure should not be construed as an actual relationship but is developed as a method to adjust the LTL surcharge.

[FR Doc. 79-29449 Filed 9-21-79; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Temporary Authority Applications

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the Federal Register publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the Federal Register. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. 162

MC 96793 (Sub-3T), filed May 15, 1979, and published in the Federal Register issue of July 9, 1979, and republished as corrected this issue. Applicant: MARIPOSA EXPRESS, INC., 131 Alpine Dr., Merced, CA 95340. Representative: R. A. Greene, Jr., 100 Pine St., San Francisco, CA 94111. Common carrier: regular route: *General commodities* (except articles of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Fresno, Madera, Merced, Stanislaus and San Joaquin Counties, CA for 180 days. An underlying ETA seeks 90 days authority. Applicant intends to interline with other carriers at Merced, CA. Supporting shipper(s): There are 9 statements in support of this application which may be examined at the Headquarters in DC or at the field office named below. Send protests to: Neil C. Foster, DS, 211 Main, Suite 500, San Francisco, CA 94105. The purpose of this publication is to show the applicant intends to interline.

MC 105813 (Sub-261TA), filed July 16, 1979. Applicant: BELFORD TRUCKING CO., INC., 1759 S.W. 12th Street, P.O. Box 2009, Ocala, FL 32670. Representative: Arthur J. Sibik, 7025 S. Pulaski Road, Chicago, IL 60629. *Foodstuffs, except in bulk,* (1) from the facilities of Wetterau, Inc., at or near Atlanta, GA to points in and east of TX, AR, MO, IA, and MN, and (2) from the facilities of Wetterau, Inc., at or near St. Louis, MO to points in KY, TN, NC, SC, AL, MS, LA, FL, and GA, and (3) *Foodstuffs, materials, equipment and supplies used in the manufacture of foodstuffs* on return, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Wetterau Incorporated, 8920 Pershall Road, Hazelwood, MO 63042. Send protests to: G. H. Fauss, Jr., DS, ICC, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 107403 (Sub-1245TA), filed July 12, 1979. Applicant: MATLACK, INC., Ten West Baltimore Ave., Lansdowne, PA 19050. Representative: Martin C. Hynes

Jr. (same as applicant). *Resins, paints, varnishes, lacquers & enamels, in bulk, in tank vehicles* from Louisville, KY to IL, IN, WI, NC, VA, OK, PA, AL, TX, TN, IA, FL, AR, MS, KS, GA, SC, & NJ for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Reliance Universal Inc., 4730 Crittenden Dr., Louisville, KY 40221. Send protests to: ICC, Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 107403 (Sub-1246TA), filed July 9, 1979. Applicant: MATLACK, INC., Ten West Baltimore Avenue, Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same as applicant). *Liquid chemicals, in bulk, in tank vehicles* from the facilities of First Chemical Corp. at Pascagoula, MS to points in KS, NC, SC, TN, VA, and UT for 180 days. Supporting shipper(s): First Chemical Corp., P. O. Bx 1427, Pascagoula, MS 39567. Send protests to: ICC, Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 110683 (Sub-150TA), filed July 13, 1979. Applicant: SMITH'S TRANSFER CORPORATION, P.O. Box 1000, Staunton, VA 24401. Representative: Macdonald and McInerny, 1000 Sixteenth Street, N.W., Washington, D.C. 20036. *General commodities* (except those of unusual value, household goods as defined by the Commission, classes A and B explosives, commodities in bulk, and those requiring special equipment) (1) between points in PA on and west of U.S. Hwy 219 on the one hand and, on the other, points in OH, and points in NJ on and north of NJ Hwy 70, and points in MD on and west of U.S. Hwy 1; (2) between points in SC on the one hand, and, on the other, points in KY; (3) between points in Pike and Lackawanna Counties, PA; those in Wayne County, PA, south of PA Hwy 370; those in Susquehanna County, PA, southeast of a line drawn from Herrick, PA, to the junction of Interstate Hwy 81 with the Susquehanna-Lackawanna County line; those in Luzerne County, PA, east of a line drawn from the junction of PA Hwy 92 with the Luzerne-Wyoming County line along PA Hwy 92 to its junction with U.S. Hwy 11, then along U.S. Hwy 11 to a point one mile east of Nanticoke, PA, then east along an unnumbered Hwy to its junction with Interstate Hwy 81, then along Interstate Hwy 81 to its junction with the Luzerne-Schuykill County line; those in Schuykill County, PA, on and east of PA Hwy 309 including points on the indicated highways on the one hand and, on the other, points in MD on and west of U.S. Hwy 1, points in WV and OH.

The purpose of this applicaiton is to eliminate certain gateways in applicant's existing operations. Applicant does not propose to serve any points or territories not presently authorized to be served. Applicant proposes to tack any authority granted in this proceeding with existing authority at numerous common points in the areas sought to be served in PA, MD, WV, KY, OH, and SC, for 180 days. An underlying ETA seeks 90 days authority. Send protests to: Charles F. Myers, DS, ICC, Room 10-502 Federal Bldg., 400 North 8th Street, Richmond, VA 23240.

Note.—No duplicating authority sought.

MC 115523 (Sub-190TA), filed June 20, 1979. Applicant: CLARK TANK LINES COMPANY, 1450 Beck Street, Salt Lake City, UT 84110. Representative: Melvin J. Whitear (same address as applicant). (1) *Liquid petroleum gas,* in bulk, in tank vehicles, from Patrick Draw, WY at or near Point of Rocks, WY to Salt Lake City, UT and its commercial zone. (2) *Liquid Natural gas,* in bulk, in tank vehicles from Ryckman Creek, at or near Evanston, WY to Salt Lake City, UT and its commercial zone, for 180 days. Supporting shipper(s): Amoco Oil Company, 200 East Randolph Drive, Mail Code 1402, Chicago, IL 60601. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Building, Salt Lake City, UT 34138.

MC 116763 (Sub-568TA), filed July 16, 1979. Applicant: CARL SUBLER TRUCKING INC., North West St., Versailles, OH 45380. Representative: Gary J. Jira, same address as applicant. *Foodstuffs* (except commodities in bulk, in tank vehicles), from points in Tarrant, Dallas, and Harris Counties, TX, to points in the U.S. in and east of MN, IA, MO, OK, and TX, restricted to traffic originating at the named origins and destined to the indicated destinations, for 180 days. Supporting shipper(s): Uncle Ben's Foods, P.O. Box 1752, Houston, TX 77001. Send protests to: D/S, ICC, 101 N. 7 St., Philadelphia, PA 19106.

MC 121683 (Sub-6TA), filed June 25, 1979. Applicant: JACKSON EXPRESS, INC., 12 Conalco Drive, P.O. Box 3266, Jackson, TN 38301. Representative: H. Neil Garson, 3251 Old Lee Highway, Fairfax, VA 22030. Common carrier; regular route; *general commodities* (except classes A & B explosives, household goods, commodities in bulk and commodities requiring special equipment) (1) between Nashville, TN and Memphis, TN and their respective commercial zones, serving the intermediate point of Jackson, TN and serving all other points in Madison County, TN as off-route points, from Nashville, TN over Interstate Hwy 40 to Memphis, TN and return over the same route. Restriction: The operations authorized above are subject to the following conditions: Service at that part of Memphis and its commercial zone lying in Tennessee is restricted against handling of traffic originating at, destined to, or interchanged at Nashville, TN and its commercial zone as defined by the Commission; (2) between Jackson, TN and Selmer, TN and its commercial zone, serving all intermediate points and their commercial zones, from Jackson, TN over U.S. Hwy 45 to Selmer, TN and return over the same route; (3) between Jackson, TN and Milan, TN and its commercial zone, serving all intermediate points and their commercial zones, from Jackson over U.S. Hwy 45 to its junction with U.S. Hwy 45-E, thence over U.S. Hwy 45-E to Milan, and return over the same route. Restriction: The operations authorized above are subject to the following conditions: Service at Milan is restricted against the handling of traffic originating at, destined to or interchanged at Memphis, TN and its commercial zone; (4) between Jackson, TN and Tupelo, MS serving all intermediate points and serving as off-route points, points in Alcorn, Itawamba, Lee, Prentiss and Tishomingo Counties, MS and points in Alabama located within ten (10) miles of Itawamba and Tishomingo Counties, MS, from Jackson over U.S. Hwy 45 to Tupelo and return over the same route; (5) between Memphis, TN and Iuka, MS serving the intermediated point of Corinth, MS and serving as off-route points, points in Alcorn, Itawamba, Lee, Prentiss, and Tishomingo Counties, MS and points in Alabama located within ten (10) miles of Itawamba and Tishomingo Counties, MS, from Memphis over U.S. Hwy 72 to Iuka and return over the same route; (6) between Memphis, TN and Hamilton, AL serving the intermediated point of Tupelo, MS and serving as off-route points, points in Alcorn, Itawamba, Lee Prentiss and Tishomingo Counties, MS and Marion County, AL and other points in AL located within ten (10) miles of Itawamba and Tishomingo Counties, MS, from Memphis over U.S. Hwy 78 to Hamilton and return over the same route; (7) between Nashville, TN and Tupelo, MS serving as off-route points, points in Alcorn, Itawamba, Lee, Prentiss and Tishomingo Counties, MS and points in Alabama located within ten (10) miles of Itawamba and Tishomingo Counties, MS, from Nashville over Interstate Hwy 40 to its junction with U.S. Hwy 45, thence via

U.S. Hwy 45 to Tupelo and return over the same route; (8) alternate route authority for operating convenience only between the following points and over the following routes, with authority to join the following alternate route at all common points: (a) between Whiteville, TN and Nashville, TN, from Whiteville, over TN Hwy 100 to Nashville and return over the same route; (b) between Selmer, TN and Memphis, TN, from Selmer over U.S. Hwy 64 to Memphis and return over the same route; (c) between Parsons, TN and Jackson, TN, from Parsons over TN Hwy 20 to Jackson and return over the same route; (d) between the intersection of Interstate Hwy 40 and TN Hwy 22, and Jacks Creek, TN; from the intersection of Interstate Hwy 40 and TN Hwy 22 over Hwy 22 to its junction with TN Hwy 22A thence over TN Hwy 22A to Jacks Creek and return over the same route; (e) between Jackson, TN and Bolivar, TN, from Jackson over TN Hwy 18 to Bolivar and return over the same route. All of the above service routes and alternate routes to be used in conjunction with each other and with all of applicant's existing authority and the authority pending in MC 121683 (Sub-2) and MC 121683 (Sub-3F) when the later are approved. Note: Applicant holds authority under Certificates of Registration for routes (1), (2) and (3); applicant seeks to convert these routes to a Certificate of Public Convenience and Necessity and applicant seeks to extend its operating rights in routes (4), (5), (6), (7) and (8). Note: With respect to routes 4, 5, 6 and 7, above applicant intends to include and requests inclusion of the commercial zones of the specific points named therein such as Jackson, Nashville and Memphis, TN; Tupelo, Iuka and Corinth, MS; Hamilton, AL and the intermediated and off-route points on the specified routes. Note: Jackson Express, Inc., presently requesting conversion of its Certificates of Registration No. MC 121683, MC 121683 (Sub-1) and MC 121683 (Sub-4). There are presently pending before the Commission docket MC 121683 (Sub-2) and MC 121683 (Sub-3F) in which applicant seeks Conversion of all of its Certificates of Registration. Applicant intends to tack the authority here applied for to other authority held by it in MC 121683, MC 121683 (Sub-1) and MC 121683 (Sub-4). Applicant further intends to interline with other carriers in Nashville, Jackson, Memphis, TN; Tupelo, Corinth, MS and Hamilton, AL, for 180 days. An undering ETA seeks 90 days authority.

MC 124333 (Sub-30TA), filed June 21, 1979. Applicant: BAKER PETROLEUM TRANSPORTATION CO., INC., Pyles Lane, New Castle, DE 19720. Representative: Samuel W. Earnshaw, 833 Washington Bldg., Washington, DC 20005. *Contract carrier:* Irregular routes: *Petroleum and petroleum products,* in bulk, in tank vehicles, from Marcus Hook, PA to Wilmington, Newark and Yorklyn, DE, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Sun Petroleum Products Co, #5 Valley Forge Exec. Mall, Valley Forge, PA 19104. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 125023 (Sub-77 TA), filed July 13, 1979. Applicant: SIGMA-4 EXPRESS, INC., 3825 Beech Avenue, P.O. Box 9117, Erie, PA 16504. Representative: Richard G. McCurdy (same address as above). Malt beverages, in containers, from Milwaukee, WI to Clarksburg, Fairmont and Morgantown WV and materials, equipment and supplies used in manufacture, sale and distribution of malt beverages from Clarksburg, Fairmont and Morgantown, WV to Milwaukee, WI, for 180 days. An underlying ETA for 90 days authority has been filed. Supporting shipper(s): Blue Ridge Beverages, Inc., 334 Pennsylvania Avenue, Morgantown, WV 26505. Send protests to: J. J. England, D/S, Interstate Commerce Commission, 2111 Federal Building, Pittsburgh, PA 15222.

MC 129973 (Sub-16 TA), filed May 30, 1979. Applicant: FIELD MARKETING SERVICES, INC., 241 Fifth St., Cambridge, MA 02142. Representative: William J. Lippman, 1819 H Street N.W. Suite 550, Washington, D.C. 20006. *Contract Carrier:* Irregular Routes, *general commodities, limited to individual packages or articles not exceeding 50 pounds from one consignor to one consignee in a single day, moving in shipments not exceeding 500 pounds. From Points in Maine, Vermont and New Hampshire, on the one hand, and, on the other, points in Massachusetts, limited to a transportation service to be performed under a continuing contract or contracts with Avon Products, Inc.* For 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Avon Products Inc., Midland and Peck Aves., Rye, NY 10581. Send protests to: G. Warren Flynn TR&TS, I.C.C., 150 Causeway St. Rm. 501, Boston, Mass. 02114.

MC 143873 (Sub-4TA), filed August 7, 1979. Applicant: TITAN TRANSFER, INC., 4302 South 30th Street, Omaha, NE 68107. Representative: Paul D. Kratz, Suite 610, 7171 Mercy Road, Omaha, NE 68106. *Meat, meat products, meat by-products and articles distributed by meat packinghouses as described in Sections A, B and C of Appendix I to Descriptions in Motor Carrier Certificates 61 M.C.C. 209 and 766 (except hides and commodities in bulk)* from Omaha, NE to Sioux City, IA and Yankton and Sioux Falls, SD for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): (1) Wilson Foods Corporation, 4545 Lincoln Blvd., Oklahoma City, OK 73105 (2) Cudahy Foods Co., 5015 South 33rd St., Omaha, NE 68107. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 143993 (Sub-5TA), filed July 10, 1979. Applicant: BLACK HILLS TRUCKING, INC., 106 Rivercross Road, Casper, WY 82601. Representative: R. Stanley Lowe (same address as applicant). *Diesel fuel* in bulk, between points in CO, MT, UT and WY for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): True Oil Purchasing Company, P.O. Drawer 2360, Casper, WY 82602. Send protests to: District Supervisor Paul A. Naughton, Rm 105 Federal Bldg & Crt House, 111 South Wolcott, Casper, WY 82601.

MC 145663 (Sub-5TA), filed July 18, 1979. Applicant: TRANS-POLAR XPRESS, INC., 5611 N.W. Oakridge Court, Kansas City, MO 64151. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309. *Fresh Meats* from Rockville, MO, to Austin, MN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): George A. Hormel & Co., P.O. Box 800, Austin, MN 55912. Send protests to: Vernon V. Coble, D/S, ICC, Room 600 Federal Bldg., 911 Walnut St., Kansas City, MO 64106.

MC 146293 (Sub-28TA), filed July 11, 1979. Applicant: REGAL TRUCKING CO., INC., 95 Lawrenceville Industrial Park Circle, NE, Lawrenceville, GA 30245. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, GA 30349. *Portable electric heaters, humidifiers, heat exchanger, portable fire places, parts and accessories, equipment, materials and supplies* between Varona and Tupelo, MS and Chicago, IL for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Arvin Industries, Tupelo Lee Industrial Park S., Drawer F, Tupelo, MS. Send protests to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree St., NW, Rm. 300, Atlanta, GA 30309.

MC 146943 (Sub-1TA), filed June 28, 1979. Applicant: SHAWNEE TRUCK LINES, INC., 3488 DeLong Road, Lima, OH 45806. Representative: James W. Muldoon, 50 West Broad St., Columbus, OH 43215. *General commodities (except Class A and B explosives, household*

goods, commodities in bulk, and commodities requiring special equipment), between Lima, OH, on the one hand, and, on the other, points in OH. Restricted to traffic having a prior or subsequent movement by rail, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are five (5) statements of support to this application which may be examined at the I.C.C. Headquarters in Washington, D.C. which may be examined at the field office named below. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 147613 (Sub-TA), filed July 13, 1979. Applicant: JIM RUSHFELDT, INC., 540 N.W. 113 St., Miami, FL 33168. Representative: James L. Rushfeldt, same address as applicant. *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in Sections A, B, and C of Appendix I to the report in descriptions in motor carrier certificates 61 MCC 209 and 766 (except hides and skins and commodities in bulk), from the facilities of John Morrell & Co., Souix Falls, SD to points in FL for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): John Morrell & Co., 208 S. LaSalle St., Chicago, IL 60604. Send protests to: Donna M. Jones, T/A, ICC—BOp, Monterey Bldg., Suite 101, 8410 N.W. 53rd Ter., Miami, FL 33166.

MC 147623 (Sub-1TA), filed July 16, 1979. Applicant: PROSPECT MARKETING AND DISTRIBUTION SYSTEMS, INC., 4390 Jutland Drive, San Diego, CA 92117. Representative: James R. Olds, "Same address as applicant". *Contract:* irregular: *Wearing apparel,* between Los Angeles, CA and San Diego, CA, for 180 days. Restricted to traffic having an immediately prior to subsequent movement by water. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): Beeba's Creations, Inc., 4388 Jutland Drive, San Diego, CA 92117. Send protests to: Irene Carlos, TA, ICC, P.O. Box 1551, Los Angeles, CA 90053.

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MC 139906 (Sub-69TA), filed July 30, 1979. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, 2156 West 2200 South, P.O. Box 30303, Salt Lake City, UT 84125. Representative: Mr. Richard A. Peterson, 521 South 14th Street, P.O. Box 81849, Lincoln, NE 68501. *Such commodities as are dealt in by retail department stores* (except foodstuffs and commodities in bulk), between New York, NY, and points in its commercial zone, on the one hand, and, on the other, the facilities of Zayre Corporation located in Forest Park, GA, restricted to the transportation of traffic originating at or destined to the facilities of Zayre Corporation, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Zayre Corporation, Framingham, MA 01701. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Building, Salt Lake City, UT 84138.

MC 139906 (Sub-70TA), filed August 9, 1979. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, 2156 West 2200 South, P.O. Box 30303, Salt Lake City, UT 84125. Representative: Richard A. Peterson, 521 South 14th Street, P.O. Box 81849, Lincoln, NE 68501. *Merchandise, equipment and promotional gift items, accessories, and supplies, sold, used or distributed by manufacturers of toilet preparations, cosmetics and beauty supplies,* between Edison, NJ and Phoenix, AZ; from Phoenix, AZ to Dallas, TX, Houston, TX, Shreveport, LA, and St. Louis, MO; from Berkely Heights, Cranford, Dayton, Fairfield, Fairlawn, Haledon, Jersey City, Millville, Newark, Palisades Park, Paterson, Perth Amboy, Plainfield, South Plainfield, Ridgefield Park, Totowa, Washington, West Caldwell, Elmwood Park, Clifton, Woodbridge, Little Falls, and Bound Brook, NJ; Baltimore, MD; New York City, West Babylon and Copiague, NY to Phoenix, AZ for the facilities of Revlon, Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Revlon, Inc., Talmadge Road, Box 984, Edison, NY 08817. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Bldg., Salt Lake City, UT 84138.

MC 140037 (Sub-8TA), filed August 6, 1979. Applicant: SUNFLOWER CARRIERS, INC., P.O. Box 583, York, NE 68467. Representative: Scott E. Daniel, 800 Nebraska Savings Building, 1623 Farnam, Omaha, NE 68102. Contract carrier, irregular routes: *Meat, meat products, meat by-products and articles distributed by meat packinghouses as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates 61 M.C.C. 209 and 766 (except hides and commodities in bulk)* from the facilities of Spencer Foods, Inc. at or near Spencer, IA to Kingston, NY for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Spencer Foods, Inc., Schuyler, NE 68661. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 140846 (Sub-13TA), filed July 27, 1979. Applicant: CENTRAL DELIVERY SERVICE OF MASSACHUSETTS, INC., 125 Magazine Street, Boston, MA 02119. Representative: Jeremy Kahn, 1511 K Street, NW, Suite 733 Investment Bldg., Washington, DC 20005. *Contract carrier:* irregular route: *materials and supplies used in and useful for the manufacture, assembly and distribution of cameras and photographic materials* between the facilities of Polaroid Corporation located in MA, on the one hand, and, on the other, points in CT, RI, and that portion of NH on and south of US Highway 4. RESTRICTION: The authority granted herein is subject to the following conditions: 1. The authority granted herein is restricted against the transportation of any package or article weighing more than 100 pounds, and each package or article shall be considered as a separate and distinct shipment. 2. The authority granted herein is restricted to transportation performed within 12 hours after a package or article is tendered for shipment. 3. The authority granted herein is restricted to transportation to be performed under a continuing contract or contracts, with Polaroid Corporation, Cambridge, MA. 4. The authority granted herein is restricted against the transportation of more than 300 pounds from one consignor at one location to one consignee at one location on any one day. For 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Polaroid Corporation, 151 Third Avenue, Needham, MA 02194. Send protests to: John B. Thomas, District Supervisor, Interstate Commerce Commission, 150 Causeway Street, Boston, MA 02114.

MC 141046 (Sub-13TA), filed May 31, 1979. Applicant: MASON O. MITCHELL d.b.a. M. MITCHELL TRUCKING, 1911 "I" Street, LaPorte, IN 46350. Representative: Norman Gavin, 1301 Merchants Plaza, Indianapolis, IN 46204. *Contract carrier:* irregular routes: *Leather, leather products, and shoe components,* from Milwaukee, WI, Chicago, IL, Westfield, PA and Kenton, TN to the facilities of G. H. Bass Company at/near Wilton, ME for the account of G. H. Bass Company for 180 days. Supporting shipper(s): G. H. Bass Company, Weld Street, Wilton, ME 04294. Send protests to: Annie Booker, TA, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 141076 (Sub-29TA), filed August 2, 1979. Applicant: ROGERS MOTOR LINES, INC., RD 2—PO Box 388 D2, Hackettstown, NJ 07848. Representative: Eugene M. Malkin, Suite 1832, Two World Trade Center, New York, NY 10048. *Foodstuffs,* except in bulk, from the facilities of Campbell Soup Company at or near Napoleon, OH to Camden, NJ and points in DC, MD, NY, PA and VA for 180 days. An underlying

ETA seeks 90 days authority. Supporting shipper(s): Campbell Soup Company, East Maumee Avenue, Napoleon, OH 43545. Send protests to: Joel Morrows, D/S, ICC, 744 Broad St.—Room 522, Newark, NJ.

MC 142686 (Sub-24TA), filed July 26, 1979. Applicant: MID-WESTERN TRANSPORT, INC., 10506 South Shoemaker Avenue, Santa Fe Springs, CA 90670. Representative: Joseph Fazio, "same address as applicant". *Contract:* irregular: *Plasticizers (paint, lacquer, varnish, gum, resin, or plastic); Solvents (paint, lacquer, varnish, gum, resin, plastic, rubber, or adhesive); compounds (paint; lacquer; varnish; gum; resin; plastic; or adhesive increasing, reducing, thickening, or thinning),* from the facilities of the Chemical Products Division of Cargill at or near Lynwood, CA to points in Seattle and Spokane, WA; Portland, OR; and Tempe, AZ, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): Chemical Product Division—Cargill, 2801 Lynwood Road, Lynwood, CA 90262. Send protests to: Irene Carlos, TA, ICC, P.O. Box 1551, Los Angeles, CA 90053.

MC 143027 (Sub-6TA), filed August 3, 1979. Applicant: MICHAEL J. RESUDEK, d.b.a. CAPITAL AIR FREIGHT, 3533 International Lane, Madison, WI 53704. Representative: Michael S. Varda, 121 S. Pinckney St., Madison, WI 53703. *General commodities* (except commodities in bulk, Classes A & B explosives, household goods as defined by the Commission, articles of unusual value, and commodities which because of size or weight require the use of special equipment) between points in Dane, Rock and Walworth Counties, WI on the one hand, and, on the other, O'Hare International Airport at Chicago, IL, restricted to trafficf having a prior or subsequent movement by air, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are six (6) supporting shippers. Their statements may be examined at the office listed below and headquarters. Send protests to: Gail Daughery, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 143127 (Sub-51TA), filed July 27, 1979. Applicant: K. J. TRANSPORTATION, INC., 6070 Collett Road, Victor, NY 14564. Representative: Linda A. Calvo, Traffic Mgr. (address same as above). *(1) Acids, chemicals and chemical compounds, in packages, and materials, equipment and supplies used in the application of commodities named above (except in bulk),* from Waterloo, NY to all points in the United States (except AK and HI) and; *(2) Materials, equipment and supplies used in the manufacture, production and distribution of commodities in (1) above (except in bulk),* from all points in the United States (except AK and HI) to Waterloo, NY. Restricted to traffic originating at or destined to the facilities of W. R. Grace & Co., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): W. R. Grace & Co., 55 Hayden Avenue, Lexington, MA 02173. Send protests to: Anne Siler, TA, ICC, 910 Federal Bldg., 111 W. Huron St., Buffalo, NY 14202.

MC 143737 (Sub-1TA), filed July 23, 1979. Applicant: WHITE TRANSFER & STORAGE CO., INC., Hwy 20 West, Fort Dodge, IA 50501. Representative: Leo F. Crimmins, same as applicant. General commodities between Fort Dodge, IA on the one hand, and on the other, points in Webster, Pocahontas, Humbolt, Wright, Calhoun, Greene, Story, and Hamilton Counties, IA for 180 days, restricted to traffic having prior or subsequent movement by rail TOFC service. An underlying ETA seeks 90 days authority. Supporting shipper(s): Land O'Lakes Agricultural Service Division, 2827 8th Ave. South, Fort Dodge, IA 50501, Franklin Manufacturing Company, Webster City, IA 50595. Send protests to: Herbert W. Allen, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 144416 (Sub-5TA), filed August 9, 1979. Applicant: C.F. McGRAW, P. O. Box 498, Garden City, KS 67846. Representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. *Meats, meat products, and meat byproducts and articles distributed by meat packers* (in vehicles equipped with mechanical refrigeration), from Garden City, KS to AZ, CA, CO, LA, NV, OK, TX, UT, WA, OR & ID; for 180 days, common, irregular; Supporting shipper, Farmland Foods, Garden City KS 67846; Send protests to: M. E. Taylor, DS, ICC, 101 Litwin Bldg., Wichita, KS 67202.

MC 144837 (Sub-2TA), filed July 30, 1979. Applicant: TWICKINGHAM TRUCKING CO., 1205 N.W. Marshall Street, Portland, OR 97201. Representative: Steven R. Schell, 12th Floor, 707 S. W. Washington, Portland, OR 97205. CONTRACT, IRREGULAR Drums, Pails, Cases or Bags of Food Glaze, Paint Gum Shellac, Shellac Thinner, Wood Preservative, Aerosol paint and Dry Paint material, (liquid products are flammable or combustible) between Portland, OR, with an intermediate in South San Francisco, to Los Angeles, CA., for 180 days. Supporting shipper(s): Zehrung Chemical Co., 2201 N. W. 20th Portland, OR 97209. Send protest to: A. E. Odoms, DS, ICC, 114 Pioneer Courthouse, 555 S.W. Yamhill Street, Portland, OR 97204.

MC 144996 (Sub-4TA), filed July 19, 1979. Applicant: D. H. SHARRER & SON, INC., R.D. 2 Box C, New Oxford, PA 17350. Representative: Walter K. Swartzkopf, Jr., 407 N. Front St., Harrisburg, PA 17101. *Animal and poultry feed and animal and poultry feed ingredients, in bulk, in dump vehicles,* between pts. in IN, NC, OH, VA, WV, PA, MD, NJ, DE, NY, WI, MI, IL, KY, SC, and GA, for 180 days. Supporting shipper(s): International Bakerage, Inc., 3300 Northeast Expressway, Atlanta, GA 30341. Send protest to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 145267 (Sub-8TA), filed August 9, 1979. Applicant: CAMPBELL TRANSPORT INC., Post Office Box 386, Vineland, NJ 08360. Representative: Mark D. Russell, Suite 348 Pennsylvania Building, 425–13th Street, N.W., Washingon, DC 20004. CONTRACT, IRREGULAR. *Drugs medicines or toilet preparations,* and *materials* used in the manufacturing and packaging thereof, between Elkhart, IN; Forest Park, GA; Dallas, TX; Hammonton, NJ; and points within 150 miles of Hammonton, NJ, under a continuing contract with Whitehall Laboratories, Inc. for 180 days. (Restricted to traffic for the account of Whitehall Laboratories). Supporting shipper(s): Whitehall Laboratories 685 Third Avenue, New York, NY 10017. Send protests to: Robert E. Johnston, D/S, ICC, 744 Broad St., Room 522, Newark, NJ 07102.

MC 145466 (Sub-4TA), filed July 27, 1979. Applicant: BERYL WILLITS, 1145–33 Ave., Greeley, CO 80631. Representative: Richard S. Mandelson, 1660 Lincoln St., 1600 Lincoln Center Bldg., Denver, CO 80264. *Contract carrier:* irregular routes: *Water beds and materials, accessories and components for the installation of water beds* from Los Angeles, Santa Ana, Gardena and Chula Vista, CA and Phoenix and Goodyear, AZ to Greeley, CO for 180 days. Underlying ETA filed seeking 90 days authority. Supporting shipper(s): H_2O Beds, Greeley, CO 80631. Send protests to: R. Buchanan, 492 U.S. Customs House, Denver, CO 80202.

MC 145606 (Sub-1 TA), filed August 10, 1979. Applicant: JUNIUS ELMORE, JR., 815 East 2nd Street, Cheyenne, WY 82001. Representative: Jack Hickey, 6604 Braehill Rd., Cheyenne, WY 82001. *General commodities,* having an immediate, prior or subsequent movement in piggyback service, between Cheyenne, WY and points in WY, for 180 days. An underlying ETA seeks 90 days authority. Supporting

shipper(s): Union Pacific Railroad Co., 121 West 15th St., Cheyenne, WY 82001. Send protests to: District Supervisor Paul A. Naughton, Interstate Commerce Commission, Rm 105 Federal Bldg & Crt House, 111 South Wolcott, Casper, WY 82601.

MC 145737 (Sub-5-TA), filed August 8, 1979. Applicant: HEUERTZ TRUCKING, INC., 425 1st Street, N.W., LeMars, IA 51031. Representative: D. Douglas Titus, Titus, Holman, Myers & Teichgraeber, Suite 510 Benson Building, Sioux City, IA 51101. Contract carrier, irregular routes: *Processed wood fiber* from Sioux City, IA and Willis, NE to points in CO, IA, IL and MO (except Kansas City) for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Willis Products Company, Room 268 Orpheum Electric Bldg., Sioux City, IA 51101. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 145437 (Sub-8TA), file August 8, 1979. Applicant: JWI TRUCKING, INC., 8100 N. Teutonia Ave., Milwaukee, WI 53209. Representative: Michael Wyngaard, 150 E. Gilman St., Madison, WI 53703. Contract carrier; irregular routes; *Wearing apparel* from Kenosha, WI to points in IL, IN, IA, KY, MI, MN, MO & OH, restricted to service performed under a continuing contract(s) with Jockey International, Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s); Jockey International, Inc., 2300 60 St., Kenoshi, WI 53140. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 145437 (Sub-9TA), file August 9, 1979. Applicant: JWI TRUCKING, INC., 8100 N. Teutonia Ave., Milwaukee, WI 53209. Representative: Michael Wyngaard, 150 E. Gilman St., Madison, WI 53703. Contract carrier; irregular routes; (1) *Wearing apparel and related advertising materials & supplies and display units* when shipped therewith from facilities of Lakeland Mfg. Co. at or near Sheboygan, WI to points in the US, except AK & HI; (2) *Materials, equipment and supplies used or useful in the manufacture, sale or distribution of wearing apparel* from points in the U.S. except AK & HI to facilities of Lakeland Mfg. Co. at or near Sheboygan, WI, restricted to service to the performed under a continuing contract(s) with Lakeland Mfg. Co., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Lakeland Mfg. Co., 1120 Maryland Ave., Sheboygan, WI 53081. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 145716 (Sub-3TA), file July 31, 1979. Applicant: INTERNATIONAL TRANSPORTATION SERVICE, INC., Suite 1-M, 3300 Northeast Expressway, Altanta, GA 30341. Representative: J. Michael May, Suite 508, 1447 Peachtree St., N.E., Atlanta, GA 30309. (1) *Malt beverages (except in bulk) and related advertising materials* from the facilities of Miller Brewing Company at or near Albany, Ga, to points in the states of AL, FL, KY, LA, MS, NC, SC and TN; and (2) *Materials, equipment and supplies used in the manufacture, sale, and distribution of malt beverages* from points in the states of AL, AR, FL, GA, KY, LA, IL, IN, MI, MS, MO, NJ, NY, NC, OK, PA, SC, TN, TX, VA and WV, to facilities of or used by Miller Brewing Company and its suppliers at points in GA. Supporting shipper(s): Miller Brewing Company, Assistant Corporate Traffic Mgr.—Operations, 3939 W. Highland Blvd., Milwaukee, WI 53208. Send protests to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree St., N.W., Rm. 300, Atlanta, GA 30309.

MC 145966 (Sub-1TA), filed July 24, 1979. Applicant: NEESEN BROS., INC., P.O. Box 613, Nebraska City, NE 68410. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. *Non-alcoholic beverages (except in bulk)* from the facilities of Shasta Beverages at or near Omaha, NE to points in ND, SD, MN, IA, WI and IL for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Shasta Beverages, 26901 Industrial Boulevard, Hayward, CA 94545. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 145997 (Sub-8TA), filed July 27, 1979. Applicant: J. E. M. EQUIPMENT COMPANY, INC., P.O. Box 396, Alma, AR 72921. Representative: Don Garrison, P.O. Box 159, Rogers, AR 72756. *Zinc, Zinc oxide, Zinc dust, Zinc residue or skimmings; Lead sheet NOI; Metallic cadmium; and materials, equipment and supplies* used in the production of the above named commodities, between Josephtown, PA at or near Potter Township, Beaver County, PA and points in the U.S. (except AK and HI), for 180 days. Supporting shipper(s): St. Joe Zinc Company, Inc., 2 Oliver Plaza, Pittsburgh, PA 15222. Send protests to: William H. Land, DS, 3108 Federal Bldg., Little Rock, AR 72201.

MC 146556 (Sub-2TA), filed April 5, 1979. Applicant: INTERMODAL EXPEDITERS, INC., 214 10th Street, South, Birmingham, AL 35205. Representative: C. W. Denson, Vice-President (same address as applicant). *Freight, all kinds,* (1) between rail ramp facilities at or near Anniston, Birmingham, Decatur, Haleyville, Mobile, Montgomery, Tuscaloosa, AL, and Atlanta, GA, on the one hand, and, on the other, points in AL; and (2) between rail ramp facilities at or near Atlanta, GA, on the one hand, and all points within 15 miles of Atlanta, GA, including Atlanta, on the other hand, *restricted to traffic having a prior or subsequent movement by rail.* Applicant intends to interline with rail carriers only at Anniston, Birmingham, Decatur, Haleyville, Mobile, Montgomery, Tuscaloosa, AL, and Atlanta, GA. Supporting shipper(s): There are 50 shippers. Their statements may be examined at the office listed below and Headquarters. Send protests to: Mabel E. Holston, T/A, ICC, Room 1616—2121 Bldg., Birmingham, AL 35203.

MC 146637 (Sub-2TA), filed July 20, 1979. Applicant: YANKEE REFRIGERATED XXPRESS, INC., 5500 Tacony St., Phila., PA. Representative: Joseph Koenig (same as applicant). *Foodstuffs,* from the plantsite and storage facilities of Anderson-Clayton Foods, Inc. at or near Jacksonville, IL to pts. in CT, DE, IN, MD, MA, MI, NJ, NY, OH, PA, VA, and WV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Anderson Clayton Foods, P.O. Box 226165, Dallas, TX 75266. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 146646 (Sub-17TA), filed August 7, 1979. Applicant: BRISTOW TRUCKING CO., P.O. Box 6355-A, Birmingham, AL 35203. Representative: Henry Bristow, Jr. (same address as applicant). *Packaging materials and equipment, materials and supplies used in the manufacture and sale of packaging materials, (except commodities in bulk)* between the facilities of Ronnie Packaging Corp. located at South Plainfield, NJ and City of Industry, CA on the one hand on the other; Berkely, IL; Pawtucket, RI; Detroit, MI; Canton, OH; St. Louis, MO; Dillon, SC; Alexandria, VA; Rochester, Rome, NY, Wheeling, Clarksburg and Charleston, WV; City of Industry, CA and South Plainfield, NJ, for 180 days. Supporting shipper(s): Ronnie Packaging, 4301 New Brunswick Avenue, South, Plainfield, NJ 07080. Send protests to: Mabel E. Holston, T/A, ICC, Room 1616—2121 Building, Birmingham, AL 35203.

MC 146646 (Sub-18TA), filed August 8, 1979. Applicant: BRISTOW TRUCKING CO., P.O. Box 6355-A, Birmingham, AL 35217. Representative: Henry Bristow, Jr. (same address as above). *Charcoal, charcoal briquets, hickory chips,*

vermiculite, charcoal lighter fluid, fire place logs, (compressed sawdust), wax impregnated, related barbecue items, equipment and supplies between: (1) the facilities of Husky Industries, Inc., located in Branson, MO and points in AL, AZ, AR, CA, CT, DE, GA, ID, IL, IN, IA, KS, KY, FL, LA, ME, MA, MI, MN, MT, NV, NH, NJ, NY, NC, OH, OR, PA, RI, SC, TN, UT, VA, WA, WV, WI, WY and TX and (2) between the facilities of Husky Industries, Inc. located Pachuta, MS and points in AL, FL, GA, LA, NC, SC, TN, and TX and (3) between the facilities of Husky Industries, Inc. located in Scotia, NY and points in CT, ME, MA, MD, NH, NY, PA, RI, VT, and WV, for 180 days. Supporting shipper(s): Husky Industries, Inc., 62 Perimeter Center, East, Atlanta, GA 30317. Send protests to: Mabel E. Holston, T/A, ICC, Room 1616—2121 Building, Birmingham, AL 35203.

MC 146656 (Sub-7TA), filed July 30, 1979. Applicant: KEY WAY TRANSPORT, INC., 820 S. Oldham St., Baltimore, MD 21224. Representative: Gerald K. Gimmel, 4 Professional DR, Suite 145, Gaithersburg, MD 20760. Contract carrier: *General commodities (except commodities in bulk, household goods, commodities of unusual value, Classes A and B explosives, and commodities requiring the use of special equipment)* from the facilities of Key Warehouse Services, Inc., Baltimore, MD to points in MD, VA and DC, under a continuing contract with Key Warehouse Services, Inc., for 90 days. An underlying ETA seeks 90 days. Supporting shipper(s): Gary Russell, Exec. Vice President, Key Warehouse Services, Inc., 123 Chesapeake Park Plaza, Baltimore, MD 21220. Send protests to: ICC, 101 N. 7th St., Philadelphia, PA 19106.

MC 146656 (Sub-58TA), filed July 31, 1979. Applicant: KEY WAY TRANSPORT, INC., 820 S. Oldham St., Baltimore, MD 21224. Representative: Gerald K. Gimmel, 4 Professional DR, Suite 145, Gaithersburg, MD 20760. Contract carrier *Such merchandise as is dealt in by retail department stores (except in bulk)* from Somerville, MA to the facilities of May Dapartment Stores Corporation T/A Hecht's in Washington, DC, under a continuing contract with May Department Stores Corporation, for 90 days. An underlying ETA seeks 90 days. Supporting shipper(s): Lawrence Brenowitz, May Department Stores Corp., T/A Hecht's P.O. Box 227 Silver Spring, MD 20907. Send protests to ICC, 101 N. 7th St., Philadelphia, PA 19106.

MC 146717 (Sub-3TA), filed August 2, 1979. Applicant: JACK MYER AND BUDDY C. MOORE, d.b.a MIDWEST VIKING, Johnson, NE 68378. Representative Richard D. Howe, 600 Hubbell Building Des Moines, IA 50309. *Titanium ingots and scrap material thereof* between the facilities of Haumat Corporation at or near Whitehall, MI, on the one hand, and on the other, points in Pittsburgh, Latrobe and Coatesville, PA; North Grafton and Worcester, MA; Cudahy, WI; Monroe, NC and Albany OR for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Haumat Corporation, 555 Bension Road, Whitehall, MI 49461. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 147267 (Sub-3TA), filed August 9, 1979. Applicant: GORDON TRANSFER, INC., P.O. Box 527, Gordon, NE 68934. Representative: Scott E. Daniel, 800 Nebraska Savings Building, 1623 Farnam, Omaha, NE 68102. *Contract carrier,* irregular routes: *Ovenware, oil lamps and lamp oil (except in bulk)* from the facilities of Santa Claus Industries, Inc. located at Waterloo, IA to points in and west of KS, NE, ND, OK, SD and TX for 180 days. An underlying ETA seeks 90 days authority. Restricted to traffic handled under a continuing contract(s) with Santa Claus Industries Inc. of Waterloo, IA. Supporting shipper(s): Santa Claus Industries, Inc., 1519 West Airline Highway, Waterloo, IA 46793. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 147286 (Sub-2TA), filed July 20, 1979. Applicant: A & L TRUCKING, P.O. Box 103, Rocky Face, GA 30740. Representative: Eric Meierhoefer, Suite 423, 1511 K Street, NW., Washington, DC 20005. *Carpets and paper tubing* from points in GA north of Interstate 20 to Moline, IL for 180 days. An underlying ETA seek 90 days authority. Supporting shipper(s): The Wholesale Distributing Company, 190 22nd St., Moline, IL 61265. Send protests to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree St. NW., Rm. 300, Atlanta, GA 30309.

MC 147496 (Sub-2TA), filed August 13, 1979. Applicant: FINGER LAKES TRUCK BROKERAGE OF CANANDAIGUA, INC., P.O. Box 166, Route 21, Canandaigua, NY 14424. Representative: S. Michael Richards/ Raymond A. Richards, 44 North Avenue, P.O. Box 225, Webster, NY 14580. *Contract carrier,* irregular routes. *Animal foods and materials, supplies and equipment used in the manufacture, sale and distribution of animal foods (except in bulk),* between Buffalo, NY and Allentown, PA, on the one hand, and, on the other, all points in the United States east of the Mississippi River, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): A & R Pet Food Co., Inc., 91 Holt Street, Buffalo, NY 14206. Send protests to: Anne C. Siler, TA, ICC, 910 Federal Bldg., 111 W. Huron St., Buffalo, NY 14202.

MC 147547 (Sub-3TA), filed August 3, 1979. Applicant: R & D TRUCKING CO., INC., Church Road, Lauderdale Industrial Park, Florence, AL 35630. Representative: Roland M. Lowell, 618 United American Bank Building, Nashville, TN 37219. Contract, Irregular: *Carpet, carpeting, rugs, materials, equipment and supplies used in installation thereof* from the facilities of World Carpets, Inc., at or near Dalton, GA to points in IL, IN, MI, and OH for 180 days. Supporting shipper(s): World Carpets, Inc., P.O. Box 1448, Dalton, GA 30720. Send protests to: Mabel E. Holston, T/A, ICC, Room 1616—2121 Building, Birmingham, AL 35203.

MC 147636 (Sub-3TA), filed June 25, 1979. Applicant: LARRY E. HICKOX, d.b.a. HICKOX TRUCKING, Box 95, Casey, IL 62420. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701. *Welding equipment and welding supplies,* from Troy, OH to points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA and WY, for 180 days. Supporting shipper(s): Hobart Brothers, 600 W. Main St., Troy, OH 45373. Send protests to: David Hunt, TA, Rm. 1386, 219 S. Dearborn St., Chicago, IL 60604.

MC 147667 (Sub-1TA), filed July 16, 1979. Applicant: J. H. STEWART AND SON TRUCKING CO., 735 Laidlaw Ave., Cincinnati, OH 45237. Representative: John L. Alden, 1396 W. Fifth Ave., Columbus, OH 43212. *General commodities,* except those of unusual value, dangerous explosives, household goods as defined by the Commission, commodities requiring special equipment, commodities in bulk, and those injurious and contaminating to other lading, between Columbus, OH, on the one hand, and on the other, pts. in OH, for 180 days. An underlying ETA seeks 90 days authority. Restricted to traffic having a prior or subsequent movement by rail. Supporting shipper(s): There are five supporting shippers. Their statements may be examined at the office listed below and Headquarters. Send protests to: ICC Fed. Res. Bank Bldg., 101 N. 7th. St., Rm. 620, Phila., PA 19106.

MC 147686 (Sub-2TA), filed July 12, 1979. Applicant: J. H. TRUCKING CO., P.O. Box 288, Decatur, NE 68020. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501. *Contract carrier,* irregular routes: (1) *Molded*

rubber products from the facilities of Gardena Rubber Co., Inc. at Gardena, CA to W. Salem, Dixon, Bloomington, Melrose Park and Rockford, IL; Ypsilanti and Hastings, MI; Kearney, NE; Gastonia, NC; Edison, NJ; Sandusky and Troy, OH; Tulsa, OK; Dillon, SC; and Houston, Arlington, Longview, Dallas and Abilene, TX (2) *Materials, supplies and equipment utilized in the manufacture of the articles described in part (1) above* from Port Huron, MI and Connersville, IN to the facilities of Gardena Rubber Co., Inc. at Gardena, CA of 180 days. An underlying ETA seeks 90 days authority. Restricted to a transportation service to be performed under a continuing contract(s) with Gardena Rubber Co., Inc. Supporting shipper(s): Gardena Rubber Co., Inc., 155 East 157th St., P.O. Box 580, Gardena, CA 90248. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 147707 (Sub-1TA), filed July 26, 1979. Applicant: TRANS–COPPER EXPRESS, CO., 512–514 State Fair Blvd., Syracuse, NY 13204. Representative: Kevin Clifford (address same as above). *Contract carrier,* irregular routes. *Copper wire, cable, related copper products and raw materials,* between Rome and Syracuse NY; points in OH, GA, MA, IL, IN, KY, MI, NJ, NY, PA, MD, NC, FL, MN, TX, OK and MO, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Cyprus Wire & Cable Co., 440 Ridge Street, Rome, NY 13440. Send protests to: Anne Siler, TA, ICC, 910 Federal Bldg., 111 W. Huron St., Buffalo, NY.

MC 147787 (Sub-2TA), filed August 2, 1979. Applicant: SOUTHERN DRAYAGE, INC., P.O. Box 1983, Jackson, MS 39205. Representative: John A. Crawford, P.O. Box 22567, Jackson, MS 39205. *Contract carrier:* irregular routes: *Lawn mowers, rotary snow plows, lawn and garden tractors and parts and accessories therefor* from points in Lincoln County, MS to points in MA, NY and PA, for the account of Jacobsen, Division of Textron, Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Jacobsen, Division of Textron, Inc., P.O. Box 568, Brookhaven, MS 39601. Send protests to: Alan Tarrant, D/S, ICC, Federal Bldg., Suite 1441, 100 W. Capital St., Jackson, MS 39201.

MC 147856 (Sub-1TA), filed August 3, 1979. Applicant: SHERRY STONEBRAKER, d.b.a. J & S EXPRESS, 10534 Hilltop Road, Omaha, NE 68134. Representative: Richard D. Howe, 600 Hubbell Building, Des Moines, IA 50309. *Wallboard adhesives, caulking compounds and materials and supplies used in the manufacture and distribution thereof* between the facilities of Ohio Sealants Incorporated at or near Mentor, OH, on the one hand, and on the other, points in CA, CO, MD, MN, MI, NC, NY, NJ, TX and UT for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Ohio Sealants Incorporated, 7249 Commerce Drive, Mentor, OH 44060. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 147946 (Sub-1TA), filed August 7, 1979. Applicant: MIRMAN TRANSPORTATION, INC., 86 Jack London Square, Oakland, CA 94607. Representative: Michael S. Rubin ((PH (415) 421–6743), 256 Montgomery Street, 5th floor, San Francisco, CA 94104. *General commodities* (except explosives, blasting supplies, and motor vehicles), in trailers, having an immediately prior or subsequent movement by water, between ports of entry in CA, OR, and WA, on the one hand, and, on the other, points in CA, ID, MT, NV, OR, UT and WA, and *Empty trailers* between points in CA, ID, MT, NV, OR, UT and WA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Totem Ocean Trailer Express, P.O. Box 24908, Seattle, WA 98124. Send protests to: A. J. Rodriguez, 211 Main Street, Suite 500, San Francisco, CA 94105.

MC 147717 (Sub-1TA), filed July 16, 1979. Applicant: S. M. D. INDUSTRIES, 46 Skiff Street, Hamden, CT 06517. Representative: Walter L. Weart, 548 Anita Street, Des Plaines, IL 60016. Applicant seeks authority to engage in operations, in interstate or foreign commerce, as a *common carrier,* by motor vehicle, over irregular routes, in the transportation of: (A) Plastic and Plastic Articles; materials, equipment and supplies except commodities in bulk, Chicago, IL to points in MA, CT, RI, NY and NJ; *Restricted:* to shipments originating at or destined to the facilities of Arrow Plastics located at or near Chicago, IL; (B) Circuit Breakers and switches; materials, equipment and supplies except commodities in bulk, Branford, CT to points in IL, IN, OH and WI; *Restricted:* to shipments originating at or destined to the facilities of Echlin Manufacturing Co., located at or near Branford, CT. Supporting shipper(s): Arrow Plastic Manufacturing Co., 2332 Logan Blvd., Chicago, IL 60647. Echlin Manufacturing Company, Echlin Road, Branford, Connecticut. Send protests to: J. D. Perry, Jr., District Supervisor, Interstate Commerce Commission, 135 High Street, Hartford, CT 06103.

MC 147797 (Sub-1TA), filed August 9, 1979. Applicant: WALGREEN CO., 200 Wilmot Rd., Deerfield, IL 60015 Representative: John O'Connell, 521 S. LaGrange Rd., LaGrange, IL 60525. *Carbonated beverages, beverage preparations, flavoring compounds, beverage containers, both full and empty, and can ends (except in bulk and tank vehicles),* from Tampa, FL to Birmingham, AL; and from Birmingham, AL to points in MS and TN for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Shasta Beverages Inc., 26901 Industrial Blvd., Hayward, CA 94545. Send protests to: Cheryl Livingston, TA, ICC, 219 S. Dearborn, Rm 1386, Chicago, IL 60604.

MC 147836 (Sub-1TA), filed August 6, 1979. Applicant: ROBERT B. ATOR d.b.a. BOB ATOR TRUCKING, R.R. #1, Deer Run Road, Orion, IL 61273. Representative: Michael W. O'Hara, 300 Reisch Building, Springfield, IL 62701. *Contract carrier:* irregular routes; *Feed ingredients,* from Cedar Rapids, Washington, Buffalo, St. Ansgar, Davenport, Des Moines, West Branch, Monticello, Knoxville, IA to Alpha, IL for 180 days for the account of Alpha, F.S., Inc. An underlying ETA was submitted seeking 90 days authority. Supporting shipper(s): Alpha F.S., Inc., Box 505, Alpha, IL 61413. Send protests to: Annie Booker, TA, Interstate Commerce Commission, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 147896 (Sub-Lead), filed July 17, 1979. Applicant: WESTERN SONTEX, INC., P.O. Box 667, Seal Beach, CA 90740. Representative: Miles L. Kavaller, Mandel & Kavaller, 315 So. Beverly Drive, Suite 315, Beverly Hills, CA 90212. *Contract:* irregular: *Floor covering products,* from points in GA; Salem, NJ; Willow Grove (Philadelphia, PA; and Oneida, TN to points in Kern, Los Angeles, Orange, Riverside, San Bernardino, Santa Barbara and Ventura Counties, CA for 180 days. Supporting shipper(s): Valley Floor Covering Distributors, 9666 E. Telstar Avenue, El Monte, CA. Send protests to: Irene Carlos, TA, ICC, P.O. Box 1551 Los Angeles, CA 90053.

MC 147967 (Sub-1TA), filed August 9, 1979. Applicant: OTC TRANSPORT CORPORATION, 2307 Oregon St., Oshkosh, WI 54901. Representative: Norman Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956. Contract carrier; irregular routes; *Trucks, truck tractors, and truck chassis,* in individual movements, in driveaway service, from Oshkosh, WI to Baltimore, MD, under continuing contracts with Oshkosh Truck Corp., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Oshkosh Truck Corp., 2307

Oregon St., Oshkosh, WI 54901. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 147846 (Sub-1TA), filed August 8, 1979. Applicant: NEVADA WESTERN CONCRETE, INC., 2600 Akron Way, Carson City, NV 89701. Representative: Robert G. Harrison, 4299 James Drive, Carson City, NV 89701. *Paving materials, sand, rock, gravel, cinders, base material, hot mix and cold mix, and crushed gypsum,* between points in Washoe, Storey, Lyon, Carson City and Douglas Counties, NV on the one hand, and points in CA in and north of Monterey, Kings, Tulare, and Inyo Counties, on the other hand, for 180 days. *Restrictions* Service restricted to transportation of commodities in bulk in dump truck equipment, and the transportation of petroleum products in bulk in tank-type equipment is not authorized. Supporting shipper(s): There are 11 shippers. Their statements may be examined at the office listed below and Headquarters. Send protests to: DS W. J. Huetig, ICC, 203 Federal Bldg., Carson City, NV 89701.

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MC 297 (Sub/11TA), filed July 31, 1979. Applicant: WOODLAND TRUCK LINES, INC., P.O. Box 87, 635 Park St., Woodland, WA 98674. Representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Ave., Portland, OR 97210. Paper and paper products in containers and in trailers, and empty containers, trailers and chassis between Longview, WA and its commercial zone, on the one hand, and, Portland, OR, Seattle, WA, and Tacoma, WA and their commercial zones, on the other hand, restricted to traffic having a prior or subsequent movement by water, for 180 days. A corresponding ETA was Granted (R-5) 7/31/79 for 30+2, limited to the expiration of 10/28/79, unless the strike of Local 174, Seattle, WA Teamsters expires sooner, thence limited to 10 days from the expiration of the strike. Supporting shipper(s): Longview Fibre Co., P.O. Box 639, Longview, WA 98632. Send protests to: R. V. Dubay, District Supervisor, Bureau of Accounts, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oregon 97204.

MC 21866 (Sub-128TA), filed July 31, 1979. Applicant: WEST MOTOR FREIGHT, INC., 740 S. Reading Ave., Boyertown, PA 19512. Representative: Alan Kahn, 1920 2 Penn Center Plaza, Phila., PA 19102. *Paper and paper products* from the facilities of Packaging Corp. of America in Northampton, MA, Lancaster and Trexlertown, PA, and Harrisonburg, VA, to points in CT, DE, MA, MD, NJ, NY, PA, and VA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Packaging Corp. of America, 1603 Orrington Ave., Evanston, IL 60204. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 26396 (Sub-280TA), filed August 3, 1979. Applicant: POPELKA TRUCKING CO. d.b.a. THE WAGGONERS, P.O. Box 31357, Billings, MT 59107. Representative: Barbara S. George (same address as applicant). *Grain elevator parts and accessories* from West Point, NE to points in MN and IL, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Sweet Manufacturing, P.O. Box 33, West Point, NE 68788. Send protests to: Paul J. Labane, DS, ICC, 2602 First Avenue North, Billings, MT 59101.

MC 26396 (Sub-281TA), filed August 3, 1979. Applicant: POPELKA TRUCKING CO. d.b.a. THE WAGGONERS, P.O. Box 31357, Billings, MT 59107. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. *Agricultural chemicals* from Billings, MT to points in ND, ID and WA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Monsanta Company, 800 North Lindbergh, St. Louis, MO 63166. Send protests to: Paul J. Labane, DS, ICC, 2602 First Avenue North, Billings MT 59101.

MC 41406 (Sub-153TA), filed August 9, 1979. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 8400 Westlake Drive, Merrillville, IN 46410. Representative: Wade Bourdon (same address as applicant). *Refractories (fire brick),* from the facilities of Harbison-Walker at Mt. Union, PA to Chicago, IL and its commercial zone for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Harbison Walker Refractories, Division of Dresser Industries, Inc., No. 2 Gateway Center, Pittsburgh, PA 15222. Send protests to: Cheryl Livingston, TA, ICC, 219 S. Dearborn, Rm 1386, Chicago, IL 60604.

MC 42487 (Sub-937TA), filed July 23, 1979. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Dr., Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208. *Common carrier;* regular routes: *General commodities,* except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Fort Smith, AR and Joplin, MO, serving the intermediate points of Fayetteville, Springdale, Rogers, Bentonville, and the off-route point of Siloam Springs; from Fort Smith over U.S. Hwy 71 to Joplin and return over the same route; between Memphis, TN and Fort Smith, AR, serving the intermediate points in Forrest City, Brinkley, Lonoke, Little Rock, North Little Rock, Conway, Russellville and Clarksville, AR; from Memphis over U.S. Hwy 70 to junction Interstate Hwy 30, then over Interstate Hwy 30 to junction Interstate Hwy 40, then over Interstate Hwy 40 to junction U.S. Hwy 64, then over U.S. Hwy 64 to Fort Smith, and return over the same route; between Houston, TX and St. Louis, MO, serving the intermediate points of Malvern, Benton, Little Rock, North Little Rock, Jacksonville, Cabot and Bald Knob, Walnut Ridge and the off-route points of Lake Catherine, Magnet, Hot Springs, Jonesville, Beauxite, Bryant, Beebe, Searcy, Heber Springs, and Piggot, AR; also serving Jones Mills plant site in connection with carrier's regular route operations; from Houston over U.S. Hwy 59 to junction U.S. Hwy 67 at Texarkana, AR, then over U.S. Hwy 67 to St. Louis, MO and return over the same route; between Memphis, TN and Bald Knob, AR, serving the intermediate points of Earle, Wynne, McCrory and Augusta, AR; (Continued—see attached) Supporting shipper(s): There are in excess of 100 statements in support attached to this application which may be examined at the I.C.C. in Washington, D.C. or copies of which may be examined in the field office named below. Send protest to: D/S N. C. Foster, 211 Main, Suite 500, San Francisco, CA 94105.

MC 50307 (Sub-101TA), filed July 6, 1979. Applicant: INTERSTATE DRESS CARRIERS, INC., 247 West 35th St., New York, NY 10001. Representative: Arthur Liberstein, 888 Seventh Avenue, New York, NY 10019. *Wearing apparel, and materials, supplies and equipment used in the manufacture of wearing apparel, except commodities in bulk,* between all points in NJ, NY, and PA, on the one hand, and, on the other, all points in FL; for 150 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are six (6) supporting shippers. Their statements may be examined at the office listed below and headquarters. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, NY 10007.

MC 51146 (Sub-733TA), filed August 3, 1979. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Neil DuJardin (same address as

applicant). *Metal containers, metal container ends and accessories* from Marion, NY to Coopersville, Croswell, Traverse City and Freemont, MI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Seneca Foods Corp., 60 S. Main St., Marion, NY 14505. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 51146 (Sub-734TA), filed August 8, 1979. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Neil DuJardin (same address as applicant). *Metal containers,* from Perry, GA to Milwaukee, WI and its commercial zone, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Continental Can Co., 5745 E. River Road, Chicago, IL 60631. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 51146 (Sub-735TA), filed August 8, 1979. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298 Green Bay, WI 54306. Representative: Neil DuJardin (same address as applicant). *Containers and container ends* from Oak Creek, WI to Dallas and Fort Worth, TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): National Can Corp., 8101 W. Higgins Rd., Chicago, IL 60631. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 51146 (Sub-736TA), filed August 8, 1979. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative Neil DuJardin (same address as applicant). *Agricultural implement parts* from facilities of International Harvester Co. at Shadyside, OH to facilities of or utilized by International Harvester Co. at East Moline and Rock Island, IL, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): International Harvester Co., 401 N. Michigan Ave., Chicago, IL 60611. Send protests to: Gail Daugherty, TA, ICC 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 51146 (Sub-737TA), filed August 8, 1979. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Neil DuJardin (same address as applicant). *Malt beverages* from Columbus, OH to facilities of Tippecanoe Beverages, Inc. at Winamac, IN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Tippecanoe Beverages, Inc., P.O. Box 247, Winamac, IN 46996. Send protests to: Gail Daugherty, TA, ICC 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 51146 (Sub-738TA), filed August 8, 1979. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Neil DuJardin (same address as applicant). *Lignin liquor* from Rothschild, WI to Atlanta, GA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Coastal Aluminate, P.O. Box 888403, Atlanta, GA 30338. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 55896 (Sub-120TA), filed July 25, 1979. Applicant: R-W SERVICE SYSTEM, INC., 20225 Goddard Road, Taylor, MI 48180. Representative: George E. Batty, 20225 Goddard Road, Taylor, MI 48180. *General Commodities* (except those of unusual value, classes A & B explosives, household goods as defined by the Commission, Commodities in bulk, requiring special equipment and those injurious or contaminating to other lading;) from the facilities of Prestolite Company in Detroit, MI to Florence, KY. For 180 Days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Prestolite Company, 511 Hamilton St., Toledo, OH 43694. Send protests to: C. R. Flemming, D/S, I.C.C., 225 Federal Building, Lansing, MI 48933.

MC 60186 (Sub-62TA), filed July 17, 1979. Applicant: NELSON FREIGHTWAYS, INC., 47 East Street, Rockville, CT 06066. Representative: Clifford J. O. Nelson (same address as applicant). *Citrus Products* (except in bulk in tank wagons), from points in Florida to points on the International Boundary of the United States and Canada, for 180 days. Supporting shipper(s): Citrus Central, Inc., P.O. Box 17774, Orlando, FL 32860. Send protests to: J. D. Perry, Jr., 135 High Street, Hartford, CT 06103

MC 61977 (Sub-25TA), filed July 11, 1979. Applicant: ZERKLE TRUCKING CO., 2400 Eighth Ave., Huntington, WV 25703. Representative: John M. Friedman, 2930 Putnam Ave., Hurricane, WV 25526. *Lumber & manufactured Forest products* from (1) Lewiston, Plymouth, Kellum and Weyco (near Askin) NC to points in WV, OH, IN, IL, KY, TN, and VA; and (2) from near Doswell, VA to points in WV, OH, IN, IL, KY, and TN for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Weyerhaeuser Co., P.O. Box 787, Plymouth, NC 27962. Send protests to: I.C.C., Federal Reserve Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 61977 (Sub-26TA), filed July 17, 1979. Applicant: ZERKLE TRUCKING CO., 2400 Eighth Ave., Huntington, WV 25703. Representative: John M. Friedman, 2930 Putnam Ave., Hurricane, WV 25526. *Glass containers* from Henryetta, OK to Detroit & Frankenmeuth, MI; Eden, NC; Martinsville, VA; Fort Wayne and South Bend, IN and Pekin, IL for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Midland Glass Co., Inc., P.O. Box 557, Cliffwood, NJ 07721. Send protests to: I.C.C., Federal Reserve Bank Building, 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 61977 (Sub-27TA), filed July 23, 1979. Applicant: ZERKLE TRUCKING CO., 2400 Eighth Ave., Huntington, WV 25703. Representative: John M. Friedman, 2930 Putnam Ave., Hurricane, WV 25526. *Petroleum and Petroleum products, vehicle body sealer and/or sound deadenner compound, except commodities in bulk* from Farmers Valley, Emlenton and New Kensington, PA and Congo and St. Marys, WV, to points in IL, IN, KY, VA, and TN for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Quaker State Oil Refining Corp., P.O. Box 989, Oil City, PA 16301. Send protests to: I.C.C., Federal Reserve Bank Building, 101 N. 7th St., Rm. 620, Philadelphia, PA 19106.

MC 61977 (Sub-28TA), filed July 23, 1979. Applicant: ZERKLE TRUCKING CO., 2400 Eighth Ave., Huntington, WV 25703. Representative: John M. Friedman, 2930 Putnam Ave., Hurricane, WV 25526. *Petroleum and petroleum products in packages* from Rousville and Reno, PA to points in KY, VA, WV, and those in IN or OH on and south of Interstate Hwy 70 for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Pennzoil Co., P.O. Box 808, Oil City, PA 16301. Send protests to: ICC, Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 63417 (Sub-234TA), filed July 30, 1979. Applicant: BLUE RIDGE TRANSFER CO., INC., P.O. Box 13447, Roanoke, VA 24034. Representative: William E. Bain (same as applicant). *Textiles, synthetic fiber, synthetic staple fiber, synthetic fiber yarn, and supplies, materials, and equipment used in the manufacture and distribution of these commodities (except in bulk),* between Waynesboro, VA, on the one hand, and, on the other, points in AL, GA, and TN for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): E. I. DuPont de Nemours & Co., Inc., Wilmington, DE 19898. Send protests to: ICC, Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila, PA 19106.

MC 66746 (Sub-24TA), filed August 9, 1979. Applicant: SHIPPERS EXPRESS, INC., 1651 Kerr Dr., P.O. Box 8308, Jackson, MS 39204. Representative: Harold D. Miller, Jr., P.O. Box 22567, Jackson, MS 39205. *General Commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), over the following regular routes: (1) Between Memphis, TN, and Greenville, MS, serving all intermediate points: From Memphis, over U.S. Hwy 61 via Clarksdale, MS, to Leland, MS, thence over U.S. Hwy 82 to Greenville, and return over the same route; (2) Between Clarksdale, MS, and Greenville, MS, serving all intermediate points: From Clarksdale over MS Hwy 1 to Greenville, and return over the same route; (3) Between Cleveland, MS, and Rosedale, MS, serving all intermediate points: From Cleveland over MS Hwy 8 to Rosedale, and return over the same route; (4) Between Clarksdale, MS, and Dundee, MS: From Clarksdale, MS over MS Hwy 6 to Friars Point, MS, thence over unnumbered Cy. road through Powell, MS, to Dundee, MS, and return over the same route, serving all intermediate points, and those off-route points within 5 miles of the designated route; (5) Between Jct. of U.S. Hwy 61 and MS Hwy 6 and West Helena, AR, serving all intermediate points: From jct. U.S. Hwy 61 and MS Hwy 6 over MS Hwy 6 to the MS–AR State Line, thence over AR Hwy 6 to West Helena, and return over the same route. Supporting shipper(s): There are 84 statements of support attached to this application. Send protests to: Alan Tarrant, D/S, ICC, Federal Bldg., Suite 1441, 100 W. Capitol St., Jackson, MS 39201.

MC 69116 (Sub-249TA), filed June 18, 1979. Applicant: SPECTOR INDUSTRIES, INC. d.b.a. SPECTOR FREIGHT SYSTEM, 1050 Kingery Highway, Bensenville, IL 60106. Representative: Allan C. Zuckerman, 39 South LaSalle Street, Chicago, IL 60603. *Paper mill machinery,* from the facilities of American Can Co. at Neenah, WI to facilities of American Can Co. at Naheola, AL for 180 days. An underlying ETA was granted for 90 days authority. Supporting shipper(s): American Can Company, P.O. Box 702, Neenah, WI 54956. Send protests to: Annie Booker, TA, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 69397 (Sub-62TA), filed June 15, 1979. Applicant: JAMES H. HARTMAN & SON, INC., P.O. Box 85, Pocomoke City, MD 21851. Representative: Wilmer B. Hill, Suite 805, 666 Eleventh St. NW., Washington, D.C. 20001. *Empty intermodal containers, chassis, and trailers,* between points in MA, RI, CT, NY, NJ, PA, DE, MD, VA, NC, SC, & GA for 180 days. Restrictions: (1) Restricted to traffic having a prior or subsequent movement by water. (2) Restricted against traffic moving between Savannah, GA and Charleston, SC, on the one hand, and, on the other, points in SC. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are three (3) statements in support attached to this application which may be examined at the I.C.C. in Washington, D.C. or copies of which may be examined in the field office named below. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 70557 (Sub-19TA), filed August 7, 1979. Applicant: NIELSEN BROS. CARTAGE CO., INC., 4619 West Homer Street, Chicago, IL 60630. Representative: Carl L. Steiner, 39 South LaSalle Street, Chicago, IL 60603. (1) *Foodstuffs, except frozen and in bulk, and* (2) *materials equipment and supplies used in the manufacture, sale and distribution of foodstuffs,* between the facilities of Vlasic Foods, Millsboro, DE on the one hand, and, on the other, points in FL, GA, KY, TN, NC, SC, VA and WV for 180 days. Supporting shipper(s): Vlasic Foods, Inc., 33200 West 14 Mile Road, West Bloomfield, MI 48033. Send protests to: Annie Booker, TA, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 70557 (Sub-20TA), file August 8, 1979. Applicant: NIELSEN BROS. CARTAGE CO., INC., 4619 W. Homer St., Chicago, IL 60639. Representative: Carl Steiner, 39 S. LaSalle St., Chicago, IL 60603. *Foodstuffs, except frozen and in bulk, and materials, equipment and supplies used in the manufacture, sale and distribution of foodstuffs,* (a) between the facilities of Vlasic Foods at Millsboro, DE and Greenville, MS on the one hand, and on the other, the facilities of Vlasic Foods at Bridgeport, Imlay City and Memphis, MI; and (b) between the facilities of Vlasic Foods at Millsboro, DE and Greenville, MS, for 180 days. Supporting shipper(s): Vlasic Foods, Inc., 33200 W. 14 Mile Rd., W. Bloomfield, MI 48033. Send protests to: Cheryl Livingston, TA, ICC, 219 S. Dearborn, Rm. 1386, Chicago, IL 60604.

MC 70557 (Sub-21TA), file August 8, 1979. Applicant: NIELSEN BROS. CARTAGE CO., INC., 4619 W. Homer St., Chicago, IL 60639. Representative: Carl Steiner, 39 S. LaSalle St., Chicago, IL 60603. *(1) Foodstuffs, except frozen and in bulk, and (2) materials, equipment and supplies used in the manufacture, sale and distribution of foodstuffs,* between the facilities of Vlasic Foods, Greenville, MS, on the one hand, and on the other, points in AL, GA, OK, TN, and TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Vlasic Foods, Inc., 33200 W. 14 Mile Rd., W. Bloomfield, MI 48033. Send protests to: Cheryl Livingston, TA, ICC, 219 S. Dearborn, Rm. 1386, Chicago, IL 60604.

MC 95876 (Sub-301TA), file July 25, 1979. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, MN 56301. Representative: William L. Libby, (same address as applicant). *Wood, wood products and millwork* from Los Angeles County, CA to Crivitz and Middleton, WI, Fort Wayne, IN, Trenton, MI and points in OH, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Stanton Swafford Company, Inc., P.O. Box 629, 210 East 22nd Street, San Pedro, CA 90733. Send protests to: Judith L. Olson, TA, ICC, 414 Federal Building & U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 95876 (Sub-302TA), filed August 1, 1979. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, MN 56301. Representative: William L. Libby, (same address as applicant). *Aircraft ground support equipment* from Fargo, ND, Glenwood and Litchfield, MN to points in CO (except Denver), FL (except Miami), ID, IL (except Chicago), IN, KS, MO, MT, OR and SC (except Columbia), for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Clyde Machines, Inc., Glenwood, MN 56334. Send protests to: Judith L. Olson, TA, ICC, 414 Federal Building & U. S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 100327 (Sub), filed August 9, 1979. Applicant: LONGUEIL TRANSPORTATION, INC., 144 Shaker Road, East Longmeadow, MA 01028. Representative: David M. Marshall, Marshall and Marshall, 101 State Street—Suite 304, Springfield, MA 01103. *Passengers, in special operations,* beginning and ending at points in Springfield and East Longmeadow, MA and extending to the plant and facilities of Hi-G Co., Inc. at or near Windsor Locks, CT, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Hi-G Co., Inc., 580 Spring Street, Windsor Locks, CT 06096. Send protests to: David M. Miller, DS, ICC, 436 Dwight Street, Springfield, MA 01103.

MC 103926 (Sub-98 TA), filed July 19, 1979. Applicant: W. T. MAYFIELD SONS TRUCKING CO., INC., P.O. Box

947, Mableton, GA 30059. Representative: Mark C. Ellison, P.O. Box 56387, Atlanta, GA 30343. *(1) Steel poles and aluminum poles, and (2) parts and accessories for the commodities named in (1) above, (except commodities in bulk)*; from the facilities of (a) Power Enterprised, Inc., Power Structures Division, (b) Power Enterprises, Inc., Hobson Galvanizing Division, at or near Plaquemines Parish, LA to points in LA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Power Enterprises, Inc., Power Structures Division, P.O. Box 6261, New Orleans, LA 70174; Power Enterprises, Inc., Hobson Galvanizing Division, P. O. Box 6261, New Orleans, LA 70174. Send protests to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree St., NW, Rm. 300, Atlanta, GA 30309.

MC 110567 (Sub-18TA), filed July 10, 1979. Applicant: SOONER TRANSPORT CORPORATION, 666 Grand Avenue, Des Moines, IA 50309. Representative: E. Check, same as applicant. CEMENT, in bulk, in tank vehicles from the Martin Marietta Cement Company at or near Tulsa, OK to points in AR, KS, and MO for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Martin Marrietta Cement, P.O. Box 45586, Tulsa, OK 74145. Send protests to: Herbert W. Allen, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 110567 (Sub-19TA), filed July 26, 1979. Applicant: SOONER TRANSPORT CORPORATION, 666 Grand Ave., Des Moines, IA 50309. Representative: E. Check (same address as applicant). *Lubricating oil, in bulk, in tank vehicles*, from Smackover, AR, to Midway, CO, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Petroleum Sources, Inc., P.O. Box 32246, Oklahoma City, OK 73123. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 106707 (Sub-18TA), filed August 14, 1979. Applicant: ADAMS TRUCKING, INC., 1711 West 2nd St., Webster City, IA 50595. Representative: Thomas J. Beener, Suite 4959, One World Trade Center, New York, NY 10048. *Glass and glass products*, from the facilities of Libbey-Owens-Ford Co. at or near Toledo, OH, to points in IA, IN, IL, WI, MN, ND, SD, KY, and MO, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Libbey-Owens-Ford Co., 811 Madison Ave., Toledo, OH 43695. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 107496 (Sub-1227TA), filed July 17, 1979. Applicant: RUAN TRANSPORT CORPORATION, 666 Grand Ave., Des Moines, IA 50309. Representative: E. Check (same address as applicant). *Sulfuric acid, in bulk, in tank vehicles*; from Chicago, IL, to Menasha and Wisconsin Rapids, WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Allied Chemical, Columbia Rd. & Park Ave., Morristown, NJ 07900. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 107496 (Sub-1228TA), filed July 26, 1979. Applicant: RUAN TRANSPORT CORPORATION, 666 Grand Ave., Des Moines, IA 50309. Representative: E. Check (same address as applicant). *Poly-vinyl adhesives, water-soluble, in bulk, in tank vehicles*, from Oak Creek, WI, to Elkhart, IN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Peter Cooper Corporation, 9006 S. 5th Ave., Oak Creek, WI 53154. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 107496 (Sub-1229TA), filed July 26, 1979. Applicant: RUAN TRANSPORT CORPORATION, 666 Grand Ave., Des Moines, IA 50309. Representative: E. Check (same address as applicant). *Gasoline, in bulk, in tank vehicles*, from Pana, IL, to points in IA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Casey's General Stores, Inc., 1299 East Broadway, Des Moines, IA 50313. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 107496 (Sub-1230TA), filed July 30, 1979. Applicant: RUAN TRANSPORT CORPORATION, 66 Grand Ave., Des Moines, IA 50309. Representative: E. Check (same address as applicant). *Liquid chelate, in bulk, in tank vehicles*, from Garland, TX, to the Cenox Oil Well site at or near Sage Springs Creek, WY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Magnablend, Incorporated, P.O. Box 62, DeSoto, TX 75115. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 107496 (Sub-1231TA), filed August 2, 1979. Applicant: RUAN TRANSPORT CORPORATION, 66 Grand Ave., Des Moines, IA 50309. Representative: E. Check (same address as applicant). *Edible and inedible fats, animal oils, and products and blends of animal fats and oils, in bulk, in tank vehicles*, from the facilities of Geo. A. Hormell & Co. at Davenport, IA, to points in IL, MN, MO, NE, SD, and WI, for 180 days. Supporting shipper(s): Geo. A. Hormell & Co., P.O. Box 800, Austin, MN 55912. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 107496 (Sub-1232TA), filed August 6, 1979. Applicant: RUAN TRANSPORT CORPORATION, 66 Grand Ave., Des Moines, IA 50309. Representative: E. Check (same address as applicant). *Lubricating oil, in bulk, in tank vehicles*, from Kansas City, MO, to Indianapolis, IN, for 180 days. Supporting shipper(s): Chevron USA, 951 N. Topping, Kansas City, MO 64120. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 107496 (Sub-1233TA), filed August 6, 1979. Applicant: RUAN TRANSPORT CORPORATION, 666 Grand Ave., Des Moines, IA 50309. Representative: E. Check (same address as applicant). *Fly ash, in bulk, in tank vehicles*, from Genoa, WI, to points in MN and IA, for 180 days. Supporting shipper(s): Contech, Inc., 9500 West Bloomington Freeway, Bloomington, MN 55420. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 107496 (Sub-1234TA), filed August 8, 1979. Applicant: RUAN TRANSPORT CORPORATION, 666 Grand Ave., Des Moines, IA 50309. Representative: E. Check (same address as applicant). *Sulfuric acid, in bulk, in tank vehicles*, from Hammond, IN, to Wood River, IL, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Stauffer Chemical Company, Nyala Farms Rd., Westport, CT 06880. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Building, Des Moines, IA 50309.

MC 107527 (Sub-61TA), filed July 24, 1979. Applicant: POST TRANSPORTATION CO., 1970 E. 213th Street, Long Beach, CA 90801. Representative: R. Sherman Kirksey, 1970 East 213th Street, Long Beach, CA 90801. *Contract*: irregular: *Liquid aluminum sulphate, in bulk, in tank vehicles*, from El Segundo, CA to Clark County, NV, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): Allied Chemical Corporation, Industrial Chemicals Division, 1275 Market Street, San Francisco, CA 94103. Send protests to: Irene Carlos, TA, ICC, P.O. Box 1551, Los Angeles, CA 90053.

MC 108207 (Sub-522TA), filed August 2, 1979. Applicant: FROZEN FOOD EXPRESS, INC., P.O. Box 225888, Dallas, TX 75265. Representative: M. W. Smith (same as applicant). *(1) Malt beverages and related advertising materials and (2) empty used beverage containers and materials and supplies used in and dealt with by breweries*, between points in Jefferson County, Co. on the one hand, and, on the other, points in the States of IA, MO, NE, and TX, for 180 days. Underlying ETA for 90 days filed.

Supporting shipper(s): Adolph Coors Company, Golden, CO 80401. Send protests to: Opal M. Jones, TCS, Interstate Commerce Commission, 9A27 Federal Bldg., 819 Taylor St., Ft. Worth, TX 76102.

MC 108207 (Sub-523TA), filed August 2, 1979. Applicant: FROZEN FOOD EXPRESS, INC., P.O. Box 225888, Dallas, TX 75265. Representative: M. W. Smith, (same as applicant). *Meats, meat products, meat by-products, and articles distributed by meat packinghouses (except hides and commodities in bulk) as defined in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, and foodstuffs,* from points in IL to points in IN, MI, MN, and OH, for 180 days. Underlying ETA for 90 days filed. Supporting shipper(s): There are 15 supporting shippers. Send protests to: Opal M. Jones, TCS, Interstate Commerce Commission, 9A27 Federal Bldg., 819 Taylor St., Ft. Worth, TX 76102.

MC 108207 (Sub-524TA), filed August 2, 1979. Applicant: FROZEN FOOD EXPRESS, INC., P.O. Box 225888, Dallas, TX 75265. Representative: M. W. Smith, (same as applicant). *Foodstuffs (except commodities in bulk)* from points in IL to points in WI, for 180 days. Underlying ETA for 90 days filed. Supporting shipper(s): There are 11 supporting shippers. Send protests to: Opal M. Jones, TCS, Interstate Commerce Commission, 9A27 Federal Bldg., 819 Taylor St., Ft. Worth, TX 76102.

MC 110656 (Sub-12TA), filed July 27, 1979. Applicant: PARKER MOTOR FREIGHT, INC., 1505 Steele Avenue, SW., Grand Rapids, MI 49507. Representative: Ronald J. Mastej, 900 Guardian Building, Detroit, MI 48226. *General Commodities,* except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment; serving Cadillac, MI and its commercial zone, as an off-route point in connection with carriers otherwise authorized operations. Restricted to the transportation of traffic having an immediately prior or subsequent movement by air. For 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Cadillac Rubber and Plastics, Inc., 603 W. Seventh Street, Cadillac, MI 49601 and Michigan Rubber Products, Inc., 1200 Eighth Avenue, Cadillac, MI 49601. Send protests to: C. R. Flemming, District Supervisor, I.C.C., 225 Federal Building, Lansing, MI 48933.

MC 111967 (Sub-6TA), filed July 23, 1979. Applicant: CADDELL TRANSIT CORPORATION, P.O. Box 146, Lawton, OK 73501. Representative: Dean Williamson, Suite 615 East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. *Fuel oil, in bulk, in tank vehicles* from Graham, TX to points in OK, for 180 days. An underlying ETA for 90 days authority filed. Supporting shipper(s): Deal Petroleum Company, 2815 E. Skelley Drive, Tulsa, OK. Send protests to: Martha A. Powell, Trans. Asst., ICC, Room 9A27 Federal Bldg., 819 Taylor St., Fort Worth, TX 76102.

MC 112617 (Sub-448TA), filed August 1, 1979. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 21395, Louisville, KY. 40221. Representative: Charles R. Dunford (same as above). Chemicals, in bulk, in tank vehicles, from Lake Charles, LA to points in and east of LA, AR, MO, IA, and MN. Supporting shipper(s): W. G. Van Dame, PPG Industries, Inc., One Gateway Center, Pittsburgh, PA 15222. Send protests to: (Ms.) Clara L. Eyl, T/A, ICC, 426 Post Office Bldg., Louisville, KY 40202.

MC 113106 (Sub-76TA), filed August 8, 1979. Applicant: THE BLUE DIAMOND COMPANY, 4401 E. Fairmount Ave., Baltimore, Md 21224. Representative: Chester A. Zyblut, 1030—15th St., N.W., Washington, DC 20005. *Malt beverages and materials, equipment, and supplies used in the manufacture and distribution of malt beverages,* from the facilities of Miller Brewing Company in Onondaga and Oswego Counties, NY to points in DE, MD, NJ, NY, OH and DC, for 180 days. Supporting shipper(s): Edward P. Geurts, Miller Brewing Company, 3939 W. Highland Blvd., Milwaukee, WI 53208. Send protests to: ICC, 101 N. 7th St., Philadelphia, PA 19106.

MC 113646 (Sub-22TA), filed August 3, 1979. Applicant: JEFFERSON TRUCKING COMPANY, P.O. Box 17, National City, MI 48748. Representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, MI 48080. *Contract Carrier:* Irregular routes: *Building materials, composition board, and materials and supplies* used in the manufacture, distribution and installation thereof (except commodities in bulk); between Newark, OH on the one hand and on the other, points in the United States located in and east of ND, SD, NE, KS, OK, and TX. For 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Tecum, Inc., 105 South Sixth Street, Newark, OH 43055. Send protests to: C. R. Flemming, D/S, ICC, 225 Federal Building, Lansing, MI 48933.

MC 115716 (Sub-26TA), filed August 2, 1979. Applicant: DENVER-LIMON-BURLINGTON TRANSFER COMPANY, 3560 Chestnut Place, Denver, CO 80216. Representative: Edward C. Hastings, 666 Sherman Street, Denver, CO 80203. *Alcoholic beverages and mixers, except malt beverages and commodities in bulk,* from points in CA to Pueblo, CO, for 180 days. An underlying 90 day ETA seeks identical authority. Supporting shipper(s): Mike Diodosio Wholesale Liquor Co., Pueblo, CO. Send protests to: H. Ruoff, 492 U.S. Customs House, Denver, CO 80202.

MC 115496 (Sub-122TA), filed August 1, 1979. Applicant: LUMBER TRANSPORT, INC., P.O. Box 111, Cochran, GA 31014. Representative: Buddy Hamrick (same as applicant). *Building or roofing materials* from the plantsite and facilities of Johns-Manville, Chatham County, GA to all points in AL, FL, SC, TN, and VA. An underlying ETA seeks 90 days authority. Supporting shipper(s): Johns-Manville Sales Corporation, P.O. Box 4487, Atlanta, GA 30302. Send protests to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree St., N.W., Rm. 300, Atlanta, GA 30309.

MC 115826 (Sub-525TA), filed July 24, 1979. Applicant: W. J. DIGBY, INC., 6015 East 58th Avenue, Commerce City, CO 80022. Representative: Howard Gore (same address as above). *Sodium bicarbonate, sodium carbonate, and cleaning, scouring and washing compounds* (except commodities in bulk in tank vehicles) from the facilities of Church & Dwight Co., Inc. at Sweetwater County, WY to points in WA, OR, ID and AZ for 180 days. Supporting shipper(s): Church & Dwight Company, Inc., P.O. Box 369, Piscataway, NJ 08854. Send protests to: H. Ruoff, 492 U.S. Customs House, Denver, CO 80202.

MC 115826 (Sub-526TA), filed August 6, 1979. Applicant: W. J. DIGBY, INC., 6015 East 58th Avenue, Commerce City, CO 80022. Representative: Howard Gore (same address as above). *Such commodities as are dealt in by department stores* (except foodstuffs and commodities in bulk) from points in CA to Minneapolis and St. Paul, MN, for 180 days. Supporting shipper(s): Dayton's 700 on the Mall, Minneapolis, MN 55402. Send protests to: H. Ruoff, 482 U.S. Customs House, Denver, CO 80202.

MC 115826 (Sub-527TA), filed August 9, 1979. Applicant: W. J. DIGBY, INC., 6015 East 58th Ave., Commerce City, CO 80022. Representative: Howard Gore (same address as above). *Meats, meat products, and equipment, supplies and materials used by restaurants,* from Oklahoma City, OK, and its commercial

zone to points in NE, MT, ID, UT, CO and WA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Prime Steak, Inc., 103 S. Broadway, Edmond, OK 73034. Send protests to: H. Ruoff, 492 U.S. Customs House, Denver, CO 80202.

MC 115826 (Sub-528TA), filed July 26, 1979. Applicant: W. J. DIGBY, INC., 6015 East 58th Ave., Commerce City, Colorado 80022. Representative: Howard Gore (same address as above). *Meats, meat products and articles distributed by meat packinghouses* as described in Motor Carrier Certificates 61 MCC 209 (except hides and commodities in bulk) from Glenwood, Denison, Sioux City and Marshalltown, IA, Kansas City, KS, Omaha, NE and their commercial zones to points in AZ, CA, ID, NV, OR, UT, WA, MT, and WY, for 180 days. Supporting shipper(s): Swift & Company, 115 W. Jackson Blvd., Chicago, IL 60604. Send protests to: H. Ruoff, 492 U.S. Customs House, Denver, CO 80202.

MC 116077 (Sub-419TA), Applicant: DSI TRANSPORTS, INC., 4550 One Post Oak Place/Suite 300, Houston, TX 77027. Representative: J. C. Browder (same as applicant). *Chemicals*, in bulk, in tank vehicles from plantsite of Shell Oil Co., and Shell Chemical Co., at or near Norco, LA to points in the U.S. (except AL, FL, GA, MS, NC, SC, and that part of TN west of U.S. Highway 27), for 180 days. Supporting shipper(s): Shell Oil, P.O. Box 2099, Houston, TX 77001. Send protests to: John F. Mensing, DS, ICC, 515 Rusk Ave., #8610, Houston, TX 77002.

MC 116077 (Sub-420TA), Applicant: DSI TRANSPORTS, INC., 4550 One Post Oak Place/Suite 300, Houston, TX 77027. Representative: J. C. Browder (same as applicant). *Chemicals*, in bulk, in tank vehicles from the plantsite and storage facilities of Shell Oil Co., and Shell Chemical Co., at or near Deer Park, TX to points in the U.S. (except AK, AZ, AR, CA, CO, IN, IA, KS, KY, LA, MN, MS, NE, NC, OK, SC, TN, WY, and WI), for 180 days. Supporting shipper(s): Shell Oil Company, P.O. Box 2099, Houston, TX 77001. Send protests to: John F. Mensing, DS, ICC, 515 Rusk Ave., #8610, Houston, TX 77002.

MC 119226 (Sub-122TA), filed May 22, 1979. Applicant: LIQUID TRANSPORT CORP., 3901 Madison Avenue, Indianapolis, IN 46227. Representative: Robert W. Loser, 1101 Chamber of Commerce Building, Indianapolis, IN 46227. *Vegetable oil, in bulk, in tank vehicles* from Columbus, OH to points in NC, SC, and VA for 180 days. Supporting shipper: Capital City Products Co., P.O. Box 569, Columbus, OH 43216. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm. 429, Indianapolis, IN 46204.

MC 119656 (Sub-65TA), filed August 9, 1979. Applicant: NORTH EXPRESS, INC., 219 S. Main, Winamac, IN 46996. Representative: Donald Smith, Suite 945-9000 Keystone Crossing, Indianapolis, IN 46240. *Gypsum products*, from the facilities of the U.S. Gypsum Co. at East Chicago, IN to points in OH, MI, KY, IL, WV, MO, WI, and Erie, Crawford, Warren, Mercer, Venango, Forest, Clarion, Butler, Lawrence, Beaver, Fayette, Allegheny, Armstrong, Jefferson, Indiana, Westmoreland, Washington, and Greene, counties, PA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): United States Gypsum Co., 101 S. Wacker Dr., Chicago, IL 60606. Send protests to: Cheryl Livingston, TA, ICC, 219 S. Dearborn, Rm. 1386, Chicago, IL 60604.

MC 119767 (Sub-362TA), filed August 1, 1979. Applicant: BEAVER TRANSPORT CO. P.O. Box 186, Pleasant Prairie, WI 53158. Representative: John Sims, Jr., 425 13th St., NW, Washington, DC 20004. *Foodstuffs*, except in bulk, in tank vehicles, from Columbus, Marysville, Sunbury, OH and St. Louis, MO to Itasca, IL, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): The Nestle Co., Inc., 100 Bloomingdale Rd., White Plains, NY 10605. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 119777 (Sub-400 TA), filed July 26, 1979. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer "L", Madisonville, Ky. 424331. Representative: Carl U. Hurst, Atty. (same as above). Roofing and Roofing Materials, from the facilities of George D. Widman, Inc., at or near Gardena, CA, to points in KY, MO, NE, and SC. Supporting shipper(s): Mr. Michael Wilkinson, George D. Widman, Inc., P.O. Box 429, Gardena, CA 90247. Send protests to: Ms. Clara L. Eyl, T/A, ICC, 426 Post Office Bldg., Louisville, Ky. 40202.

MC 119777 (Sub-401 TA), filed July 26, 1979. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer "L", Madisonville, Ky. 42431. Representative: Carl U. Hurst, Atty. (same as above). Roofing and roofing materials, from the facilities of Consolidated Fibreglass Co., at Bakersfield, CA, points in AZ, CA, IL, IN, and TX. Supporting shipper(s): Rodney G. Poston, Consolidated Fibreglass Co., 3801 Standard St., Bakersfield, CA 933081. Send protests to: (Ms.) Clara L. Eyl, T/A, ICC, 426 Post Office Bldg., Louisville, Ky. 40202.

MC 119777 (Sub-402TA), filed July 27, 1979. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer "L" Madisonville, Ky. 42431. Representative: Carl U. Hurst, Atty. (same as above). Building Materials (except in bulk), from points in Los Angeles, San Bernardino, Riverside, Kern, and Orange Counties, CA to AZ. Supporting shipper(s): Fred K. Bauer, Bird & Son, Inc., Washington St. East Walpole, MA 02032. Send protests to: (Ms.) Clara L. Eyl, T/A, ICC, 426 Post Office Bldg., Louisville, KY 40202.

MC 119777 (Sub-403TA), filed July 31, 1979. Applicant: KATO EXPRESS, INC., P.O. Box 291, Elizabethtown, KY 42701. Representative: Fred F. Bradley, Atty., P.O. Box 773, Frankfort, KY 40602. Magazines and periodicals, between Cincinnati, OH, on the one hand, and, on the other, Louisville, KY. Supporting shipper(s): Robert Derge, Triangle Publications, Inc., Kroger Bldg., Suite 2100, 1040 Vine St., Cincinnati, OH 45202. Send protests to: (Ms.) Clara L. Eyl, T/A, ICC, 426 Post Office Bldg., Louisville, KY 40202.

MC 119777 (Sub-404TA), filed August 7, 1979. Applicant: LIGON SPECIALIZED HAULER, INC., Highway 85—East, Madisonville, KY 42431. Representative: Carl U. Hurst, Atty. (same as above). Building Materials (except in bulk), from Acme, Hamlin, Rotan, Liggett, and Sweetwater, TX, and Albuquerque, NM, to points in AZ and CA. Supporting shipper(s): David P. Ryan III, North Pacific Lumber Co., 1505 S.E. Gideon, Portland, Ore. 97208. Send protests to: (Ms.) Clara L. Eyl, T/A, ICC, 426 Post Office Bldg., Louisville, KY 40202.

MC 119917 (Sub-56TA), filed July 31, 1979. Applicant: DUDLEY TRUCKING COMPANY, INC., 724 Memorial Dr., S.E., Atlanta, Ga 30316. Representative: William F. Dudly (same as applicant). *Foodstuffs and materials, equipment and supplies used in the manufacture of foodstuffs (except commodities in bulk)*, between Atlanta, Ga and Macon, GA on the one hand and Philadelphia, PA and Denver, CO on the other. Between Cinncinati, OH on the one hand and Denver, CO, Dallas, TX, Houston, TX, San Antonio, TX and Oklahoma City, OK on the other. Between Chicago, IL, Elk Grove Village, IL, Grand Rapids, MI and Philadelphia, PA on the other hand and Denver, CO on the other. Between Denver, CO on the other hand and Dallas, TX, Houston, TX, San Antonio, TX and Oklahoma City, OK on the other. An underlying ETA seeks 90 days authority. Supporting shipper(s): Keelber Company, One Hollow Tree Lane,

Elmhurst, IL 60126. Send protests to: Sara K. Davis, T/A, ICC 1252 W. Peachtree St., NW., Rm. 300, Atlanta, GA 30309.

MC 119917 (Sub-59TA), filed July 31, 1979. Applicant: DUDLEY TRUCKING COMPANY, INC., 724 Memorial Dr., S.E., Atlanta, Ga 30316. Representative: Barry F. Dudly (same as applicant). *Wrapping paper in rolls* from Savannah, GA to Richmond, VA and Houston, TX; and (2) *calcium carbonate in bags* from Sylacauga, AL to Chicago, IL, Philadelphia, PA, Richmond, VA, Atlanta, GA and Houston, TX. Supporting shipper(s): Nabisco, Inc., DeForest Ave., East Hanover, NJ 07936. Send protests to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree St., N.W., Rm. 300, Atlanta, GA 30309.

MC 121496 (Sub-35TA), filed. Applicant: CANGO CORPORATION, 1100 Milam Bldg./2900, Houston, TX 77002. Representative: Tom E. Davis (same as applicant). *No. 2 Fuel oil*, in bulk, in tank vehicles from Purvis, MS to Bayport, TX for 180 days. Supporting shipper(s): Celanese Chemical Company, Inc., P.O. Box 47320, Dallas, TX 75247. Send protests to: John F. Mensing, DS, ICC, 515 Rusk Ave. #8610, Houston, TX 77002.

MC 121517 (Sub-11TA), filed August 8, 1979. Applicant: ELLSWORTH MOTOR FREIGHT LINES, INC., P.O. Box 15627, Tulsa, OK 74112. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. *Cement*, (1) from the facilities of Oklahoma Cement Company at or near Pryor, OK, to points in AR, KS, MO, and TX, and (2) from the facilities of Oklahoma Cement Company at or near Woodward, OK and Oklahoma City, OK, to points in KS and TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): OKC Corporation, P.O. Box 34190, Dallas, TX 75234. Send protests to: Connie Stanley, ICC, Rm. 240, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 123387 (Sub-22TA), filed July 23, 1979. Applicant: E. E. HENRY, 1128 S. Military Hwy., Chesapeake, VA 23320. Representative: Dwight L. Koerber, Jr., 805 McLachlen Bank Bldg., 666 Eleventh St., NW., Washington, DC 20001. (a) *Malt beverages*, from Albany, GA to points in LA, AR, MS, FL, SC, NC, TN, KY, VA, IL, IN, AL and NY. (b) *Materials, equipment, and supplies used in the manufacturer of malt beverages (except commodities in bulk)* from the states named in (a) above to Albany, GA for 180 days. Supporting shipper(s): Miller Brewing Co., 3939 W. Highland Blvd., Milwaukee, WI 53208. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 123407 (Sub-602TA), filed August 7, 1979. Applicant: SAWYER TRANSPORT, INC., Sawyer Center, Route 1, Chesterton, IN 46304. Representative: H. E. Miller, Sawyer Center, Route 1, Chesterton, IN 46304. *Fertilizer, ice melting compound, insulation material, vermiculite, and materials and supplies used in the manufacture of above in return* from the facilities of Koos, Inc. at/near Kenosha, Wisconsin to points in IN, IL, MI, MO, MN, and IA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Koos, Inc., 4500 Thirteenth Court, Kenosha, WI 53140. Send protests to: Annie Booker, TA, Interstate Commerce Commission, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 123407 (Sub-603TA), filed August 7, 1979. Applicant: SAWYER TRANSPORT, INC., SAWYER CENTER, ROUTE 1, Chesterton, IN 46304. Representative: H. E. Miller, Jr. (same address as applicant), *Plastic pipe, and accessories, materials, and supplies used in the installation thereof* (except in bulk) from Madison, WI to points in IL, IN, MI, and OH for 180 days. Supporting shipper(s): Hurlbut Plastic Pipe Corporation, 206 E. Olin Avenue, P.O. Box 489, Madison, WI 53701. Send protests to: Annie Booker, TA, Interstate Commerce Commission, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 124236 (Sub-97TA), filed August 2, 1979. Applicant: CHEMICAL EXPRESS CARRIERS, INC., 4645 N. Central Expressway, Dallas, TX 75205. Representative: Joe A. Morgan (same as above). *Gasoline, in bulk in tank trucks*, from Atlas Processing at or near Shreveport, LA and from the pipeline terminal at or near Arcadia, LA to Texas destinations as follows: Athens, Atlanta, Carthage, Clarksville, Gladewater, Henderson, Jacksonville, Longview, Lufkin, Marshall, Mineola, Mt. Pleasant, Nacogdoches, Palestime, Paris, San Augustine, Sulphur Springs, Texarkana, and Tyler, Texas, for 180 days. Underlying ETA for 90 days filed. Supporting shipper(s): Exxon Company, U.S.A., P.O. Box 2180, Houston, TX 77001. Send protests to: Opal M. Jones, TCS, Interstate Commerce Commission, 9A27 Federal Bldg., 819 Taylor St., Ft. Worth, TX 76102.

MC 124306 (Sub-65TA), filed August 9, 1979. Applicant: KENAN TRANSPORT COMPANY, INCORPORATED, P.O. Box 2729, Chapel Hill, NC 27514. Representative: (same address as applicant). *Dimethyl terephthalate, in tote bins, on rack trailers* from the Hercofina plantsite near Wilmington, NC to the Goodyear Tire and Rubber plantsite near Apple Grove, WV, for 180 days. An underlying ETA seeks 90 days of authority. Supporting shipper(s): Hercofina, P.O. Box 327, Wilmington, NC 28402. Send protests to: Terrell Price, 800 Briar Creek Rd., Rm. CC516, Charlotte, NC 28205.

MC 124887 (Sub-91TA), filed August 1, 1979. Applicant: SHELTON TRUCKING SERVICE, INC., Route 1, Box 230, Altha, FL 32421. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. *Lumber and lumber products*, from Livingston and Tangipahoa Parishes, LA, the facilities of Champion Lumber Co. at Holden, LA; Batson Lumber Co. at Natalbany, LA; Conway Giteau Lumber Co. at Arcola, LA; Crown Zellerbach Corporation at Ponchatoula, Pine Grove and Bogalusa, LA, and the facilities of Clemons Brothers Lumber Co. at Amite, LA to points in AL, FL, GA, MS, NC, SC, and TN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Powell Lumber Co., P.O. Drawer P, Lake Charles, LA 70602; Clemons Brothers Lumber Company, P.O. Box 225, Amite, LA 70422; Crown Zellerbach Corporation P.O. Box 1060, Bogalusa, LA 70427. Send protests to: Jean King, TA, ICC, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 124887 (Sub-92TA), filed August 1, 1979. Applicant: SHELTON TRUCKING SERVICE, INC., Route 1, Box 230, Altha, FL 32421. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. *(1) Lumber and Plywood and (2) materials, supplies and equipment used in the production of lumber and plywood*, (1) from Cedar Springs, GA to points in AL, FL, GA, IL, IN, KY, LA, MI, MS, NC, OH, PA, SC, TN, and VA, and (2) from points in AL, FL, GA, IL, IN, KY, LA, MI, MS, NC, OH, PA, SC, TN, and VA to Cedar Springs, GA, for 180 days. Supporting shipper(s): Great Southern Plywood Company, P.O. Box 215, Cedar Springs, GA 31732. Send protests to: Jean King, TA, ICC, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 124887 (Sub-93TA), filed August 7, 1979. Applicant: SHELTON TRUCKING SERVICE, INC., Route 1, Box 230, Altha, FL 32421. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. *Building and roofing material* from the facilities of Johns-Manville at or near Savannah, GA to points in AL, FL, NC, SC, TN, and VA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Johns-Manville Sales Corporation, P.O. Box 4487, Atlanta, GA 30302. Send protests

to: Jean King, TA, ICC, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 125506 (Sub-33TA), filed August 7, 1979. Applicant: JOSEPH ELETTO TRANSFER, INC., 33 W. Hawthorne Avenue, Valley Stream, NY 11580. Representative: Morton E. Kiel, Suite 1832—2 World Trade Center, New York, NY 10048. *Contract carrier,* irregular routes: *(1) Such merchandise as is dealt in by retail specialty shops, (2) and store furniture and fixtures, (3) and advertising materials, supplies and displays (except in bulk),* from Yonkers and New York, NY, to Costa Mesa, CA; for 180 days. Supporting shipper(s): Saks Fifth Avenue, 555 Tuckahoe Road, Yonkers, NY 10710. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

MC 125996 (Sub-86TA), filed July 30, 1979. Applicant: GOLDEN TRANSPORTATION, INC., 2200 South 400 West, Salt Lake City, UT 84115. Representative: John P. Rhodes, P.O. Box 5000 Waterloo, IA 50704. *Meats, meat products, meat by-products and articles distributed by meat packinghouses* as described in Sections A, C and D of Appendix I to the report in Descriptions in Motor Carrier Certificates 61 MCC 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 Co., located at or near Mason City, IA, on the one hand, and, on the other, points in AZ, CA, CO, ID, NV, OR, MT, UT, WA, and WY. Restricted to transportation of shipments originating at the above named origin and destined to the indicated destinations, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Armour and Co., Greyhound Tower, Phoenix, AZ 84077. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Bldg., Salt Lake City, UT 84138.

MC 126667 (Sub-6TA), filed August 3, 1979. Applicant: BRUSH HILL TRANSPORTATION COMPANY, 31 Milk Street, Boston, MA 02109. Representative: Jeremy Kahn, S. Harrison Kahn, Attorneys-at-Law, Kahn and Kahn, 1511 K Street, N.W., Washington, DC 20005. *Passengers and their baggage, in the same vehicle with passengers, in round trip charter operations,* beginning and ending at Boston, MA; points in MA south of Boston and on and east of U.S. Highway 1 from the MA–RI boundary line to Boston; and on and west of the line beginning at Boston, MA, then along MA Highway 3 to MA Highway 18, then along MA Highway 18 to MA Highway 58, then along MA Highway 58 to MA Highway 25, then along MA Highway 25 to Bourne, MA; and extending to points in the United States, including Alaska but excluding Hawaii. For 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Paragon Tours, 680 Purchase Street, New Bedford, MA 02741 and fourteen (14) others. Send protests to: John B. Thomas, District Supervisor, Interstate Commerce Commission, 150 Causeway Street, Boston MA 02114.

MC 126927 (Sub-4TA), filed August 8, 1979. Applicant: PANTHER TRANSPORTATION, INC., 7301 W. 15th Ave., Gary, IN 46406. Representative: William Towle, 180 N. LaSalle St., Chicago, IL 60601. *Liquid sugar, corn syrup and blends thereof,* in bulk, in tank vehicles, from the facilities of Revere Sugar Corp. at Chicago, IL to points in MI and OH for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Revere Sugar Corp., 330 E. North Water St., Chicago, IL 60611. Send protests to: Cheryl Livingston, TA, ICC, 219 S. Dearborn, Rm 1386, Chicago, IL 60604.

MC 128746 (Sub-58TA), filed July 19, 1979. Applicant: D'AGATA NATIONAL TRUCKING CO., 3240 So. 61st St., Phila., PA 19153. Representative: Edward J. Kiley, 1730 M St., NW Suite 501, Washington, DC 20036. *Glassware* from Salem, NJ to Baltimore, MD; Wilkes-Barre and Williamsport, PA; Fairfield and New Haven, CT; Albany, Endicott, Keesville, Garden City, Horseheads, New York City, Rochester and Oakfield, NY and their respective commercial zones for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Fosterglass, Inc., Front St., Salem, NJ 08079. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 129387 (Sub-98TA), filed July 31, 1979. Applicant: PAYNE TRANSPORTATION, INC., P.O. Box 1271, Huron, SD 57350. Representative: Charles E. Dye (same address as applicant's). *General commodities* (except those of unusual value, Classes A & B explosives, household goods as defined by the Commission, commodities in bulk, and those which by reason of size or weight require the use of special equipment), from Seattle, WA and its commercial zone to points in MT, WI and Chicago, IL and its commercial zone, restricted to the transportation of traffic having an immediate prior movement by water for 180 days. Supporting shipper(s): Geo. S. Bush & Co., Inc., 259 Colman Building, Seattle, WA 98104. Send protests to: J. L. Hammond, DS, ICC, Room 455, Federal Bldg., Pierre, SD 57501.

MC 133566 (Sub-146TA), filed May 11, 1979. Applicant: GANGLOFF & DOWNHAM TRUCKING COMPANY, INC., P. O. Box 479, Logansport, IN 46947. Representative: Thomas J. Beener, Suite 4959, One World Trade Center, New York, NY 10048. Meats, meat products, meat by-products and articles distributed by meat packing-houses (except hides and commodities in bulk) from the facilities of George A. Hormel & Co., at Ottumwa, IA to points in Indiana for 180 days. Supporting shipper: George A. Hormel & Co., P. O. Box 800, Austin, MN 55912. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm 429, Indianapolis, IN 46204.

MC 133566 (Sub-145TA), filed May 11, 1979. Applicant: GANGLOFF & DOWNHAM TRUCKING COMPANY, INC., P. O. Box 479, Logansport, IN 46947. Representative: Thomas J. Beener, One World Trade Center, Suite 4959, New York, NY 10048. *Foodstuffs (except in bulk)* from the facilities of Quality Brands, Inc. at or near (1) Paw Paw, MI to points in AR, CO, CT, DE, GA, IA, IN, IL, KS, KY, MA, MD, ME, MO, MN, NH, NE, NJ, NY, NC, OH, OK, PA, SC, TN, TX, VA, VT, WI, WV and DC; (2) Franklin, ME to points in AR, DE, CO, CT, GA, IA, IN, IL, KS, KY, MA, MI, MO, MN, NH, NE, NJ, NY, NC, OH, OK, PA, SC, TN, TX, VA, VT, WI, WV and DC; (3) Middleport, NY to points in AR, DE, CO, CT, GA, IA, IN, IL, KS, KY, MA, MD, MI, MO, MN, NH, NE, NJ, NC, OH, OK, PA, SC, TN, TX, VA, VT, WI, WV and DC for 180 days. RESTRICTED to traffic originating at the facilities of Quality Brands, Inc. at named origins and destined to named destinations. Supporting shipper: Quality Brands, Inc., 29525 Chagrin Boulevard, Cleveland, OH 44122. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm 429, Indianapolis, IN 46204.

MC 133566 (Sub-147TA), filed June 22, 1979. Applicant: GANGLOFF & DOWNHAM TRUCKING CO., INC., P. O. Box 479, Logansport, IN 46947. Representative: Thomas J. Beener, One world Trade Center, Suite 4959, New York, NY 10048. *General commodities* (except Classes A and B explosives, commodities of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) from Maumee, and Holland, OH to Delphi, IN and Champaign, IL. for 180 days. RESTRICTED to traffic originating at and destined to the facilities of the Andersons at named origin and named

destinations. Supporting shipper: The Andersons, P. O. Box 119, Maumee, OH 43537. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm 429, Indianapolis, IN 46204.

MC 133676 (Sub-9TA), filed July 25, 1979. Applicant: COMET TRUCK LINE, INC., 1175 Choctaw Drive, Baton Rouge, LA 70821. Representative: Richard H. Wilson (same address as applicant). *Synthetic crude rubber, chemicals and related articles having a prior or subsequent movement by rail or water excluding bulk for tank movements* between Baton Rouge, Geismar, and New Orleans, LA, for 180 days. Applicant has filed a corresponding ETA seeking 90 days. Supporting shipper(s): Uniroyal, Inc., P.O. Box 397, Geismar, LA 70134. Send protests to: Robert J. Kirspel, DS, ICC, T-9038 Federal Bldg., 701 Loyola Ave., New Orleans, LA 70113.

MC 134387 (Sub-71TA), filed July 27, 1979. Applicant: BLACKBURN TRUCK LINES, INC., 4998 Branyon Street, South Gate, CA 90280. Representative: Patricia M. Schnegg, Knapp, Grossman & Marsh, 707 Wilshire Blvd., Suite 1800, Los Angeles, CA 90017. *Containers,* from Wenatchee, WA to all points in CA, for 180 days. An underlying ETA seeks up 90 days operating authority. Supporting shipper(s): Dolco Packaging, 13400 Riverside Drive, Suite 200, Sherman Oaks, CA 91423. Send protests to: Irene Carlos, TA, ICC, P.O. Box 1551, Los Angeles, CA 90053.

MC 134467 (Sub-48TA), filed August 6, 1979. Applicant: POLAR EXPRESS, INC., P.O. Box 845, Springdale, AR 72764. Representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman St., Denver, CO 80203. *Foodstuffs* from the facilities of Anderson Clayton Foods at Sherman, TX to all points in CO, for 180 days. Underlying ETA seeks 90 days authority. Supporting shipper(s): Anderson Clayton Foods, P.O. Box 226165, Dallas, TX 75266. Send protests to: William H. Land, DS, 3108 Federal Bldg., Little Rock, AR 72201.

MC 135046 (Sub-17TA), filed July 31, 1979. Applicant: ARLINGTON J. WILLIAMS, INC., 1398 S. DuPont Hwy., Smyrna, DE 19977. Representative: S. W. Earnshaw, 833 Washington Bldg., Washington, DC 20005. *Plumbers' goods, vanities, acessories and attachments, materials, supplies and equipment used in the manufacture and distribution of the above,* between the facilities of Universal-Rundle Corp. and its subsidiaries at Monroe and Union Pt. GA; Ottumwa, IA; Crawfordsville and Rensselaer, IN; Leominster, MA; Camden, NJ; Salem, OH; New Castle, PA; Corsicana and Hondo, TX, on the one hand, and, on the other, points on and east of ND, SD, NE, KS, OK and TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Universal-Rundle Corp., P.O. Box 960, New Castle, PA 16103. Send protests to: I.C.C., Fed. Res. Bank Bldg., Room 620, 101 N. 7th St., Phila., PA 19106.

MC 135797 (Sub-253TA), filed August 3, 1979. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 130, Lowell, AR 72756. Representative: Paul R. Bergant (same address as applicant). *Textile products and supplies* used in the manufacture of textile products between points in KY and Woodward, OK, for 180 days. Underlying ETA sought corresponding authority for 90 days. Supporting shipper(s): Union Underwear, P.O. Box 780, Bowling Green, KY 42101. Send protests to: William H. Land, DS, 3108 Federal Bldg., Little Rock, AR 72201.

MC 135797 (Sub-254TA), filed August 9, 1979. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 130, Lowell, AR 72745. Representative: Paul R. Bergant, (same address as applicant). *Milk, condensed or evaporated,* from Mt. Vernon and Carthage, MO to points in AL, AR, CO, FL, IL, IN, IA, KS, LA, MN, NE, ND, OK, SD, TN, TX and WI for 180 days. Underlying ETA seeks 90 day authority. Supporting shipper(s): Carnation Company, 5045 Wilshire Blvd., Los Angeles, CA 90036. Send protests to: William H. Land, Jr., DS, 3108 Federal Bldg., Little Rock, AR 72201.

MC 136077 (Sub-16TA), filed July 19, 1979. Applicant: REBER CORP., 2216 Old Arch Rd., Norristown, PA 19401. Representative: Sheri B. Friedman, 1600 Land Title Bldg., 100 S. Broad St., Phila., PA 19110. *Fly ash, in bulk, in pneumatic tank vehicles* between points in PA, to points in WV, VA, NY, CT, RI, MA, and OH for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): American Admixtures Corp., 1835 Pennsylvania Ave., Hagerstown, MD 21740. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 136077 (Sub-17TA), filed July 19, 1979. Applicant: REBER CORP., 2216 Old Arch Rd., Norristown, PA 19401. Representative: Sheri B. Friedman, 1600 Land Title Bldg., 100 S. Broad St., Phila., PA 19110. *Fly ash, in bulk, in pneumatic tank vehicles* from Mercer Electric Station, Trenton, NJ, to points in NY, DE, MD, VA, WV, MA, RI, and CT for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): American Admixtures Corp., 1835 Pennsylvania Ave., Hagerstown, MD 21740. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 136246 (Sub-31TA), filed August 8, 1979. Applicant: GEORGE BROS., INC., P.O. Box 492, Sutton, NE 68979. Representative: Arlyn L. Westergren, Suite 106, 7101 Mercy Road, Omaha, NE 68106. *Metal buildings and grain handling equipment, accessories, and parts, and materials, equipment, and supplies used in the manufacture of those commodities named above* between the facilities of Welco Control Systems at Hastings, NE, on the one hand, and, on the other, points in CO, IL, IA, KS, MO, ND, OK, SD and TX for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Welco Control Systems, Building 112, Industrial Park East, Hastings, NE 68901. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 136246 (Sub-32TA), filed August 8, 1979. Applicant: GEORGE BROS., INC., P.O. Box 492, Sutton, NE 68979. Representative: Arlyn L. Westergren, Suite 106, 7101 Mercy Road, Omaha, NE 68106. *Grain storage equipment and grain handling equipment, parts and accessories, metal buildings, and materials, equipment, and supplies used in the manufacture of the commodities named above* between Grand Island, NE; Webster City, IA; Crawfordsville, IN; Middletown, PA and Greenville, MS, on the one hand, and on the other, points in the United States (except AK and HI) for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Modern Farm Systems, Inc., central division, 1811 W. Second St., Webster City, IA 50595. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th Street, Omaha, NE 68102.

MC 138126 (Sub-42TA), filed August 6, 1979. Applicant: WILLIAMS REFRIGERATED EXPRESS, INC., Old Denton RD, Federalsburg, MD 21632. Representative: Chester A. Zyblut, 1030 15th St. NW., Washington, DC 20005. *Oleomargarine and table sauces,* in vehicles equipped with mechanical refrigeration, from the facilities utilized by J. H. Filbert, Inc. at Baltimore, MD and Anne Arundel, Baltimore, Howard and Prince Georges Counties, MD to points in PA, OH and NY, for 180 days. Supporting shipper(s): Angelo Lascola, J. H. Filbert, Inc., 3701 Southwestern Blvd., Baltimore, MD 21229. Send protests to: ICC, 101 N. 7th St., Philadelphia, PA 19106.

MC 138157 (Sub-177TA), filed Aug. 13, 1979. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC. d.b.a. SOUTHWEST MOTOR FREIGHT, 2931

South Market Street, Chattanooga, TN 37410. Representative: Patrick E. Quinn, 2931 South Market Street, P.O. Box 9596, Chattanooga, TN 37412. *Yarn and material, equipment and supplies used in the manufacture of yarn,* (1) from Abbeville and Irmo, SC; Foley, AL and Shelby, NC to the facilities of Mid-America Yarn Mills, Inc. in Pryor, OK. (2) from the facilities of Mid-America Yarn Mills, Inc., in Pryor, OK to points in Los Angeles, Orange, Riverside, San Bernardino, San Diego Counties, and Fresno, CA for 180 days. Supporting shipper(s) Mid-America Yarn Mills, Inc., Box 1028, Pryor, OK 74361. Send protests to: Glenda Kuss, TA, ICC, Suite A-422 U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 138157 (Sub-179TA), filed April 16, 1979. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC. d.b.a. SOUTHWEST MOTOR FREIGHT, 2931 South Market Street, P.O. Box 9596, Chattanooga, TN 37412. Representative: Patrick E. Quinn (same address as applicant). *Hospital supplies* from McGaw Park, IL; Edison, NJ and Obetz, OH to Portland, OR; Redmond, WA; South San Francisco, West Sacramento and Santa Ana, CA, for 180 days. NOTE: Restricted against transportation of commodities in bulk. Further restricted to traffic originating at and destined to the American Hospital Supply Division of American Hospital Supply Corp. Supporting shipper(s): American Hospital Supply Division of American Hospital Supply Corp., 1450 Waukegan Road, McGaw Park, IL 60085. Send protests to: Glenda Kuss, TA, ICC, Suite A-422, U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 138627 (Sub-78TA), filed August 6, 1979. Applicant: SMITHWAY MOTOR XPRESS, INC., P.O. Box 404, Fort Dodge, IA 50501. Representative: Arlyn L. Westergren, Suite 106, 7101 Mercy Rd., Omaha, NE 68106. *Grain storage equipment and grain handling equipment, parts and accessories, metal buildings, and materials, equipment, and supplies used in the manufacture of the commodities named above* between Grand Island, NE; Webster City, IA; Crawfordsville, IN; Middletown, PA; and Greenville, MS, on the one hand, and, on the other, points in the U.S. (except AK and HI), for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Modern Farm Systems, Inc., Central Division, 1811 West Second St., Webster City, IA 50595. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 138826 (Sub-10TA), filed July 12, 1979. Applicant: JERALD HEDRICK d.b.a. HEDRICK & SONS TRUCKING, Rural Route #1, Warren, IN 46792. Representative: Robert A. Kriscunas, 1301 Merchants Plaza, Indianapolis, IN 46204. *Dry animal and poultry feed, feed ingredients and supplies, except in bulk or frozen* between Portland, IN on the one hand and on the other, points in AR, AL, CT, DC, DE, FL, GA, IL, IA, KY, LA, ME, MD, MA, MI, MN, MO, MS, NH, NJ, NC, OH, PA, RI, SC, TN, VT, VA, WV, and WI for 180 days. Supporting shipper(s): International Multifoods, Inc., 1200 Multifoods Building, Minneapolis, MN 55402. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm 429, Indianapolis, IN 46204.

MC 138836 (Sub-4TA), filed July 23, 1979. Applicant: NARO ENTERPRISES, INC., R.D. 1, Box 192, Gouldsboro, PA 18424. Representative: Peter Wolff, 722 Pittston Ave., Scranton, PA 18505. *Machinery (except when requiring special equipment)* between Daleville, PA on the one hand, and, on the other, Chicago, IL; Cleveland, OH; Detroit, MI; and Jersey City, NJ for for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Daleville Service and Supply, R.D. #3, Box 116B, Moscow, PA 18444. Send protest to: I.C.C. Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 79-29450 Filed 9-21-79; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Temporary Authority Applications; Notices

Correction

In FR Doc. 79-24134 appearing on page 46016 in the issue of August 6, 1979 make the following correction:

In the third column, paragraph "MC 138322 (Sub-8TA)", the eighth line from the bottom should have read: "Louisiana on and south of Interstate".

[Volume No. 105]

Permanent Authority Decisions; Decision-Notice

Correction

In FR Doc. 79-21513, appearing at page 40761 in the issue of Thursday, July 12, 1979, the seventh line of the second column on page 40767 should read, "*concentrates,* from Bluewater, NM, to"

BILLING CODE 1505-01-M

Sunshine Act Meetings

Federal Register
Vol. 44, No. 186
Monday, September 24, 1979

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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[M-247, Amdt. 1; Sept. 19, 1979]

CIVIL AERONAUTICS BOARD.

Notice of closure and short notice of item to the September 19, 1979, meeting.

TIME AND DATE: 9:30 a.m., September 19, 1979.

PLACE: Room 1011, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: 4. Application of Japan Air Lines for Special Authorization and waiver to operate a series of off-route charters for Carrier Corporation (BIA).

STATUS: Closed.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, (202) 673-5068.

SUPPLEMENTARY INFORMATION: The series of flights involved commences on September 25, 1979 and immediate action is required to give the carrier and charterer adequate notice of the Board's action. Accordingly, the following Board Members have voted that agency business requires that the Board meet on this item on less than seven days' notice and that no earlier announcement of the meeting was possible:

Chairman, Marvin S. Cohen
Member, Elizabeth E. Bailey
Member, Gloria Schaffer

This meeting will concern the disposition of this application in light of the Board's overall aviation strategy towards Japan. Premature public disclosure of opinions, evaluations, and strategies could seriously compromise the ability of the United States to achieve objectives which would be in the best interests of the United States. Accordingly, the following Members have voted that public observation of this meeting would involve matters the disclosure of which would be likely to significantly frustrate implementation of proposed agency action within the meaning of the exemption provided under 5 U.S.C. 552b(c)(9)(B) and 14 CFR Section 310b.5(9)(B) and that the meeting will be closed:

Chairman, Marvin S. Cohen
Member, Elizabeth E. Bailey
Member, Gloria Schaffer

Persons Expected To Attend

Board Members.—Chairman, Marvin S. Cohen; Member, Richard J. O'Melia; Member, Elizabeth E. Bailey; and Member, Gloria Schaffer.
Assistants to Board Members.—Mr. David Kirstein, Mr. James L. Deegan, Mr. Daniel M. Kasper, and Mr. Stephen H. Lachter.
Managing Director.—Mr. Cressworth Lander.
Executive Assistant to the Managing Director.—Mr. John R. Hancock.
Office of the General Counsel.—Mr. Philip J. Bakes, Jr., Mr. Gary J. Edles, Mr. Peter B. Schwarzkopf, and Mr. Michael Schopf.
Bureau of International Aviation.—Mr. Herbert P. Aswall, Mr. Ivars V. Mellups, Mr. Peter H. Rosenow, Mr. Jerome Nelson, Mr. James S. McMahon, Mr. Regis P. Milan, Jr., Mr. Richard M. Loughlin, Mr. Sanford Rederer, Mr. James S. Horneman, Mr. Ronald C. Miller, Mr. John D. Keppel, and Mr. Marian Mikolajczyk.
Bureau of Domestic Aviation.—Ms. Barbara A. Clark, Mr. Paul L. Gretch, and Ms. Patricia T. Szrom.
Office of Economic Analysis.—Mr. Robert H. Frank and Mr. Larry Manheim.
Bureau of Consumer Protection.—Mr. Reuben B. Robertson, Mr. John T. Golden, and Ms. Patricia Kennedy.
Office of the General Director.—Mr. Michael E. Levine and Mr. Steven A. Rothenberg.
Office of the Secretary.—Mrs. Phyllis T. Kaylor, Ms. Deborah A. Lee, and Ms. Louise Patrick.

General Counsel Certification

I certify that this meeting may be closed to the public under 5 U.S.C. 552b(c)(9)(B) and 14 CFR Section 310b.5(9)(B) and that the meeting may be closed to public observation.

Philip Bakes, Jr.,
General Counsel.

[S-1851-79 Filed 9-20-79; 3:00 pm]

BILLING CODE 6320-01-M

2

[M-247, Amdt. 2; Sept. 19, 1979]

CIVIL AERONAUTICS BOARD.

Notice of deletion of item from the September 19, 1979, meeting.

TIME AND DATE: 9:30 a.m., September 19, 1979.

PLACE: Room 1011, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: 4. Application of Japan Air Lines for Special Authorization and waiver to operate a series of off-route charters for Carrier Corporation (BIA).

STATUS: Closed.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, (202) 673-5068.

SUPPLEMENTARY INFORMATION: Item 4 was deleted from the September 19, 1979 agenda because the Board did not have enough time to discuss this item. Japan will be added to the Sunshine Meeting for September 20, 1979 as a closed item. Accordingly, the following Members have voted that this item be deleted from the September 19, 1979 agenda and placed on the September 20, 1979 agenda and no earlier announcement of this change was possible:

Chairman, Marvin S. Cohen
Member, Richard J. O'Melia
Member, Elizabeth E. Bailey
Member, Gloria Schaffer

For reason of closure and persons expected to attend please see Meeting Announcement 247, Amdt 1.

[S-1852-79 Filed 9-20-79; 3:00 pm]

BILLING CODE 6320-01-M

3

[M-246, Amdt. 4; Sept. 19, 1979]

CIVIL AERONAUTICS BOARD.

Notice of addition of items and closure to the September 20, 1979, meeting.

TIME AND DATE: 9:30 a.m., September 20, 1079.

PLACE: Room 1011, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT:

37. Application of Japan Air Lines for Special Authorization and waiver to operate a series of off-route charters for Carrier Corporation. (BIA)
38. Negotiations with the Federal Republic of Germany. (BIA)
39. Recommendation for talks with Canada beginning October 9, 1979 in Ottawa.

STATUS: Closed.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, (202) 673-5068.

SUPPLEMENTARY INFORMATION: The series of flights involved commences on September 25, 1979, and immediate

action is required to give the carrier and charterer adequate notice of the Board's action. There are upcoming negotiations with both countries and in order to formulate a coordinated U.S. Government position, the Board Members have voted that agency business requires that the Board meet on these items on less than seven days' notice because staff work was not completed at this time and that no earlier announcement of the meeting was possible:

Chairman, Marvin S. Cohen
Member, Elizabeth E. Bailey
Member, Gloria Schaffer

This memo concerns strategy and positions that have been or may be taken by the United States in ongoing negotiations with Germany, Canada, and Japan. Public disclosures, particularly to foreign governments, of opinions, evaluations, and strategies relating to the issues could seriously compromise the ability of the United States Delegation to achieve agreements which would be in the best interest of the United States. Accordingly, the following Members have voted that the meeting on this subject would involve matters the premature disclosure of which would be likely to significantly frustrate implementation of proposed agency action within the meaning of the exemption provided under 5 U.S.C. 552(c)(9)(B) and 14 CFR Section 310b.5(9)(B) and that any meeting on this item should be closed.

Chairman, Marvin S. Cohen
Member, Elizabeth E. Bailey
Member, Gloria Schaffer

Persons Expected To Attend

Board Members.—Chairman, Marvin S. Cohen; Member, Richard H. O'Melia; Member, Elizabeth E. Bailey; and Member, Gloria Schaffer.
Assistants to Board Members.—Mr. David Kirstein, Mr. James L. Deegan, Mr. Daniel M. Kasper, and Mr. Stephen H. Lachter.
Managing Director.—Mr. Cressworth Lander.
Executive Assistant to the Managing Director.—Mr. John R. Hancock.
Office of the General Director.—Mr. Michael E. Levine and Mr. Steven A. Rothenberg.
Office of the General Counsel.—Mr. Philip J. Bakes, Jr., Mr. Gary J. Edles, Mr. Peter B. Schwarzkopf, and Mr. Michael Schopf.
Bureau of International Aviation.—Mr. Herbert P. Aswall, Mr. Ivars V. Mellups, Mr. Peter H. Rosenow, Mr. Jerome Nelson, Mr. James S. McMahon, Mr. Regis P. Milan, Jr., Mr. Richard M. Loughlin, Mr. Sanford Rederer, Mr. James S. Horneman, Mr. Ronald C. Miller, Mr. John D. Keppel, and Mr. Marian Mikolajczyk.
Bureau of Domestic Aviation.—Ms. Barbara A. Clark and Mr. Paul L. Gretch.
Office of Economic Analysis.—Mr. Robert H. Frank and Mr. Larry Manheim.
Bureau of Consumer Protection.—Mr. Reuben B. Robertson, Mr. John T. Golden, and Ms. Patricia Kennedy.
Office of the Secretary.—Mrs. Phyllis T. Kaylor, Ms. Deborah A. Lee, and Ms. Louise Patrick.

General Counsel Certification

I certify that this meeting may be closed to the public under 5 U.S.C. 552b(c)(9)(B) and 14 CFR Section 310b.5(9)(B) and that the meeting may be closed to public observation.

Philip Bakes, Jr.,
General Counsel.

[S-1853-79 Filed 9-20-79; 3:00 p.m.]
BILLING CODE 6320-01-M

4

[M-248; Sept. 19, 1979]

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 10 September 26, 1979.
PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.
SUBJECT: Oral Argument—Baltimore/Washington-St. Louis Route Proceeding, Docket 32485.
STATUS: Open.
PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, (202) 673-5068.

[S-1854-79 Filed 9-20-79; 3:00 pm]
BILLING CODE 6320-01-M

5

CONSUMER PRODUCT SAFETY COMMISSION.

Revised agenda [1] [2] (as of September 18, 1979)

TIME AND DATE: Commission Meeting, Thursday, September 20, 1979, 9:30 a.m.
LOCATION: Third Floor Hearing Room, and Eight Floor Conference Room, 1111 18th St., NW., Washington, DC.
STATUS: Part Open, Part Closed.
MATTERS TO BE CONSIDERED:

A. *Open to the Public* (Third Floor Hearing Room)

1. *Isosorbide Dinitrate Petition, PP 79-1.* The Commission will consider a petition in which Ives Laboratories, Inc. requests exemption from child-resistant packaging for sublingual and chewable forms of isosorbide dinitrate in dosage strengths of not more than 10 mg. The staff briefed the Commission on this petition at the September 12 briefing.

2. *Erthromycin Ethylsuccinate: Final PPPA Exemption.* The Commission will consider a draft final amendment to exempt erythromycin ethylsuccinate from child-resistant packaging requirements of the Poison Prevention Packaging Act (PPPA). The exemption would cover tablets of the drug in packages containing no more than a total of 16 grams of the drug. The Commission proposed the exemption January 31, 1979.

3. *Colestipol: Final PPPA Exemption.* The Commission will consider a draft final amendment to exempt colestipol from child-resistant packaging requirements of the Poison Prevention Packaging Act (PPPA). The exemption would cover the powder form of the drug in individually-wrapped packages, each containing no more than 5 grams of the drug. The Commission proposed the exemption January 31, 1979

4. *Aluminized Polyester Kites: Final Ban.* The Commission will consider a final rule to ban kites constructed of 10 inches or more of aluminized polyester film. The Commission proposed the ban January 26, 1979.

5. *Gasoline Cans Petition, CP 78-17.* The Commission will consider a petition in which Martin Bennett, Brooklyn, New York, asks that CPSC ban certain portable containers for consumer use of gasoline, and establish a standard for gasoline containers of five-gallon or less capacity. The staff briefed the Commission on this petition on September 13, 1979.

B. *Closed to the Public* (Eighth Floor Conference Room)

6. *Possible Substantial Product Hazard.* The Commission and staff will discuss issues related to a possible substantial product hazard matter. The Commission previously discussed this matter on September 12. (Closed under exemption 10, possible civil action).

7. *Petition for Stay of Cellulose Insulation Rule.* The Commission will consider a petition from an ad hoc committee, Cellulose Manufacturers Against the CPSC Amended Standard, for an indefinite stay of the Amended Cellulose Insulation Standard. The standard is scheduled to become effective October 16, 1979. (Closed under exemption 9: possible significant frustration of agency action).

8. *Selection of Advisory Committee Members.* The Commission will select new members for three of CPSC's advisory committees: the Product Safety Advisory Council (PSAC), the Technical Advisory Committee on Poison Prevention Packaging (TAC/PPP), and the National Advisory Committee for the Flammable Fabrics Act (NAC/FFA). (Closed under exemption 6: possible invasion of personal privacy). This item was previously scheduled for September 13.

Note.—Agenda originally approved September 11, 1979.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Assistant Secretary, Office of the Secretary, Consumer Product Safety

[1] Agenda revised September 14, 1979, to reverse the order of Items 4 and 5, and to change the location of the closed portion of the meeting to the eighth floor conference room.

[2] Agenda revised September 18, 1979, to add current Item 6. In adding this item, the Commission determined that agency business requires consideration of the matter without the normal seven-day advance notice.

Commission, Washington, DC 20207, Telephone (202) 634-7700.

[S-1855-79 Filed 9-20-79; 3:49 pm]

BILLING CODE 6355-01-M

6

CONSUMER PRODUCT SAFETY COMMISSION.

Agenda

TIME AND DATE: Wednesday, September 26, 1979, 9:30 a.m. and 2 p.m.

LOCATION: Eighth Floor Conference Room, and Third Floor Hearing Room, 1111-18th St., NW, Washington, D.C.

STATUS: Part Open, Part Closed.

MATTERS TO BE CONSIDERED: 9:30 a.m.

A. *Closed to the Public* (Eighth Floor Conference Room).

1. *Discussion of Internal Administrative Practices and Procedures.* The Commission and staff will discuss internal adminstrative practices and procedures, e.g. managing the flow of decision materials. (Closed under exemption 2: internal practices and procedures).

MATTERS TO BE CONSIDERED: 2 p.m.

B. *Open to the Public* (Third Floor Hearing Room).

2. *Discussion of Ballot Vote Procedures.* The Commission and staff will discuss issues related to Commission ballot vote procedures.

Agenda approved September 18, 1979.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Assistant Secretary, Office of the Secretary, Washington, DC 20207, Telephone (202)634-7700.

[S-1856-79 Filed 9-20-79; 3:49 pm]

BILLING CODE 6355-01-M

7

CONSUMER PRODUCT SAFETY COMMISSION.

Agenda

TIME AND DATE: Thursday, September 27, 1979, 9:30 a.m.

LOCATION: Third Floor Hearing Room, 1111 18th St., NW., Washington, D.C.

STATUS: Open to the Public.

1. *Lawn Mower Stockpiling: American Honda Request.* The Commission will consider a request from American Honda Motor Co., Inc. that the company be allowed to use the period from October 1, 1978 through September 30, 1979 as the base period for complying with the stockpiling rule in CPSC's Safety Standard for Power Lawn Mowers. The rule currently specifies a period of 365 consecutive days from September 1, 1971 through August 31, 1978.

2. *Combustibility Labeling for certain Paint Products: Request for Relief.* The Commission will consider a request from the National Paint and Coatings Association (NPCA) for temporary relief from labeling requirements for combustible paint products. NPCA asks that the Commission's statement of policy be amended to make it applicable only to products manufactured on or after October 6, 1979, rather than to products in the chain of distribution on or after that date. Alternatively, NPCA requests that the effective date be extended to December 29, 1979, or 90 days from the Commission's action on its request, whichever is later. CPSC published the policy statement December 29, 1977.

Agenda approved September 19, 1979.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon Butts, Assistant Secretary, Office of the Secretary, Washington, DC 20207, Telephone (202) 634-7700.

[S-1857-79 Filed 9-20-79; 3:49 pm]

BILLING CODE 6355-01-M

8

FEDERAL COMMUNICATIONS COMMISSION.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m., Thursday, September 20, 1979.

PLACE: Room 856, 1919 M Street, N.W., Washington, D.C.

STATUS: Special closed meeting following the special open meeting—previously listed in the Commission's Public Notice of September 13, 1979.

CHANGES IN THE MEETING: The following item is deleted:

Agenda, Item No., and Subject

Common Carrier—2—American Telephone & Telegraph Co., for Authorization to Construct and Operate a Domestic Communications Satellite System, CC Docket No. 79-87.

Additional information concerning this item may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 632-7260.

Issued: September 18, 1979.

[S-1845-79 Filed 9-20-79; 1:08 pm]

BILLING CODE 6712-01-M

9

FEDERAL COMMUNICATIONS COMMISSION.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m., Thursday, September 20, 1979.

PLACE: Room 856, 1919 M Street, N.W., Washington, D.C.

STATUS: Special Open Commission Meeting.

CHANGES IN THE MEETING: The following item has been deleted: (Previously listed in the Commission's Public Notice of September 13, 1979.)

Agenda, Item No., and Subject

Common Carrier—3—Title: In the matter of policies and rules concerning rates for competitive carrier services and facilities authorizations therefore. Summary: Consideration will be given to whether the Commission's rules should be relaxed for certain common carriers. Specifically, the Commission will address whether, and to what extent, the Commission should require carriers who offer services subject to competition to file cost support information with their tariff filings and to obtain Commission approval before undertaking certain activities.

Additional information concerning this item may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 632-7260.

Issued: September 18, 1979.

[S-1846-79 Filed 9-20-79; 1:08 pm]

BILLING CODE 6712-01-M

10

FEDERAL COMMUNICATIONS COMMISSION.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m., Thursday, September 20, 1979.

PLACE: Room 856, 1919 M Street, N.W., Washington, D.C.

STATUS Special Open Commission Meeting.

CHANGES IN THE MEETING: The following item is deleted:

Agenda, Item No., and Subject

Common Carrier—4—The Commission is considering the issuance of a Cable Landing License authorizing the landing an operation of a submarine cable (TAT-7) between Tuckerton, N.J. and Lands End, England issued in conjunction with the Commission's Section 214 authorization to construct, operate, activate and use a TAT-7 Cable System.

Additional information concerning this item may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 632-7260.

Issued: September 18, 1979.

[S-1847-79 Filed 9-20-79; 1:08 pm]

BILLING CODE 6712-01-M

11

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 9:30 a.m., Tuesday, September 25, 1979.

PLACE: Room 856, 1919 M Street, NW., Washington, D.C.

STATUS: Special Open Commission Meeting.

MATTERS TO BE CONSIDERED:

Agenda, Item No., and Subject

Broadcast—1—Title: Proceeding on the various aspects of the Subscription Television Service. Summary: The Commission will consider three of the six issues raised in the Notice of Inquiry and Proposed Rule Making in the Subscription

Television ("STV") Proceeding. The three issues are: (1) whether more than one television station in a given community should be permitted to provide STV service; (2) whether compatibility of STV systems should be required; and (3) whether a cut-off procedure for STV applications should be adopted.

Renewal—1—Office of Science and Technology Report entitled "Investigation of New Television Service for New Jersey;" petitions for rule making (RM-3392 and RM-3398) to assign additional UHF channels in New Jersey; and petitions to deny and informal objections filed by the New Jersey Coalition for Fair Broadcasting, Brendan Byrne, Governor of New Jersey, New Jersey Legislature, and Department of the Public Advocate for the State of New Jersey against the renewal applications of the commercial VHF stations licensed to New York and Philadelphia.

Renewal—2—Title: Educational Broadcasting Corporation's application for renewal of license for Station WNET(TV), Newark, New Jersey. Summary: The Commission is to consider: the adequacy of WNET's New Jersey studio proposal; the desirability of continuation of the waiver of the Commission's main studio location obligation; and WNET's application for renewal of license.

Private Radio—1—Title: Report and Order adopting amendments to Sections 90.365 and 90.377 of the Commission's Rules to change the co-channel mileage separation and frequency loading standards for conventional land mobile radio systems in the bands 806–821 and 851–866 MHz. Summary: The Commission has before it a recommended Report and Order concluding the proceeding (Docket 79-106) commenced by the Commission in the Notice of Proposed Rule Making (FCC 79-282, released May 23, 1979) which proposed certain changes in the co-channel mileage separation and frequency loading standards for conventional land mobile radio systems in the bands 806.821 and 851–866 MHz. The Report and Order discusses the comments and replies submitted in this proceeding and adopts certain Rule revisions proposed in the Notice.

Private Radio—2—Title: memorandum Opinion and Order disposing of (1) Petition filed by Motorola, Inc. for Reconsideration of the Commission's action in the Notice of Proposed Rule Making in Docket No. 79-106 (FCC 79-282, released May 23, 1979) declining to release from a reserve allocation additional frequencies for use by conventional land mobile radio systems in the bands 806–821 and 851–866 MHz; and (2) a Petition filed by National Association of Business and Educational Radio, Inc. seeking an Order releasing from a reserve allocation additional frequencies for use by conventional land mobile radio systems in the bands 806–821 and 851–866 MHz (RM-3403). Summary: The Commission has before it a recommended Memorandum Opinion and Order disposing of the Motorola, Inc. Petition for Partial Reconsideration and the National Association of Business and Educational Radio, Inc. Petition for an Order releasing additional channels for use by conventional radio systems in the 800 MHz bands. The Memorandum Opinion and Order discusses the issues raised in the two petitions and provides a disposition of them.

Private Radio—3—Title: Allocation of frequencies for a maritime communications sytem on the Mississippi River System. RM-3128, RM-3129, RM-3101, RM-2946, and Section 214 petition. Summary: The FCC will consider a staff prepared alternatives paper and staff recommendations concerning allocation of frequencies for an automated, interconnected maritime communications system on the Mississippi River System. The FCC will discuss the following issues: (1) whether or not to allocate frequencies for such a system, and (2) if so, which frequency band should be selected.

This meeting may be continued the following workday to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 632-7260.

Issued: September 18, 1979.

[S-1848-79 Filed 9-20-79; 1:08 pm]

BILLING CODE 6712-01-M

12

FEDERAL ELECTION COMMISSION.

DATE AND TIME: Wednesday, September 26, 1979, at 10 a.m.

PLACE: 1325 K Street, N.W., Washington, D.C.

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Setting of dates for future meetings.
Correction and approval of minutes.
Advisory Opinion 1979-47: Thomas Borman (Campaign '80 Federal).
1980 elections and related matters.
Consultant's report on audit process (continued).
Appropriations and budget.
Pending legislation.
Classification actions.
Routine administrative matters.

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Public Information Officer, telephone 202-523-4065.

Marjorie W. Emmons,
Secretary to the Commission.

[S-1850-79 Filed 9-20-78; 3:00 pm]

BILLING CODE 6715-01-M

13

FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: 9:30 a.m., September 26, 1979.

PLACE: 1700 G Street, N.W., Sixth Floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Franklin O. Bolling (202-377-6677).

MATTERS TO BE CONSIDERED:

Application for Branch Office—First Federal Savings & Loan Association of Russellville, Russellville, Arkansas.
Application for Branch Office—Greater-Miami Federal Savings & Loan Association, Miami, Florida.
Application for Bank Membership—1st Consumers Savings Bank, Augusta, Maine.
Application for Permission to Organize a New Federal—Robert E. Cassagne, et al., Kenner, Louisiana.
Semiannual Regulatory Agenda.
No. 271, September 20, 1979.

[S-1849-79 Filed 9-20-79; 1:08 pm]

BILLING CODE 6720-01-M

14

NATIONAL CREDIT UNION ADMINISTRATION.

TIME AND DATE: 9:30 a.m., September 26, 1979.

PLACE: 2025 M Street NW., Washington, D.C., 4th Floor Conference Room.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Revisions to Part 720 of NCUA Rules and Regulations.
2. Delegations of authority to initiate administrative actions and to impose or waive reserve requirements in individual cases.
3. Proposed modification of Interagency Truth-in-Lending Reimbursement Program.
4. Technical Amendment to 12 CFR Part 742, Liquidity Reserves.
5. Central Liquidity Facility Repayment Agreements.
6. Applications for charters, amendments to charters, bylaw amendments, mergers and insurance as may be pending at that time.
7. Any agenda items carried forward from a previously announced meeting.

RECESS: 10:30 a.m.

TIME AND DATE: 11 a.m., September 26, 1979.

PLACE: 2025 M Street NW., Washington, D.C., 4th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Requests from federally insured credit unions for special assistance under Section 208 of the Federal Credit Union Act in order to prevent their closing. Closed pursuant to exemptions (8) and (9)(A)(ii).
2. Administrative Action. Closed pursuant to exemptions (8), (9)(A)(ii), and (10).
3. Disapproval of certain state chartered credit union applications for federal share insurance. Closed pursuant to exemptions (8) and (9)(A)(ii).

CONTACT PERSON FOR MORE INFORMATION: Rosemary Brady,

Secretary of the Board, telephone (202) 254–9800.

[S-1844-79 Filed 9-20-79; 11:16 am]

BILLING CODE 7535-01-M

15

NUCLEAR REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 44 FR 54115.

TIME AND DATE: Wednesday, September 19, 1979.

PLACE: Commissioners' Conference Room, 1717 H Street NW., Washington, D.C.

STATUS: Closed (Changes).

CHANGES IN THE MEETING:

2:30 p.m.: Discussion of personnel matter (closed—exemption 6) (Approximately 1½ hours) is cancelled.

2:30 p.m.: Briefing on NFS-Erwin (Approximatley 1 hour, closed—exemption 1) Additional Item.

ADDITIONAL INFORMATION: By vote of 3–0 (Chairman Hendrie and Commissioner Kennedy not present) on September 18, the Commission determined pursuant to 5 U.S.C. 552b(e)(1) and § 9.107(a) of the Commission's Rules, that Commission business requires that the above item be held on less than one week's notice to the public.

CONTACT PERSON FOR MORE INFORMATION: Roger Tweed, 202–634–1410.

Roger M. Tweed,

Office of the Secretary.

[S-1842-79 Filed 9-20-79; 9:36 am]

BILLING CODE 7590-01-M

16

SECURITIES AND EXCHANGE COMMISSION.

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meetings during the week of September 24, 1979, in Room 825, 500 North Capitol Street, Washington, D.C.

A closed meeting will be held on Wednesday, September 26, 1979, at 10 a.m. Open meetings will be held on Wednesday, September 26, 1979 at 1:30 p.m., and on Thursday, September 27, 1979, at 10 a.m.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meeting. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meeting may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c) (4), (8), (9)(A), and (10) and 17 CFR 200.402(a) (8), (9)(i), and (10).

Chairman Williams and Commissioners Loomis, Evans, Pollack, and Karmel determined to hold the aforesaid meeting in closed session.

The subject matter of the closed meeting schedule for Wednesday, September 26, 1979, at 10 a.m., will be:

Formal orders of investigation. Settlement of administrative proceedings of enforcement nature.

Other litigation matter.

Institution and settlement of administrative proceeding of an enforcement nature.

Subpoena enforcement action.

Institution of injunctive actions.

Regulatory matter bearing enforcement implication.

Regulatory matter regarding financial institution.

Personnel security matters.

Opinion.

The subject matter of the open meeting scheduled for Wednesday, September 26, 1979, at 1:30 p.m., in room 776, will be:

Meeting with Professor Louis Loss of Harvard Law School to discuss the American Law Institute Proposed Federal Securities Code.

The subject matter of the open meeting scheduled for Thursday, September 27, 1979, at 10 a.m., will be:

1. Consideration of whether to issue a release requesting public comment on the adoption of Rules 17a–8, 22d–4, and 22d–5 and the amendment of Rules 17d–1 and 22c–1 under the Investment Company Act of 1940 to modify certain restrictions of the Act and rules promulgated thereunder pertaining to sales of investment company securities in connection with a merger, consolidation or offer of exchange. For further information, please contact Mark B. Goldfus at (202) 272–2048.

2. Consideration of the application of Mortex, Inc. for exemptions from (1) the broker-dealer registration requirement of Section 15(a) of the Securities Exchange Act of 1934 and (2) the requirements concerning publication of quotations of Exchange Act Rule 15c2–11, in connection with the operation of Mortex's automated system to facilitate secondary trading in mortgage securities. For further information, please contact Susan Davis at (202) 272–2846.

3. Consideration of whether to conditionally adopt amendments to provide relief from certain portions of the reporting requirements of the annual and quarterly reports filed with the Commission by a registrant whose equity securities are owned either directly or indirectly by a single person which itself is a reporting entity under the Securities Exchange Act of 1934. For further information, please contact Michael Connell at (202) 272–2579.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: John Ketels at (202) 272–2462.

September 19, 1979.

[S-1843-79 Filed 9-24-79; 11:16 am]

BILLING CODE 8010-01-M

17

TENNESSEE VALLEY AUTHORITY.

TIME AND DATE: 7:00 to 10:00 p.m., Thursday, September 27, 1979.

PLACE: Jefferson Junior High School, Fairbanks Road, Oak Ridge, Tennessee.

STATUS: Open.

MATTER FOR DISCUSSION: Proposed sale of permanent easement by TVA for coal-loading barge terminal on Melton Hill Reservoir.

DATED: September 20, 1979.

CONTACT PERSON FOR MORE INFORMATION: Lee C. Sheppeard, Acting Director of Information, or a member of his staff can respond to requests for information about this meeting. Call (615) 632–3257, Knoxville, Tennessee. Information is also available at TVA's Washington Office (202) 245–0101.

[S-1838-79 Filed 9-20-79; 4:00 pm]

BILLING CODE 8120-01-M

federal register

Monday
September 24, 1979

Part II

Health, Education, and Welfare

Office of the Secretary

Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

[45 CFR Part 91]

Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance From HEW

AGENCY: Office of the Secretary, HEW.

ACTION: Proposed rules.

SUMMARY: The Department of Health, Education, and Welfare (HEW) proposes specific regulations to carry out its responsibilities under the Age Discrimination Act of 1975, and the recently published general, government-wide regulations published in the Federal Register on June 12, 1979.

The Age Discrimination Act of 1975 prohibits discrimination on the basis of age in programs or activities receiving Federal financial assistance. The Act also contains certain exceptions that permit, under limited circumstances, continued use of age distinctions or factors other than age that may have a disproportionate effect on the basis of age. The Act applies to persons of all ages. These proposed regulations concern programs and activities which receive Federal financial assistance from HEW.

DATES: Comments must be received on or before November 23, 1979. [For a list of public meetings on this proposed rule, see FR document 79-29595 in this part of the Federal Register.]

ADDRESS: Send written comments to: Age Discrimination Task Force, Office of the General Counsel, HEW, Room 711 E, 200 Independence Avenue SW., Washington, D.C. 20201.

FOR FURTHER INFORMATION CONTACT: Ms. Bayla F. White, (202) 245-6284.

SUPPLEMENTARY INFORMATION:

Background

The Age Discrimination Act prohibits discrimination on the basis of age in programs or activities receiving Federal financial assistance. The Act also contains certain exceptions that permit, under limited circumstances, continued use of age distinctions or factors other than age that may have a disproportionate effect on the basis of age. The Act requires HEW to develop government-wide regulations to guide the development of agency specific regulations by each Federal agency that administers programs of Federal financial assistance.

HEW published final government-wide regulations on June 12, 1979 [45 CFR Part 90, published at 44 FR 33708]. The Act and the government-wide regulations require HEW to: (1) Publish proposed "agency-specific" regulations (that is, regulations covering HEW programs and activities) consistent with the government-wide regulations no later than 90 days after publication of the government-wide regulations; and (2) prepare final agency-specific regulations for publication no later than 120 days after publication of the proposed specific regulations. These are HEW's proposed agency specific regulations.

Summary of the Government-Wide Regulations (45 CFR Part 90)

The government-wide regulations specify definitions and the standards for determining what is age discrimination, and what HEW and other Federal agencies must include in their agency-specific regulations. HEW may not change the definitions, standards and basic procedures in the government-wide regulations. Therefore, HEW asks reviewers not to comment on those definitions, standards, and procedures but to direct any comments to the new material in HEW's agency specific regulations. New material is underlined in the summary of the subparts of the proposed HEW regulations. HEW will not respond to comments on requirements established by the final, government-wide regulations.

The government-wide regulations contain five subparts:

Subpart A—General.
Subpart B—What Is Age Discrimination?
Subpart C—What Are the Responsibilities of the Federal Agencies?
Subpart D—Investigation, Conciliation, and Enforcement Procedures.
Subpart E—Future Review of Age Discrimination Regulations.

For the information of commenters, Subparts A and B of the government-wide regulations are repeated in Appendix A after the proposed regulatory sections.

Proposed HEW Regulations Format

These proposed regulations are based on the government-wide age discrimination regulations. HEW proposes to adopt the substantive requirements of the government-wide regulations and to cross-reference those sections rather than to repeat them in full in the proposed HEW regulations. HEW also proposes to adopt hearing procedures contained in other regulations which HEW uses for other nondiscrimination enforcement actions (45 CFR Part 80.9-80.11 and Part 81) and to cross-reference those regulations rather than to repeat them in full in the HEW regulations.

There are several reasons for using cross-references in these proposed regulations:

Under Operation Common Sense, a five-year plan for streamlining and simplifying regulations, HEW is trying different ways to make its regulations easier to understand.

This format makes the regulations shorter and simpler. Identical requirements therefore are not repeated.

This format should help readers better understand where HEW is proposing to use requirements already established in the government-wide regulations and where HEW is proposing additional requirements or interpretations, or is reorganizing the requirements in the government-wide regulations.

This format should help direct commenters to the new or additional requirements, interpretations, or reorganization proposed in these regulations and direct commenters away from requirements in the government-wide regulations which HEW may not revise in its agency specific regulations.

However, cross-references do require readers to look at separate regulations to understand all the requirements. Thus, some readers may prefer to have all requirements fully stated in each set of regulations. HEW especially seeks comments on whether this format is understandable. For the purposes of assisting commenters, HEW has repeated the appropriate requirements from the government-wide regulations in Appendix A. Further, if HEW retains this format in final regulations, HEW will make available information and training materials which will include all of the requirements in one package.

Proposed HEW Regulations (45 CFR Part 91)

HEW's proposed regulations are divided into four subparts:

Subpart A—General.
Subpart B—Standards for Determining Age Discrimination.
Subpart C—Duties of HEW Recipients.
Subpart D—Investigation, Conciliation, and Enforcement Procedures.

There are also two appendices. The next sections of this preamble summarize the contents of each subpart and each appendix. After the summary is a discussion of important requirements and some illustrative examples.

Subpart A—General. Subpart A explains the purpose of HEW's age discrimination regulations, which is to set out HEW's policies and procedures under the Act and the government-wide

regulations. (§ 91.1) The regulations apply to any program or activity receiving Federal financial assistance from HEW. (§ 91.2)

Subpart A also defines terms used in the regulations. Definitions for the following terms are identical to the definitions in the government-wide regulations and are not repeated in the proposed rules:

Act
Action
Age
Age-distinction
Age-related term
Agency
Federal financial assistance
Recipient
United States

The following terms are defined for the first time:

HEW
Secretary (including a designee)
Subrecipient

Subpart B—Standards for Determining Age Discrimination. The standards HEW uses for determining age discrimination are set out in great detail in the government-wide regulations (primarily Subpart B). HEW cross references those standards rather than duplicating them here. However, for the convenience of commenters, the standards (and definitions) are repeated in Appendix A. A short summary of those standards follows:

(1) A receipient may not use age distinctions or take any other actions which have the effect, on the basis of age, of excluding individuals from benefits or denying or limiting their opportunity to participate in any program or activity receiving Federal financial assistance. (From § 90.12 of the government-wide regulations.)

(2) A receipient may use age distinctions or take another action which has the effect, on the basis of age, of excluding individuals from benefits or denying or limiting their opportunity to participate in any program or activity receiving Federal financial assistance where:

An age distinction which conditions program benefits or participation is contained in part of a Federal statute, State statute, or local statute or ordinance adopted by an elected, general purpose legislative body. (From § 90.3 of the government-wide regulations.)

An action reasonably takes into account age as a factor necessary to the "normal operation" or the achievement of any expressly stated "statutory objective" of a program or activity. (From §§ 90.13 and 90.14 of the government-wide regulations.)

An action is based on a factor other than age and the factor bears a direct and substantial relationship to the normal operation of the program or activity or to the achievement of a statutory objective. (From §§ 90.13 and 90.15 of the government-wide regulations.)

A recipient takes voluntary affirmative action to overcome the effects of conditions that resulted in limited participation in the recipient's program or activity on the basis of age. (From § 90.49(b) of the government-wide regulations.)

A recipient provides special benefits to the elderly or to children as part of a program serving persons of other ages, provided it does not have the effect of excluding otherwise eligible persons from participation in the program. (From § 90.49(c) of the government-wide regulations.)

(3) The Act and its implementing regulations do not cover employment practices, except for any program or activity receiving Federal financial assistance for public service employment under the Comprehensive Employment and Training Act. (from § 90.3 of the government-wide regulations) The Age Discrimination in Employment Act, administered by the Equal Employment Opportunity Commission, protects persons between the ages of 40 and 70 from discrimination in most phases of employment.

The government-wide regulations place on the HEW recipient the burden of proving that an action qualifies for an exception. (from § 90.16 of the government-wide regulations)

Subpart C—Duties of HEW Recipients. The duties of HEW recipients are established by the government-wide regulations.

HEW recipients have primary responsibility to ensure that their programs and activities are in compliance with the Act, the government-wide regulations and these regulations. Recipients must also maintain records to the extent required to determine compliance with the Act and these regulations. (§ 91.31)

Where an HEW recipient passes on financial assistance to subrecipients, the recipient must notify subrecipients of their obligations under the proposed HEW regulations. (§ 91.32)

Each recipient employing the equivalent of 15 or m ore full-time employees must complete a one-time written self-evaluation of its compliance with the proposed HEW regulations. The self-evaluation must identify each age distinction the recipient uses and justify each age distinction the recipient itself imposes on the program receiving Federal financial assistance from HEW. If the self-evaluation reveals a violation of the Act, the recipient must take corrective action. The recipient must keep the self-evaluation and make it available upon request for three years to HEW and the public. (§ 91.33)

Each HEW recipient must make available to HEW upon request information necessary to determine whether the recipient is in compliance with these regulations. Recipients must also allow HEW reasonable access to books and records to the extent necessary to determine compliance with the Act and its regulations. (§ 91.34)

Subpart D—Investigation, Conciliation, and Enforcement. Subpart D of the proposed regulations establishes the procedures HEW will use in its investigation, conciliation, and enforcement activities. These procedures are closely tied to requirements in the government-wide regulations, primarily in Subpart D. Underlined language indicates additions in these regulations, not contained in the government-wide regulations.

HEW may conduct compliance and pre-award reviews of recipients, even in the absence of a complaint against the recipient. *The review may be as comprehensive as necessary to determine whether a violation has occurred.* (§ 91.41)

Complaints of age discrimination may be filed with HEW *by an individual or a class or by a third party. The complaint must allege discrimination based on an action occurring on or after July 1, 1979. A complainant must file a complaint within 180 days from the date the complaintant first knew of the alleged act of discrimination althouth HEW may extend this time limit for good cause. A complaint must identify the parties involved and the date the complainant first had knowledge of the alleged violation, describe generally the practice complained of, and be signed by the complainant.* HEW will distribute information regarding the rights and obligations of recipients and complainants under the complaint procedure, including the right to have a representative at all stages of the process. *HEW will permit a complainant to add information to a complaint when necessary to meet the requirements of a sufficient complaint. HEW will return to the complainant any complaint that does not fall within the jurisdiction of the Act and its regulations.* (§ 91.42)

HEW will refer to mediation all complaints that fall within the coverage of the Act. On June 12, 1979, Secretary Califano designated the Federal

Mediation and Conciliation Service (FMCS) to manage the mediation process established in the government-wide regulations.

Complainants and recipients are required to participate in the effort to reach a mutually satisfactory mediated settlement of the complaint, although they need to meet with the mediator at the same time. Mediation may last no more than 60 days from the date HEW first receives the complaint. The mediator will have the authority to terminate the mediation at any time before the end of the 60 day period, if the process appears to have broken down. A settlement based on terms satisfactory to both parties will be put in writing and sent to HEW. HEW will take no further action on a complaint that has been successfully mediated. The mediator will protect the confidentiality of all information obtained in the course of mediation. (§ 91.43)

HEW will investigate complaints that are unresolved after mediation or are reopened because the mediation agreement is violated. HEW will first attempt to resolve the complaint through informal fact-finding. *An agreement reached during informal investigation will be signed by both parties and by an HEW official. The agreement will not affect any other enforcement effort by HEW. The settlement is not a finding of discrimination against a recipient.* If these informal efforts do not succeed, HEW will proceed to develop formal findings through further investigation of the complaint. (§ 91.44)

A recipient may not intimidate or retaliate against any person who attempts to exercise a right protected by the Act or who participates in any aspect of the proceedings used to resolve allegations of age discrimination. (§ 91.45)

The procedures for securing compliance with the Act and these regulations are taken from the government-wide regulations. The procedures include fund termination after an opportunity for a hearing on the record; referral to the Department of Justice; or the use of any Federal, State or local government agency requirement which has the effect of correcting a violation. These regulations include a provision for the limited deferral of new Federal financial assistance from HEW when termination proceedings are initiated. (§ 91.46)

HEW proposes to use procedural provisions contained in the regulations for Title VI of the Civil Rights Act of 1964 to enforce proposed HEW regulations. These provisions are at 45 CFR Part 80.9–80.11 and 45 CFR Part 81. (§ 91.47)

Where HEW finds that a recipient has discriminated on the basis of age, HEW may require the recipient to take necessary remedial action to overcome the effects of the discrimination. (§ 91.48)

When HEW withholds funds from a recipient, the Secretary may disburse those funds to an alternate recipient. The alternate recipient must demonstrate the ability to comply with these regulations and to achieve the goals of the Federal statute which authorizes the financial assistance. (§ 91.49)

Complainants may file civil actions when administrative remedies are exhausted. Administrative remedies are exhausted if either 180 days have elapsed since the complainant filed the complaint and HEW has made no finding, or if HEW issues a finding in favor of the recipient. The proposed regulations repeat the requirements of the Act concerning the private right of action. (§ 91.50)

Appendices

There are two appendices to these proposed rules. Appendix A repeats the definitions and standards from the government-wide regulations for the convenience of commenters. (This Appendix will appear with the final regulations in the Federal Register, but HEW does not intend to codify it.)

Appendix B summarizes, for the information of recipients and other readers, the activities HEW will take administratively to implement the Act, the government-wide regulations and these regulations. The activities are required by the government-wide regulations.

Discussion of Important Requirements and Examples

This section contains a discussion of several important concepts in the proposed regulations, to show how they apply to HEW recipients. Where useful, the discussion includes examples. The examples are intended to illustrate how HEW would apply the standards and analyze whether age distinctions are permissible or impermissible. However, since even slightly different statutory and factual situations may require different analysis or result in different conclusions, it is important to emphasize the need for case-by-case analysis of age distinctions. The examples assume that the institutions involved are recipients of HEW funds. Each example assumes that no exception to the prohibition against age discrimination applies other than the one specifically discussed.

HEW especially seeks comments on whether in addition to information and technical assistance materials HEW will disseminate, HEW should include examples either in the text of the final regulations or in an Appendix codified in the CFR.

Complaints Under the Age Discrimination Act

Section 303 of the Age Discrimination Act provides that the Act's prohibition of age discrimination becomes effective upon the issuance of regulations as prescribed in Section 304 of the Act. Section 304 provides for the issuance of age discrimination regulations in two phases:

(1) HEW publishes general, government-wide regulations to carry out the provisions of Section 303; and

(2) Each Federal agency (including HEW) then publishes regulations specific to its programs and consistent with the government-wide regulations.

HEW interprets the Act's prohibition of age discrimination as being effective when the first set of regulations, the government-wide regulations, became effective on July 1, 1979.

HEW will process complaints of alleged violations that occur after July 1, 1979 and prior to the effective date of these regulations, if those complaints charge violations of the statute and general regulations which do not require for their resolution any interpretative language in the final HEW regulations. The processing of age discrimination complaints will include referral of complaints for mediation starting November 1, 1979, the date when the FMCS will be able to assume its mediation responsibility. HEW will investigate and attempt to resolve any complaints which are not settled in mediation.

For purposes of a complainant's private right of action, the 180 days a complainant must allow for exhausting administrative remedies prior to going to court will run from the day HEW receives the complaint (starting no earlier that July 1, 1979).

Complaints of alleged violations which occur after these regulations become final will be subject to the time frames and procedures established under these final regulations.

Standards for Determining What Is Age Discrimination

Subpart B of the proposed regulations cross-references the standards for determining what is age discrimination from the government-wide regulations (which are set out in Appendix A). The

application of these standards is critical to effective enforcement of the Age Discrimination Act. Set out below is the text of each standard, a discussion of certain important points about the standards, and examples of how HEW applies them.

A. Rules Against Age Discrimination

Text of the government-wide regulations:

General rule: No person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity receiving Federal financial assistance.

Specific rules: A recipient may not, in any program or activity receiving Federal financial assistance, directly or through contractual, licensing, or other arrangements use age distinctions or take any other actions which have the effect on the basis of age of:

(1) Excluding individuals from, denying them the benefits of, or subjecting them to discrimination under, a program or activity receiving Federal financial assistance, or

(2) Denying or limiting individuals in their opportunity to participate in any program or activity receiving Federal financial assistance.

Discussion

The prohibition against age discrimination does not include an absolute prohibition against separate or different treatment on the basis of age. As a general rule, separate or different treatment which denies or limits services from, or participation in, a program receiving Federal financial assistance is prohibited by these regulations. On the other hand, these regulations do not invalidate automatically the provision of services through separate or different treatment on the basis of age. The examples which follow illustrate separate treatment that does not limit or deny service and therefore does not require further scrutiny under the age discrimination regulations.

Examples—Permissible Separate Treatment:

1. A hospital which receives funds from HEW treats children under 16 years of age in a separate unit from the adults served by the hospital. However, essentially comparable services are provided both age groups, including laboratory facilities, specialized care and treatment, and access to the facilities. This separate treatment of the two age groups does not result in an denial or limitation of services, and the practice, therefore *is permissible.*

2. A sports league which receives Federal funds through a local school system separates children into three or more age groupings for sports which require physical development or emotional maturity. Essentially comparable sports programs are provided for each age group. The groupings by age *are permissible* because no denial or limitation of service results.

B. Age Distinctions "Established Under Authority of Any Law"

Text of the government-wide regulations:

The Age Discrimination Act of 1975 does not apply to:

(1) An age distinction contained in that part of a Federal, State, or local statute or ordinance adopted by an elected, general purpose legislative body which:

(i) Provides any benefits or assistance to persons based on age; or

(ii) Establishes criteria for participation in age-related terms; or

(iii) Describes intended beneficiaries or target groups in age-related terms.

Discussion

The Age Discrimination Act covers all programs and activities that receive assistance from HEW. However, it does not apply to age distinctions "established under authority of any law" that provide benefits or establish criteria for participation on the basis of age or in age-related terms. The government-wide regulations have defined the term "any law" to mean age distinctions which are contained in a Federal statute, a State statute, or a local statute or ordinance adopted by an elected, general purpose legislative body. This provision exempts only age distinctions which provide benefits, establish criteria for participation or describe intended beneficiaries. This provision does not provide an automatic exemption for age distinctions that are contained in regulations or in ordinances enacted by bodies which are not elected or are special purpose even though elected, such as State or local school boards. The final HEW regulations will contain an appendix listing the age distinctions that are found in Federal statutes administered by HEW.

Use of the following age distinctions *are permissible* because they fall within the "any law" exception:

Examples—Age distinctions in HEW-administered Federal statutes:

1. The Adult Education Act authorizes services or instruction below college level for *adults.* The Act defines adults as individuals who have attained the age of *16.* (20 U.S.C. 1201–1213)

2. Title I of the Elementary and Secondary Education Act provides "financial assistance . . . to local educational agencies serving areas with concentrations of *children* from low-income families to expand and improve their educational programs by various means (including preschool programs) which contribute particularly to meeting the special needs of educationally deprived *children.*" (20 U.S.C. 2710) [Emphasis added]

3. The Preschool Partnership Program, a part of the Elementary and Secondary Education Act, authorizes projects "to provide a smoother and more successful transition to formal schooling for certain *preschool-aged children.*" *(20 U.S.C. 2971) [Emphasis added]*

4. The Education of the Handicapped Act authorizes special incentive grants to States which "provide special education and related services to handicapped *children aged three to five, inclusive*" and requires that the funds be used to serve those children. (20 U.S.C. 1419) [Emphasis added]

5. The Runaway *Youth* Program authorized under the Juvenile Justice and Delinquency Prevention Act, awards grants for the development and/or strengthening of local facilities to address the immediate needs of runaway *youth* in a manner which is outside of the law enforcement and juvenile justice systems. (42 U.S.C. 5711) [Emphasis added]

6. The Older Americans Act authorized the provision of "assistance in the development of new or improved programs to help *older persons.*" Specifically, it requires States in their State plans to "provide with respect to nutrition services that each project providing nutrition services will be available to individuals *aged 60 or older,* and to their spouses . . ." (42 U.S.C. 3027) [Emphasis added]

Examples—Age distinctions in State and local statutes which may affect HEW funded programs:

1. Age limits for compulsory school attendance or the provision of free public education.

2. Age limits for specific educational, human development, or health services to neglected, abused, or delinquent children or for separate "juvenile" justice systems.

3. Age limits for compulsory health procedures, such as particular vaccinations against disease.

C. Age Distinctions That Are Necessary to Normal Operation or to the Achievement of a Statutory Objective.

Text of the general, government-wide regulations:

Definitions of "normal operation" and "statutory objective."

* * * The terms "normal operation" and "statutory objective" shall have the following meaning:

(a) "Normal operation" means the operation of a program or activity without significant changes that would impair its ability to meet its objectives.

(b) "Statutory objective" means any purpose of a program or activity expressly stated in any Federal statute, State statute, or local statute or ordinance adopted by an elected, general purpose legislative body.

Exceptions to the rules against age discrimination. Normal operation or statutory objective of any program or activity.

A recipient is permitted to take an action, otherwise prohibited * * * if the action reasonably takes into account age as a factor necessary to the normal operation or the achievement of any statutory objective of a program or activity. An action reasonably takes into account age as a factor necessary to the normal operation or the achievement of any statutory objective of a program or activity, if:

(a) Age is used as a measure or approximation of one or more other characteristics; and

(b) The other characteristic(s) must be measured or approximated in order for the normal operation of the program or activity to continue, or to achieve any statutory objective of the program or activity; and

(c) The other characteristic(s) can be reasonably measured or approximately by the use of age; and

(d) The other characteristic(s) are impractical to measure directly on an individual basis.

Discussion

These sections of the government-wide regulations establish a four-part test for explicit age distinctions which are claimed to be necessary to the normal operation of a program or activity, or to the achievement of a statutory objective. HEW will use this four-part test to scrutinize age distinctions which are imposed in the administration of federally assisted programs, but which are not explicitly authorized by a Federal, State, or local statute or ordinance adopted by an elected, general purpose legislative body. If the distinction in question fails any part of the four-part test, the recipient of Federal funds may not continue to use that age distinction.

The four-part test is designed to require careful scrutiny of age distinctions in programs receiving Federal financial assistance. The four-part test is designed to weed out age distinctions that are neither directly related to an essential characteristic of a program nor based on explicitly stated objectives of a law. It is not intended to serve as a basis for permitting continued use of age distinctions for the sake of administrative convenience, if this results in denial or limitation of services on the basis of age.

HEW encourages its recipients to apply every age distinction flexibly; that is, permitting a person who demonstrates eligibility to participate in the activity or program even though he or she would otherwise be barred by the age distinction. Other things being equal, an age distinction under review is more likely to qualify under any of the statutory exceptions if it does not automatically bar all those who do not meet the age requirements.

Examples—Permissible Uses of Age Related to Normal Operation:

1. A youth organization receiving Federal financial assistance imposes a maximum age limit on membership. The organization claims that it has as an objective, the training, education and character development of youth.

Analysis of the Use of Age

(a) Age is used as a measure of the need for training, education, and character building experiences preparing for the assumption of adult responsibility; and

(b) The need for the service must be measured in order for the youth organization's objective to be met; and

(c) Age is highly related to the need for this service and, is thus, a reasonable measure of it; and

(d) It is not practical to measure this need on an individual basis (i.e., while some persons over the age limit might benefit from the service and some persons under the age limit might not need it, there is no practical way to identify them on an individual basis).

The use of a maximum age limit *is necessary* to the normal operation of a recipient's program.

2. A Head Start grantee provides comprehensive health, nutritional, educational, social, and other services for children who have not reached compulsory school age. Neither statute nor regulation specifies a minimum age limit for participation. The nature of these pre-school child development services, however, requires that children who participate have attained a certain level of physical, emotional, and mental maturity. Thus, the center generally limits participation to children who are at least three years old.

Analysis of the Use of Age

(a) The minimum age restriction is used as an approximation of the level of development and the capacity for self-discipline that allows the child to profit from preschool development services; and

(b) A child's readiness for pre-school child development services must be measured for the Head Start center to meet its objectives. The enrollment of younger children who are not ready for these services would require significant changes in the program such as providing greater assistance in feeding, changing diapers, clothes, etc., which would impair the center's ability to meet its objectives; and

(c) Age 3 reasonably approximates the level of development at which children are able to respond to simple commands, move about without assistance, feed themselves, control body functions and perform other basic activities that are compatible with pre-school child development activities; and

(d) It is impractical to measure directly and individually each child's level of physical, mental and emotional development.

The minimum age restriction passes all four parts of the test and, therefore, *is necessary* for the normal operation of the Head Start center.

Examples—Prohibited Uses of Age Related to Normal Operation

1. A medical school generally does not admit persons age 35 and over or considers age as one of several factors that contribute to nonadmission. This practice results in turning away highly qualified applicants over 35.

The school claims that it has as an objective, the teaching of qualified medical students who, upon graduation, will practice as long as possible. The school believes that this objective requires it to select younger applicants over older ones.

Analysis of the Use of Age

(a) Age is used as an approximation of the potential years of practice after graduation;

(b) The approximation of the potential years of practice after graduation is not necessary to the normal operation of the medical school. The basic objective of

the medical school is to train competent and qualified medical doctors. The achievement of a high average longevity of practice for its graduates cannot be considered a medical school's program objective under the Act. The admission of qualified persons over age 35 does not require significant changes in the medical school program which would impair its ability to educate physicians. [The use of age *fails* this part of the test.]

(c) The age potential of an applicant may be a reasonable approximation of the longevity of practice; and

(d) It is not possible to measure directly the projected longevity of a graduate's practice.

The use of age to restrict medical school applicants for the purpose of achieving greater longevity of practice does not pass part (b) of the test. Therefore, the use of age *is not necessary* to the normal operation of the medical school's program.

2. A university English Department limits all scholarship aid to persons under age 25. The university claims that the scholarship program is designed to encourage talented but inexperienced and untrained individuals to pursue academic training in the field of English literature.

Analysis of the Use of Age

(a) Age is used as an approximation of lack of experience and training in the field of English literature.

(b) Measurement of the lack of experience and training is necessary to the normal operation of the English department's academic program.

(c) Age, however, is not a reasonable measure of an indivdual's experience or training. Talented but inexperienced and untrained individuals of all ages may be seeking academic training through the university's English department. [The use of age *fails* this part of the test.]

(d) Lack of experience and training in the field of English literature can reasonably be measured directly. [The use of age *fails* this part of the test.]

The age limitation on the univeristy's English department scholarship aid does not pass parts (c) and (d) of the four-part test. The use of age, therefore *is not necessary* to the normal operation of the English department's program.

Examples—Permissible Uses of Age Related to Statutory Objectives

Federal Statutory Objective

1. Applications for grants for disease control programs under the Public Health Service Act can only be approved if they "contain assurances satisfactory to the Secretary that . . . the applicant will conduct such programs as may be necessary (i) to develop an awareness in those persons in the area served by the applicant who are most susceptible to the disease or conditions . . . of appropriate preventive behavior and measures (including immunization) and diagnostic procedures for such disease, and (ii) to facilitate their access to such measures and procedures." (42 U.S.C. 247b).

A public health program generally gives priority in immunizations to age categories most susceptible to the disease (e.g. the measles immunization program is directed to children under 15).

Analysis of the Use of Age

(a) Age is used as a measure of susceptibility to a particular disease; e.g. ages 1–14 is a measure of susceptibility to measles; and

(b) Susceptibility to the disease must be measured for the statutory objective to be met.

(c) Age is a reasonable measure of susceptibility to the particular disease; e.g. epidemiological evidence shows that children ages 1–14 are more susceptible to measles.

(d) Susceptibility to the disease is impractical to measure directly on an individual basis.

The use of age passes all parts of the four-part test. Thus, age *is necessary* to the achievement of the explicit statutory objective to give priority in immunization to age categories most susceptible to the disease in question.

State Statutory Objectives

1. A State statute provides for the foster care of persons up to the age of maturity. The program terminates foster care services to individuals when they become age 21.

Analysis of the Use of Age

(a) Age 21 is used as an approximation of maturity.

(b) It is necessary to approximate maturity to meet the statutory objective.

(c) Age is a reasonable measure of the time period normally required for a person to reach maturity and no longer need foster care services.

(d) It is impractical to measure each individual's maturity directly.

The use of age passes all parts of the test and, therefore, *is necessary* to the achievement of the State statutory objective.

Examples—Prohibited Uses of Age Related to Statutory Objectives

Federal Statutory Objectives

1. The statutory objective of the Federal vocational rehabilitation program is to provide vocational rehabilitation services to handicapped individuals so that they may be employed in remunerative work commensurate with their skills and abilities. A local vocational rehabilitation agency takes the age of the applicant into account and does not select for services the older person who will be more difficult to place in employment.

Analysis of the Use of Age

(a) Age is used as an approximation of the individual's employability after rehabilitative (restoration or training) services have been completed.

(b) The selection of applicants most likely to be employed following the vocational rehabilitation services is necessary to achieve the statutory objective.

(c) Age is not a reasonable measure of the employability of an applicant. While age may be a fair approximation of difficulty in job placement, this difficulty results primarily from employer bias. Age may not be used as an approximation for another characteristic which itself is either illegal or could not be used in its own right, if it could be measured, for the normal operation of the program or to achieve a statutory objective. [The use of age *fails* this part of the test.]

(d) An individual's employability at some future date cannot be measured directly.

The use of age as a factor in screening applicants for a general vocational rehabilitation program does not meet part (c) and, therefore, *is not necessary* to achieve the objective of the Federal vocational rehabilitation program.

2. The purpose of the Adult Education Act is to provide education that will enable all adults to continue their education to at least the level of secondary school completion and enable them to become more employable, productive, and responsible citizens. The Act defines an adult as "any individual who has attained the age of 16."

A recipient limits participation in its adult education program to adults under 35 because this is necessary to achieve the explicit Adult Education Act objective of increasing employability, productivity, and responsibility in adults.

Analysis of the Use of Age

(a) The upper age limit of 35 is used as an approximation of employability, productivity, and responsibility in adults.

(b) It is not necessary to measure employability, productivity and

responsibility in adults to achieve the statutory objective. The statute requires only that adult education should make an effort to improve these characteristics in adults, not to maximize the degree of improvement or to restrict participation to only those with the highest potential for improvement. [The use of age *fails* this part of the test.]

(c) Age is not a reasonable measure of a higher level of employability, productivity and responsibility in adults.

Persons over age 35 may be as employable, productive and responsible as those under 35. [The use of age 35 *fails* this part of the test.]

(d) It is impractical to measure directly the employability, productivity and responsibility in each individual.

The use of age 35 as a cut-off for admission to adult education programs does not pass parts (b) and (c) of the test. Therefore, it *is not necessary* to achieve the statutory objective of the Adult Basic Education program.

D. The Use of Factors Other Than Age.

Text of the government-wide regulations:

A recipient is permitted to take an action otherwise prohibited * * * which is based on a factor other than age, even though that action may have a disproportionate effect on persons of different ages. An action may be based on a factor other than age only if the factor bears a direct and substantial relationship to the normal operation of the program or activity or to the achievement of a statutory objective.

Discussion

The Age Discrimination Act permits a recipient of Federal funds to take an action otherwise prohibited by the Act, if the action is based on "reasonable factors other than age," even though that action may have a more severe effect on one age group than on another. To justify rules or operating procedures which disadvantage any age group when age is not explicitly mentioned, HEW recipients must demonstrate that these procedures have a "direct and substantial" relationship to specific program objectives.

Examples—Permissible Uses of Factors Other Than Age:

1. A federally assisted skill training program uses a physical fitness test as a factor for selecting participants to train for a certain job. The job involves frequent heavy lifting and other demands for physical strength and stamina. Even though older persons might fail the test more frequently than younger persons, the physical fitness test measures a characteristic that bears a *direct and substantial relationship* to the job for which persons are being trained and, therefore, *is permissible* under the Act.

2. A recreational sports program which offers only track and field events uses a physical fitness test of strength and endurance to select participants. Since there is a *direct and substantial relationship* between the factors measured by the test and the requirements for normal program operation, the use of the test *is permissible*.

Examples—Prohibited Uses of Factors Other Than Age:

1. A federally assisted training program uses a physical fitness test to select participants for a clerical training program. It is claimed that persons who pass the test are likely to do better work than those who are unable to pass the test. Even if this were true, the relationship between the requirements of the test and the requirements of the type of job for which training is being offered *is not direct and substantial*. It is so tenuous and limited that it will not justify the test's age discriminatory effect. In this situation, use of the test would violate the Act.

2. A graduate school considers the completion of an undergraduate program within the preceding 10 years as a factor for admission. The requirement that applicants have completed undergraduate training within the preceding 10 years has a disproportionate effect upon older applicants to graduate programs. The basis for the admissions requirement is the assumption that the individual who has been removed from the academic setting for too long a period and whose prior training may have become dated, will be unsuccessful in the graduate program.

While a graduate program may identify specific preparatory requirements as legitimate admissions criteria, the use of a period of time from the date of completion of undergraduate training to the date of application of graduate school is not a reasonable eligibility factor. The relationship between performance in graduate school and the use of a time period since graduation from undergraduate school *is not direct and substantial*. Recency of undergraduate training need not near any relationship to the general readiness of a person for graduate school, since many other factors such as the individual's activities in the interim could have a more substantial impact upon readiness.

E. The Use of Special Benefits for Children and the Elderly.

Text of the government-wide regulations:

If a recipient operating a program which serves the elderly or children in addition to persons of other ages, provides special benefits to the elderly or to children, the provision of those benefits shall be presumed to be voluntary affirmative action provided that it does not have the effect of excluding otherwise eligible persons from participation in the program.

Discussion:

The government-wide regulations permit a recipient operating a program which serves the elderly or children in addition to persons of other ages to provide special benefits for children or the elderly if, by doing so, the recipient does not exclude others who are eligible from participating in the federally assisted program.

The special benefits provision resulted from HEW's belief that Congress did not intend to disturb the practice of providing special benefits to children or the elderly in programs that also serve a wider age range of the population. These special benefits often take the form of special discounts, such as reduced fares on public transportation.

The government-wide regulations leave to the recipient the definition of who qualifies as "children" or "the elderly" for purposes of receiving a special benefit. However, HEW does not intend this provision to be used to justify a general program which provides services *only* to children or to the elderly.

Examples—Permissible Special Benefits:

1. A college receiving HEW funds makes its academic programs available to persons of all ages, but reduces tuition and fees for senior citizens. This practice *is permissible* as a special benefit for the elderly, since persons of other ages are not denied access to the college programs.

2. A museum receiving funds from HEW has a reduced admission fee for children under 12. This practice *is permissible* as a special benefit for children, since persons of other ages are not denied access to the museum.

Example—Prohibited Special Benefit:

1. A community health center provides health screening only for senior citizens. The center could *not* claim an exemption under the special benefits provision because the health screening program is

not generally available to everyone. To continue, the practice of limiting health screening by age would have to pass the four-part test for an age distinction necessary to the normal operation of the community health center or to the achievement of one of its statutory objectives.

The Requirement for Recipient Self-Evaluation

Each HEW recipient that employs the equivalent of 15 or more persons on a full-time basis must complete a one-time self-evaluation of its compliance with the Age Discrimination Act. The self-evaluation must be completed within 18 months from the effective date of these regulations and must be available to HEW and to the public for a period of three years.

The requirement for recipient self-evaluation is taken from the government-wide regulations. Each recipient must identify and justify the age distinctions it imposes in programs receiving financial assistance from HEW. The regulations do not require an evaluation of the factors other than age that may affect the operation of the recipient's program.

The evaluation of an age distinction by a recipient should be simple and straightforward. Detailed legal analysis or empirical research will rarely be necessary. Any single age distinction can normally be analyzed in a page or less. Where no age distinctions are imposed, the self-evaluation may simply state this fact.

A recipient that adopts age distinctions imposed by the Federal, State, or local agency through which the recipient receives its Federal funds should identify the origin of those age distinctions in its self-evaluation. However, any question concerning such age distinctions must be justified by the agency imposing the distinction and not by the self-evaluation of the recipient that merely adopts it.

Recipients are not required to complete the one-time self-evaluation until 18 months after the effective date of the final HEW regulations. Thus, a recipient will have the benefit of HEW's review of the age distinctions in its regulations, policies and administrative practices, which HEW is required to publish 12 months after the effective date of these regulations. Once the review is completed, HEW regulations will contain only age distinctions that meet the requirements of these regulations. As a result recipients may, in their self-evaluations, indicate that an age distinction is authorized by HEW regulations.

Each recipient must justify the continued use of any age distinction it imposes based on the standards set in these regulations. Each recipient must make certain that it is not using any age distinction unless the distinction is "established under authority of any law"; or is authorized by the regulations of the Federal agency providing the financial assistance; or unless the distinction can pass the four-part test for age distinctions claimed to be necessary to the normal operation or to the achievement of a statutory objective.

Readers should note that these regulations only require that recipients make their self-evaluations available upon request to HEW or to the public. Recipients are not required to submit self-evaluations to HEW, nor are there required reporting forms for the self-evaluation.

The following hypothetical example indicates that a self-evaluation may be short, simple, and easy to complete.

Example of a Recipient Self-Evaluation

A local school district uses the following age distinctions in the operation of its programs:

Children ages 6–16 must attend elementary and secondary school.

Children ages 5–21 may attend elementary and secondary school.

Students must be at least 16 to participate in the district's adult education programs.

Children must be at least 15 to take driver's education.

Children under age 14 must have parental permission for field trips.

At age 16, a student may participate in a locally-funded work study program.

At age 13 students are automatically promoted to junior high school.

This school system's self-evaluation may be completed as two lists:

Age Distinctions Used But Not Imposed by the School District

Age Distinction and Source

Mandatory school attendance for ages 6–16, State law (citation).

Allowable school attendance for ages 5–21, State law (citation).

Minimum age of 16 for adult education, Federal Law (citation) (Adult Education Act).

Minimun age of 16 for locally funded work-study program, State law (citation) (Child Labor Law).

Minimum age 15 for driver's education, State law (citation) (Motor Vehicle law).

Age Distinctions Imposed Directly by the School District

Age Distinction and Justification

Parental permission for field trips for students under 14, Automatic promotion to junior high school for students at age 13, [to be developed by the school district based on the standards for determining what is age discrimination in Part 90, § 90.14].

Alternate Approaches to regulations

HEW considered and rejected alternative approaches for these regulations in which HEW might have proposed additional requirements. HEW invites comments on the following questions:

Should the regulations address practices of specific HEW recipients, such as institutions of higher education or hospitals? HEW has no reason to believe (in the absence of experience enforcing the Act) that recipient practices differ to the extent that separate provisions are necessary.

Should the regulations expand the requirements for recipient self-evaluations? Should HEW require recipients to consult with interested groups in the community in preparing the self-evaluation? Should HEW require each recipient to include in its self-evaluation a list of the interested persons or organizations consulted in the preparation of the self-evaluation? Should HEW require a recipient to list in its self-evaluation any corrective actions it will take? Should HEW require recipients to publish a notice when the self-evaluations are completed? (Would this additional requirement be effective? Would it be too costly?)

Should the regulations clarify the standards for determining what is age discrimination set out in the government-wide regulations? HEW has not expanded on the standards themselves in these proposed regulations, but has provided examples of how the standards may be applied to HEW recipients. HEW invites comments on the extent to which the examples clarify how the standards in the government-wide regulations apply to HEW recipients.

Should the regulations set out more detailed requirements about what technical assistance and educational materials HEW provides its recipients? HEW believes it should not set out details of these administrative actions in regulations.

Should the regulations include more detailed provisions for disbursing funds to alternate recipients in the case of a fund termination? HEW considered specifying in more detail what

requirments it would waive in choosing an alternate recipient (for example, non-substantive procedural requirements), but determinte that a case-by-case determination is required.

Should HEW use hearing procedures other than those used for other discrimination matters? These regulations propose to use the same procedures set out in 45 CFR Part 80.9–80.11 and Part 81. These are the procedures for hearings, decisions, and post termination proceedings used in conjunction with other non-discrimination requirements.

REGULATORY ANALYSIS—COMPLIANCE COSTS

Section 3 of Executive Order 12044, *Improving Government Regulations*, requires a regulatory analysis for "significant" regulations which "may have major economic consequences for the general economy, for individual industries, geographical regions or level of governments."

In developing the government-wide regulations, HEW determined that the costs of implementing the age discrimination regulations for all government departments and agencies did not require a regulatory analysis under Executive Order 12044. Consequently, HEW has concluded that a regulatory analysis is not required for these proposed HEW specific regulation.

Dated: September 14, 1979.

Patricia Roberts Harris,

Secretary, Department of Health, Education, and Welfare.

The Department of Health, Education, and Welfare proposes to add Part 91 to Title 45 of the Code of Federal Regulations as set forth below:

PART 91—NONDISCRIMINATION ON THE BASIS OF AGE IN HEW PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

Subpart A—General

Sec.
91.1 What is the purpose of HEW's age discrimination regulations?
91.2 To what programs do these regulations apply?
91.3 Definitions.

Subpart B—Standards for Determining Age Discrimination

91.11 Standards.

Subpart C—Duties of HEW Recipients

91.31 General responsibilities.
91.32 Notice to subrecipients.
91.33 Self-evaluation.
91.34 Information requirements.

Subpart D—Investigation, Conciliation, and Enforcement Procedures

Sec.
91.41 Compliance reviews.
91.42 Complaints.
91.43 Mediation.
91.44 Investigation.
91.45 Prohibition against intimidation or retaliation.
91.46 Compliance procedure.
91.47 Hearings, decisions, post-termination proceedings.
91.48 Remedial action by recipients.
91.49 Alternate funds disbursal procedure.
91.50 Exhaustion of administrative remedies.

Appendix A—Coverage and Definitions, Standards for Determining Age Discrimination, Burden of Proof (from Part 90).

Appendix B—HEW Activities (from Part 90).

Subpart A—General

§ 91.1 What is the purpose of HEW's age discrimination regulations?

The purpose of these regulations is to set out HEW's policies and procedures under the Age Discrimination Act of 1975 and the government-wide age discrimination regulations at 45 CFR 90.[1] The Act and the government-wide regulations prohibit discrimination on the basis of age in programs or activities receiving Federal financial assistance. The Act and the government-wide regulations permit federally assisted programs and activities, and recipients of Federal funds, to continue to use age distinctions and factors other than age which meet the requirements of the Act and the government-wide regulations.

§ 91.2 To what programs do these regulations apply?

These regulations apply to each HEW recipient and to each program or activity operated by the recipient which receives or benefits from Federal financial assistance provided by HEW.

§ 91.3 Definitions.

(a) The following terms used in these regulations are defined in the government-wide regulations:

Act, action, age, age distinction, age-related term, agency, Federal financial assistance, recipient, United States.

(b) As used in these regulations, "HEW" means the United States Department of Health, Education, and Welfare.

"Secretary" means the Secretary of HEW or his or her designee.

"Subrecipient" means any of the entities in the definition of "recipient" to which a recipient extends or passes on Federal financial assistance. A subrecipient is generally regarded as a recipient of Federal financial assistance and has all the duties of a recipient in these regulations.

[1] Published at 44 FR 33768, June 12, 1979.

Subpart B—Standards for Determining Age Discrimination

§ 91.11 Standards.

The standards HEW uses to determine whether an age distinction or a factor other than age is prohibited are set out in 45 CFR §§ 90.3, 90.12–90.16, and 90.49. [These sections of the government-wide regulations are attached for information purposes as Appendix A.]

Subpart C—Duties of HEW Recipients

§ 91.31 General responsibilities.

Each HEW recipient has primary responsibility to insure that its programs and activities are in compliance with the Act, the government-wide regulations and these regulations. A recipient also has responsibility to maintain records, provide information, and to afford access to its records to HEW, to the extent required to determine whether it is in compliance with the Act and these regulations.

§ 91.32 Notice to subrecipients.

Where a recipient passes on Federal financial assistance from HEW to subrecipients, the recipient shall provide the subrecipients written notice of their obligations under these regulations.

§ 91.33 Self-evaluation.

(a) Each recipient employing the equivalent of 15 or more full-time employees shall complete one-time written self-evaluation of its compliance under the Act within 18 months of the effective date of these regulations.

(b) In its self-evaluation, each recipient shall identify and justify each age distinction imposed in the program or activity receiving Federal financial assistance from HEW.

(c) Each recipient shall take corrective action whenever a self-evaluation indicates a violation of the Act or these regulations.

(d) Each recipient shall make the self-evaluation available on request to HEW and to the public for a period of three years following its completion.

§ 91.34 Information requirements.

Each recipient shall:

(a) Make available upon request to HEW information necessary to determine whether the recipient is complying with the Act and these regulations.

(b) Permit reasonable access by HEW to the books, records, accounts, and other recipient facilities and sources of information to the extent necessary to determine whether the recipient is in compliance with the Act and these regulations.

Subpart D—Investigation, Conciliation, and Enforcement Procedures [2]

§ 91.41 Compliance reviews.

(a) HEW may conduct compliance reviews and pre-award reviews of recipients or use other similar procedures that will permit it to investigate and correct violations of the Act and these regulations. HEW may conduct these reviews even in the absence of a complaint against a recipient. The review may be as comprehensive as necessary to determine whether a violation of these regulations has occurred.

(b) If a compliance review or pre-award review indicates a violation of the Act or these regulations, HEW will attempt to achieve voluntary compliance with the Act. If voluntary compliance cannot be achieved, HEW will arrange for enforcement as described in section 91.46.

§ 91.42 Complaints.

(a) Any person, individually or as a member of a class or on behalf of others, may file a complaint with HEW, alleging discrimination prohibited by the Act or these regulations based on an action occurring on or after July 1, 1979. A complainant shall file a complaint within 180 days from the date the complainant first had knowledge of the alleged act of discrimination. However, for good cause shown, HEW may extend this time limit.

(b) HEW will attempt to facilitate the filing of complaints wherever possible, including taking the following measures:

(1) Accepting as a sufficient complaint, any written statement which identifies the parties involved and the date the complainant first had knowledge of the alleged violation, describes generally the action or practice complained of, and is signed by the complainant.

(2) Freely permitting a complainant to add information to the complaint to meet the requirements of a sufficient complaint.

(3) Widely disseminating information regarding the obligations of recipients under the Act and these regulations.

(4) Notifying the complainant and the recipient of their rights and obligations under the complaint procedure, including the right to have a representative at all stages of the complaint procedure.

(5) Notifying the complainant and the recipient (or their representatives) of their right to contact HEW for information and assistance regarding the complaint resolution process.

(c) HEW will return to the complainant any complaint outside the jurisdiction of these regulations, and will state the reason(s) why it is outside the jurisdiction of these regulations.

§ 91.43 Mediation.

(a) *Referral of complainants for mediation.* HEW will refer to a mediation agency designated by the Secretary, all complaints that:

(1) Fall within the jurisdiction of the Act and these regulations; and

(2) Contain all information necessary for further processing.

(b) Both the complainant and the recipient shall participate in the mediation process to the extent necessary to reach an agreement or make an informed judgment that an agreement is not possible. There must be at least one meeting with the mediator before HEW will accept a judgment that an agreement is not possible. However, the recipient and the complainant need not meet with the mediator at the same time.

(c) If the complainant and the recipient reach an agreement, the mediator shall prepare a written statement of the agreement and have the complainant and recipient sign it. The mediator shall send a copy of the agreement to HEW. HEW will take no further action on the complaint unless the complainant or the recipient fails to comply with the agreement.

(d) The mediator shall protect the confidentiality of all information obtained in the course of the mediation process. No mediator shall testify in any adjudicative proceeding, produce any document, or otherwise disclose any information obtained in the course of the mediation process without prior approval of the head of the mediation agency.

(e) HEW will use the mediation process for a maximum of 60 days after receiving a complaint. Mediation ends if:

(1) 60 days elapse from the time HEW receives the complaint; *or*

(2) Prior to the end of that 60 day period, an agreement is reached; *or*

(3) Prior to the end of that 60 day period, the mediator determines that an agreement cannot be reached.

(f) The mediator shall return unresolved complaints to HEW.

§ 91.44 Investigation.

(a) *Informal investigation.* (1) HEW will investigate complaints that are unresolved after mediation or are reopened because of a violation of a mediation agreement.

(2) As part of the initial investigation, HEW will use informal fact finding methods, including joint or separate discussions with the complainant and recipient to establish the facts, and, if possible, settle the complaint on terms that are mutually agreeable to the parties. HEW may seek the assistance of any involved State program agency.

(3) HEW will put any agreement in writing and have it signed by the parties and an authorized official at HEW.

(4) The settlement shall not affect the operation of any other enforcement effort of HEW, including compliance reviews and investigation of other complaints which may involve the recipient.

(5) The settlement is not a finding of discrimination against a recipient.

(b) *Formal investigation.* If HEW cannot resolve the complaint through informal investigation, it will begin to develop formal findings through further investigation of the complaint. If the investigation indicates a violation of these regulations, HEW will attempt to obtain voluntary compliance. If HEW cannot obtain voluntary compliance, it will begin enforcement as described in section 91.46.

§ 91.45 Prohibition against intimidation or retaliation.

A recipient may not engage in acts of intimidation or retaliation against any person who:

(a) Attempts to assert a right protected by the Act or these regulations; or

(b) Cooperates in any mediation, investigation, hearing, or other part of HEW's investigation, conciliation, and enforcement process.

§ 91.46 Compliance procedure.

(a) HEW may enforce the Act and these regulations through:

(1) Termination of a recipient's Federal financial assistance from HEW under the program or activity involved where the recipient has violated the Act or these regulations. The determination of the recipient's violation may be made only after a recipient has had an opportunity for a hearing on the record before an administrative law judge. Therefore, cases which are settled in mediation, or prior to a hearing, will not

[2] The other activities HEW conducts to implement the government-wide regulations are summarized in Appendix B for the information of recipients and other readers.

involve termination of a recipient's Federal financial assistance from HEW.

(2) Any other means authorized by law including but not limited to:

(i) Referral to the Department of Justice for proceedings to enforce any rights of the United States or obligations of the recipient created by the Act or these regulations.

(ii) Use of any requirment of or referral to any Federal, State, or local government agency that will have the effect of correcting a violation of the Act or these regulations.

(b) HEW will limit any termination under section 91.46(a)(1) to the particular recipient and particular program or activity HEW finds in violation of these regulations. HEW will not base any part of a termination on a finding with respect to any program or activity of the recipient which does not receive Federal financial assistance from HEW.

(c) HEW will take no action under paragraph (a) until:

(1) The Secretary has advised the recipient of its failure to comply with the Act and these regulations and has determined that voluntary compliance cannot be obtained.

(2) Thirty days have elapsed after the Secretary has sent a written report of the circumstances and grounds of the action to the committees of the Congress having legislative jurisdiction over the Federal program or activity involved. The Secretary will file a report whenever any action is taken under paragraph (a).

(d) HEW also may defer granting new Federal financial assistance from HEW to a recipient when a hearing under section 91.46(a)(1) is initiated.

(1) HEW Federal financial assistance from HEW includes all assistance for which HEW requires an application or approval, including renewal or continuation of existing activities, or authorization of new activities, during the deferral period. New Federal financial assistance from HEW does not include increases in funding as a result of changed computation of formula awards or assistance approved prior to the beginning of a hearing under section 91.46(a)(1).

(2) HEW will not begin a deferral until the recipient has received a notice of an opportunity for a hearing under section 91.46(a)(1). HEW will not continue a deferral for more than 60 days unless a hearing has begun within that time or the time for beginning the hearing has been extended by mutual consent of the recipient and the Secretary. HEW will not continue a deferral for more than 30 days after the close of the hearing, unless the hearing results in a finding against the recipient.

§ 91.47 Hearings, decisions, post-termination proceedings.

Certain HEW procedural provisions applicable to Title VI of the Civil Rights Act of 1964 apply to HEW enforcement of these regulations. They are 45 C.F.R. 80.9 through 80.11 and 45 C.F.R. Part 81.

§ 91.48 Remedial action by recipients.

Where HEW finds a recipient has discriminated on the basis of age, the recipient shall take any remedial action that HEW may require to overcome the effects of the discrimination. If another recipient exercises control over the recipient that has discriminated, HEW may require both recipients to take remedial action.

§ 91.49 Alternate funds disbursal procedure.

(a) When HEW withholds funds from a recipient under these regulations, the Secretary may disburse the withheld funds directly to an alternate recipient: any public or non-profit private organization or agency, or State or political subdivision of the State.

(b) The Secretary will require any alternate recipient to demonstrate:

(1) The ability to comply with these regulations; and

(2) The ability to achieve the goals of the Federal statute authorizing the program or activity.

§ 91.50 Exhaustion of administrative remedies.

(a) A complainant may file a civil action following the exhaustion of administrative remedies under the Act. Administrative remedies are exhausted if:

(1) 180 days have elapsed since the complainant filed the complaint and HEW has made no finding with regard to the complaint; or

(2) HEW issues any finding in favor of the recipient.

(b) If HEW fails to make a finding within 180 days or issues a finding in favor of the recipient, HEW will:

(1) Promptly advise the complainant of this fact; and

(2) Advise the complainant of his or her right to bring a civil action for injunctive relief; and

(3) Inform the complainant:

(i) That the complainant may bring a civil action only in a United States district court for the district in which the recipient is located or transacts business:

(ii) That a complainant prevailing in a civil action has the right to be awarded the costs of the action, including reasonable attorney's fees, but that the complainant must demand these costs in the complaint;

(iii) That before commencing the action the complainant shall give 30 days notice by registered mail to the Secretary, the Attorney General of the United States, and the recipient;

(iv) That the notice must state: the alleged violation of the Act; the relief requested; the court in which the complainant is bringing the action; and, whether or not attorney's fees are demanded in the event the complainant prevails; and

(v) That the complainant may not bring an action if the same alleged violation of the Act by the same recipient is the subject of a pending action in any court of the United States.

Appendix A—Coverage and Definitions; Standards for Determining Age Discrimination, Burden of Proof

Note.—This appendix is for the convenience of the commenters. It will not be included in the Code of Federal Regulations.

The following sections from the government-wide regulations are repeated for the convenience of commenters.

Coverage and Definitions

§ 90.3 *What programs and activities does the Age Discrimination Act of 1975 cover?*

(a) The Age Discrimination Act of 1975 applies to any program or activity receiving Federal financial assistance, including programs of activities receiving funds under the State and Local Fiscal Assistance Act of 1972 (31 U.S.C. 1221 *et seq.*).

(b) The Age Discrimination Act of 1975 does not apply to:

(1) An age distinction contained in that part of a Federal, State, or local statute or ordinance adopted by an elected, general purpose legislative body which:

(i) Provides any benefits or assistance to persons based on age; or

(ii) Establishes criteria for participation in age-related terms; or

(iii) Describes intended beneficiaries or target groups in age-related terms.

(2) Any employment practice of any employer, employment agency, labor organization, or any labor-management joint apprenticeship training program, except for any program or activity receiving Federal financial assistance for public service employment under the Comprehensive Employment and Training Act of 1974 (CETA), (29 U.S.C. 801 *et seq.*).

§ 90.4 *How are the terms in these regulations defined?*

As used in these regulations, the term:

"Act" means the Age Discrimination Act of 1975, as amended, (Title III of Public Law 94-135).

"Action" means any act, activity, policy, rule, standard, or method of administration: or the use of any policy, rule, standard, or method of administration.

"Age" means how old a person is, or the number of years from the date of a person's birth.

"Age distinction" means any action using age or an age-related term.

"Age-related term" means a word or words which necessarily imply a particular age or range of ages (for example, "children," "adult," "older persons," but not "student").

"Agency" means a Federal department or agency that is empowered to extend financial assistance.

"Federal financial assistance" means any grant, entitlement, loan, cooperative agreement, contract (other than a procurement contract or a contract of insurance or guaranty), or any other arrangement by which the agency provides or otherwise makes available assistance in the form of:

(a) Funds;

(b) Services of Federal personnel; or

(c) Real and personal property or any interest in or use of property, including:

(1) Transfers or leases of property for less than fair market value or for reduced consideration; and

(2) Proceeds from a subsequent transfer or lease of property if the Federal share of its fair market value is not returned to the Federal Government.

"Recipient" means any State or its political sub-division, any instrumentality of a State or its political sub-division, any public or private agency, institution, organization, or other entity, or any person to which Federal financial assistance is extended, directly or through another recipient. Recipient includes any successor, assignee, or transferee, but excludes the ultimate beneficiary of the assistance.

"Secretary" means the Secretary of the Department of Health, Education, and Welfare.

"United States" means the fifty States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, Wake Island, the Canal Zone, the Trust Territory of the Pacific Islands, the Northern Marianas, and the territories and possessions of the United States.

Standards for Determining Age Discrimination

§ 90.12 *Rules against age discrimination.*

The rules stated in this section are limited by the exceptions contained in section 90.14, and 90.15 of these regulations.

(a) *General rule:* No person in the United States shall, on the basis of age, be exlcuded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity receiving Federal financial assistance.

(b) *Specific rules:* A recipient may not, in any program or activity receiving Federal financial assistance, directly or through contractual, licensing, or other arrangements use age distinctions or take any other actions which have the effect, on the basis of age, of:

(1) Excluding individuals from, denying them the benefits of, or subjecting them to discrimination under, a program or activity receiving Federal financial assistance; or

(2) Denying or limiting individuals in their opportunity to participate in any program or activity receiving Federal financial assistance.

(c) The specific forms of age discrimination listed in paragraph (b) of this section do not necessarily constitute a complete list.

§ 90.13 *Definitions of "normal operation" and "statutory objective."*

For purposes of sections 90.14 and 90.15, the terms "normal operation" and "statutory objective" shall have the following meaning:

(a) "Normal operation" means the operation of a program or activity without significant changes that would impair its ability to meet its objectives.

(b) "Statutory objective" means any purpose of a program or activity expressly stated in any Federal statute, State statute, or local statute or ordinance adopted by an elected, general purpose legislative body.

§ 90.14 *Exceptions to the rules against age discrimination. Normal operation or statutory objective of any program or activity.*

A recipient is permitted to take an action, otherwise prohibited by section 90.12, if the action reasonably takes into account age as a factor necessary to the normal operation or the achievement of any statutory objective of a program or activity. An action reasonably takes into account age as a factor necessary to the normal operation or the achievement of any statutory objective of a program or activity, if:

(a) Age is used as a measure or approximation on one or more other characteristics; and

(b) The other characteristic(s) must be measured or approximated in order for the normal operation of the program or activity to continue, or to achieve any statutory objective of the program or activity; and

(c) The other characteristic(s) can be reasonably measured or approximated by the use of age; and

(d) The other characteristic(s) are impractical to measure directly on an individual basis.

§ 90.15 *Exceptions to the rules against age discrimination. Reasonable factors other than age.*

A recipient is permitted to take an action otherwise prohibited by section 90.12 which is based on a factor other than age, even though that action may have a disproportionate effect on persons of different ages. An action may be based on a factor other than age only if the factor bears a direct and substantial relationship to the normal operation of the program or activity or to the achievement of a statutory objective.

§ 90.49 *Remedial and affirmative action by recipients.*

* * * * *

(b) Even in the absence of a finding of discrimination, a recipient may take affirmative action to overcome the effects of conditions that resulted in limited participation in the recipient's program or activity on the basis of age.

(c) If a recipient operating a program which serves the elderly or children in addition to persons of other ages, provides special benefits to the elderly or to children, the provision of those benefits shall be presumed to be voluntary affirmative action provided that it does not have the effect of excluding otherwise eligible persons from participation in the program.

Burden of Proof

§ 90.16 *Burden of proof.*

The burden of proving that an age distinction or other action falls within the exceptions outlined in sections 90.14 and 90.15 is on the recipient of Federal financial assistance.

Appendix B—HEW Activities

For the information of recipients and other reviewers, the following is a summary of activities that the government-wide regulations require of HEW. The citation in brackets is to the section of the government-wide regulations which HEW is summarizing.

(1) Review age distinctions HEW imposes on its recipients to determine whether they are permissible under the Act. HEW will publish the results of that review for public comment 12 months after HEW publishes its final regulations. [§ 90.32]

(2) Cooperate for all compliance and enforcement purposes, with other Federal agencies which provide Federal financial assistance to the same recipient or class of recipients. [§ 90.33]

(3) Make annual reports to Congress describing HEW's efforts to carry out the Act. [§ 90.34]

(4) Attempt to ensure that HEW recipients comply voluntarily with the Act. [§ 90.42]

(5) Provide notice and technical assistance to HEW recipients and make available educational materials. [§ 90.43(a)]

(6) Review the effectiveness of these regulations 30 months after they become effective. [§ 90.62]

[FR Doc. 79-29396 Filed 9-21-79; 8:45 am]

BILLING CODE 4110-12-M

[45 CFR Part 91]

Age Discrimination Regulations; Public Meetings

AGENCY: Office of the Secretary, HEW.

ACTION: Proposed rules, notice of public meetings.

SUMMARY: The Department of Health, Education, and Welfare will sponsor public meetings on the proposed HEW regulations to carry out the provisions of the Age Discrimination Act of 1975, as amended. The Act applies to persons of all ages. It prohibits discrimination on the basis of age in programs or activities receiving Federal financial assistance. However, the Act permits some distinctions based on age. The proposed regulations concern programs and activities which receive Federal financial assistance from HEW.

DATES: Public meetings will be held in 4 cities in October. See Supplementary Information section for the dates of each meeting.

ADDRESSES: See Supplementary Information section for the addresses of each meeting.

FOR FURTHER INFORMATION CONTACT: See Supplementary Information section for the name, address, and telephone number of the persons to contact for further information.

SUPPLEMENTARY INFORMATION: The schedule of meetings is set forth below. The date, time and location of the meeting is provided, as well as the name and address of the person to contact for further information.

Madison, Wis.

November 5, 1979, 9:15 a.m.–1:15 p.m., State Capitol Building, Room 421 South, *Madison, Wisconsin.*

Contact: Ms. Arline Bredin, Executive Assistant to the Principal Regional Official, DHEW Regional Office, 300 S. Wacker Drive, Room 3507, Chicago, Illinois 60606. Telephone: 312 353–9364.

Portland, Oreg.

October 30, 1979, 9:00 a.m.—1:00 p.m., Room 1578, Federal Building, 1220 S.W. Third, *Portland, Oregon.*

Contact: Mr. Dave Miller, Public Affairs Specialist, HEW Regional Office, Room 8542, Arcade Plaza Building, MS 817, 1321 2nd Avenue, Seattle, Washington, 98101. Telephone: 206 442–0486.

St. Petersburg, Fla.

November 7, 1979, 9:00 a.m.–1:00 p.m. Multiservice Senior Center, 330 5th Street N, *St. Petersburg, Florida.*

Contact: Mr. Jim L. Thompson, Deputy Director of Public Affairs, DHEW Region IV, Suite 1403, 101 Marietta Tower, Atlanta, Georgia 30232. Telephone: 404 221–2311.

Washington, D.C.

November 14, 1979, 1:15–5:15 p.m., Room 800, Humbert Humphrey Building, 200 Independence Avenue S.W., Washington, D.C. 20201.

Contact: Ms. Bayla F. White, Director, Age Discrimination Task Force, Room 716–E, Hubert Humphrey Building, 200 Independence Avenue S.W., Washington, D.C. 20201. Telephone: 202 245–6284.

These meetings are being held to acquaint HEW recipients, interested individuals and organizations with the requirements of both the general government-wide regulations and the proposed HEW regulations. The meetings will be conducted informally. Representatives from HEW will discuss both sets of regulations and provide information about the rights and responsibilities of HEW recipients and beneficiaries under those regulations.

Any person may submit comments on the proposed HEW regulations in writing to: Ms. Bayla F. White, Director, Age Discrimination Task Force, Office of the General Counsel, Room 716–E, 200 Independence Avenue, S.W., Washington, D.C. 20201. Telephone (202) 245–6284.

Dated: September 19, 1979.

Inez Smith Reid,

Deputy General Counsel for Regulation Review, Department of Health, Education, and Welfare.

[FR Doc. 79-29595 Filed 9-21-79; 8:45 am]

BILLING CODE 4110-12-M

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY*	USDA/ASCS		DOT/SECRETARY*	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
DOT/FHWA	USDA/FSQS		DOT/FHWA	USDA/FSQS
DOT/FRA	USDA/REA		DOT/FRA	USDA/REA
DOT/NHTSA	MSPB/OPM		DOT/NHTSA	MSPB/OPM
DOT/RSPA	LABOR		DOT/RSPA	LABOR
DOT/SLSDC	HEW/FDA		DOT/SLSDC	HEW/FDA
DOT/UMTA			DOT/UMTA	
CSA			CSA	

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

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

***NOTE: As of July 2, 1979, all agencies in the Department of Transportation, will publish on the Monday/Thursday schedule.**

REMINDERS

The items in this list were editorially compiled as an aid to **Federal Register** users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.

Rules Going Into Effect Today

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Food and Drug Administration—

49667 8-24-79 / X-ray systems, diagnostic; assembly and reassembly provisions, performance standards; amendment

LABOR DEPARTMENT

Employment and Training Administration—

50002 8-24-79 / Young Adult Conservation Corps

List of Public Laws

Last Listing September 19,1979

This is a continuing listing of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the Federal Register but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202-275-3030).

H.J. Res. 367 / Pub. L. 96-65 To authorize and request the President to proclaim the week of September 16 through 22, 1979, as "National Meals on Wheels Week" (Sept. 19, 1979; 93 Stat. 413) Price $.75.