10-3-79
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federal register

Wednesday
October 3, 1979

Highlights

56921 **Gasoline** DOE/ERA provides notice of withdrawal of standby rationing regulations; effective 9-27-79

56974 **Animal Health and Disease Research** USDA/SEA gives notices of funds to be allocated to eligible institutions under the program; comments by 11-2-79

56927 **Housing** HUD/FHC issues interim rule with amendments to program of mortgage insurance for existing multifamily projects; effective 10-29-79

57030 **Securities** SEC adopts requirement for oil and gas companies to provide a supplementary summary on producing activities; effective 12-25-79 (Part II of this issue)

56937 **Residency Training** HEW/PHS establishes amending regulations providing for suspension of the requirement concerning the number of residents in these programs; effective 10-3-79

56919 **Rural Housing** USDA/FHA provides regulations regarding a community eligible for assistance; effective 10-3-79

57026 **Privacy Act** ICC issues annual publication of systems of records

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Area Code 202-5

Highlights

56986 **Privacy Act** FDIC issues annual publication of systems of records

56985 **Privacy Act** FCA issues annual publication of systems of records

56976 **Privacy Act** DOD/Army consolidates certain systems of records; effective 10-3-79

56954 **Improving Government Regulations** PADC prints semiannual agenda of regulations

57030 **Securities** SEC proposes rule exempting acquisitions of equity made by officers, directors, and ten percent-beneficial owners; comments by 11-7-79 (Part II of this issue)

57037 **Securities** SEC provides regulations on the postponement of audit requirement for reserve information for oil and gas companies; effective 12-25-79 (Part II of this issue)

56943 **Import Quotas and Fees** USDA/Secy intends to revise regulations which govern the administration of an import licensing system for certain dairy products; effective 11-2-79

57044 **Trade Agreement** Treasury/CS amends regulations relating to countervailing duties under the Act; comments by 11-2-79 (Part III of this issue)

56920 **Business and Industrial** USDA/FHA sets forth regulations to eliminate potential legal problems under the loan program; effective 10-3-79

57060 **Impoundment Control** OMB provides notice of a routine revision to a previously transmitted deferral for the Department of Transportation (Part IV of this issue)

56938 **National Direct Student Loan** HEW/OE publishes the annual revision of sample cases and benchmark figures

56920 **Community Program Loans and Grants** USDA/FHA issues amending regulations to institute an automated bond accounting system; effective 10-3-79

57027 **Sunshine Act Meetings**

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57030 **Part II, SEC**
57044 **Part III, Treasury/CS**
57060 **Part IV, OMB**

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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

Office of Secretary

7 CFR Part 16

[Amdt. 10]

Section 204 Import Regulations; Restrictions on the Importation of Meat From Honduras

AGENCY: Foreign Agricultural Service, USDA.

ACTION: Final rule.

SUMMARY: The regulation set forth in this subpart is amended to limit imports of certain meats from Honduras to no more than 48.9 million pounds during calendar year 1979. Such action is necessary to carry out the 1979 restraint program, including the agreement entered into by the United States with Honduras pursuant to Section 204 of the Agricultural Act of 1956, limiting the export from Honduras and the importation into the United States of certain meats.

EFFECTIVE DATE: October 3, 1979. See supplementary information.

FOR FURTHER INFORMATION CONTACT: Bryant Wadsworth (FAS), 202-447-7217, Dairy, Livestock & Poultry Division, CP, FAS, USDA, Room 6621 South Building, Washington, D.C. 20250.

SUPPLEMENTARY INFORMATION: The Secretary of State and the Special Representative for Trade Negotiations concur in the issuance of this regulation.

This regulation establishes quantitative restrictions applicable to meat imported from Honduras which may be entered or withdrawn from warehouse for consumption in the United States, whether shipped directly or indirectly, at the level of 48.9 million pounds during calendar year 1979.

The action taken herewith has been determined to involve foreign affairs functions of the United States. Therefore this regulation falls within the foreign affairs exception to the notice and effective date provisions of 5 U.S.C. 553 and Executive Order 12044.

Effective Date

Meat released under the provisions of sections 448(b) and 484(a)(1)(A) of the Tariff Act of 1930 (19 U.S.C. 1448(b) (immediate delivery) and 19 U.S.C. 1484(a)(1)(A) (entry)) prior to October 3, 1979, shall not be denied entry.

§ 16.5 [Amended]

Accordingly, § 16.5 "Quantitative Restrictions" of Subpart A, Section 204 Import Regulations of Part 16, Limitation on Imports of Meat, of Title 7 of the Code of Federal Regulations is amended to add paragraph (b) which reads as follows:

* * * * *

(b) *Imports from Honduras.* During calendar year 1979, no more than 48.9 million pounds of meat, exported from Honduras in the form in which it would fall within the definition of meat in TSUS 106.10 or 106.20 may be entered or withdrawn from warehouse for consumption in the United States, whether shipped directly or indirectly from Honduras to the United States.

(Sec. 204, Pub. L. 540, 84th Cong., 70 Stat. 200, as amended (7 U.S.C. 1854) and Executive Order 11539 (35 FR 10733)).

Issued at Washington, D.C. this 1st day of October 1979.

Bob Bergland,

Secretary.

[FR Doc. 79-30788 Filed 10-2-79; 8:45 am]
BILLING CODE 3410-10-M

Farmers Home Administration

7 CFR Part 1822

Rural Housing Loans and Grants; Section 502 Rural Housing Loan Policies, Procedures and Authorizations

AGENCY: Farmers Home Administration, USDA.

ACTION: Final Rule.

SUMMARY: The Farmers Home Administration amends its regulations regarding a community eligible for assistance. This action is being taken because an official census shows that the community of Pontiac, Illinois is a rural area of 10,200 population. The intended effect of this action is to designate this community as eligible for FmHA Rural Housing assistance.

EFFECTIVE DATE: October 3, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Reed Petersen, Acting Director, SFH Guarantee and Special Authorities Loan Division, Single Family Housing. Phone 202-447-4295.

SUPPLEMENTARY INFORMATION: Exhibit G to Subpart A, Part 1822, Title 7, of the Code of Federal Regulations is amended. An official census has been taken which shows the community of Pontiac, Illinois, to have a population of 10,200. Pontiac is, therefore, an eligible area for Farmers Home Administration assistance determined by the Secretary of Agriculture. It is the policy of this Department that rules relating to public property for comment notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. This amendment, however, is not published for proposed rulemaking since publishing for comment would delay this area from eligibility for the financing it needs and would thus be contrary to the public interest. This determination has been made by Mr. Reed Petersen.

Accordingly, the addition to the list of towns in Exhibit G is as follows:

Exhibit G [Amended]

Addition: The following place is added to Exhibit G, paragraph II as an eligible area:

Illinois: after "Ottawa" add "Pontiac"

This final rule has been reviewed under the USDA criteria established to implement Executive Order 12044, "Improving Government Regulations." A determination has been made that this action should not be classified "significant" under those criteria. The requirement for a Final Impact Statement has been waived. Documentation on this waiver 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 document has been reviewed in accordance with FmHA Instruction 1901-G "Environmental Impact Statement." It is the determination of FmHA that the proposed action does not constitute a major Federal action significantly affecting the quality of the human environment and in accordance with the National Environmental Policy Act of 1969, Pub. L. 91-190, as

Environmental Impact Statement is not required.

(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. 79-30639 Filed 10-2-79; 8:45 am]

BILLING CODE 3410-07-M

7 CFR Part 1861

(FmHA Instruction 451.5)

Routine; Servicing of Community Program Loans and Grants

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration (FmHA) amends its regulations pertaining to the servicing of community program loans. This action is brought about by the need to institute an automated bond accounting system and to develop uniformity in the methods used to reamortize certain loan accounts. This action is taken as a result of an administrative decision.

EFFECTIVE DATE: October 3, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Glenn E. Walden, (202) 447-5718.

SUPPLEMENTARY INFORMATION: The February 21, 1979, issue of the Federal Register at page 10508 contained a notice of proposed rulemaking to amend Subpart F of Part 1861 of Chapter XVIII, Title 7, in the Code of Federal Regulations.

This notice afforded interested persons an opportunity to submit written comments, suggestions, data, or arguments with respect to the proposal on or before April 23, 1979. No comments were received.

Accordingly, § 1861.82, paragraph (f)(3), the introductory paragraph to (4) and paragraph (4)(iii) are amended to read as follows:

§ 1861.82 Loan servicing.

* * * * *

(f) *Loan reamortization.*

* * * * *

(3) Processing will be handled as follows:

(i) Borrowers requesting reamortization that have loans secured by notes will complete Form FmHA 451-33, "Reamortization Request." Ordinarily, all of the note including principal and interest will be reamortized. Reamortization will be accomplished through the use of a new note unless the OGC recommends that the terms of the existing note be modified through the use of Form FmHA 451-33, or if that is legally inadequate, through the use of another appropriate form.

(ii) Borrowers with loans secured by bonds may effect reamortization by procedures which in the opinion of their counsel and the OGC are legally permissible under State law and acceptable to the State Director. Such procedures may include a new debt instrument for the total FmHA indebtedness including the delinquency, or a new debt instrument or agreement whereby the borrower will agree to repay the delinquency plus interest at the original bond rate over a determined number of years. When a new debt instrument or agreement for only the delinquency is used, it will contain:

(A) The amount delinquent (which should equal the total of the delinquency of the note account, the unpaid principal on the advance from the fund, and the accrued interest on the advance from the fund through the date of the reamortization, less interest payments credited on the advance account);

(B) The date of reamortization;

(C) The number of years over which the delinquency will be reamortized; and

(D) The repayment schedule.

This type of agreement will, after execution, be retained by the Finance Office. A new loan number will be assigned to the reamortization of the delinquency. The borrower will be required to pay the amount due on the reamortized loan plus its regularly scheduled installment on the original loan. Appendix C of FmHA Instruction 1942-A would apply to any necessary new bonds except where precluded by State statutes or where an exception is approved by the National Office.

* * * * *

(4) The properly executed new instrument(s) or endorsement, as appropriate, will be handled as follows:

* * * * *

(iii) *Bonds.* State statutes regarding the reamortization of bonds may vary. Therefore, each State Office will work closely with OGC in the handling of bonds. If the state statutes do not require the release of the existing bonds, these will be held in the Finance Office and the new bond instruments or agreement will be forwarded to the Finance Office and attached to the original bond(s) and retained by FmHA until the respective account is paid in full or otherwise satisfied. If state statutes require the release of the existing bonds, the exchange will be accomplished by the District Director and the new bonds and/or agreement will be forwarded to the Finance Office in the usual manner.

* * * * *

This final rule has been reviewed under the USDA criteria established to implement Executive Order 12044, "Improving Government Regulations." A determination has been made that this action should not be classified "significant" under those criteria.

A Final Impact Statement has been prepared and is available from the Office of the Chief, Directives Management Branch, Room 6346, South Building, Washington, DC 20250.

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

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

Dated: September 5, 1979.

James E. Thornton,

Associate Administrator, Farmers Home Administration.

[FR Doc. 79-30038 Filed 10-2-79; 8:45 am]

BILLING CODE 3410-07-M

7 CFR Part 1980

General; Business and Industrial Loan Program

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration (FmHA) amends its regulations pertaining to the Business and Industrial (B&I) loan program. The intended effect of this action is to prohibit FmHA personnel from issuing any documents or certificates other than a "Certificate of Incumbency and Signature" as set forth as Appendix B. This action is taken to eliminate potential legal problems as a result of issuing documents which could be in conflict with FmHA regulations.

EFFECTIVE DATE: October 3, 1979.

FOR FURTHER INFORMATION CONTACT: Darryl H. Evans, Director, Business Management and Development Division, telephone (202)447-4150.

SUPPLEMENTARY INFORMATION: Section 1980.454 Administrative C and Appendix B are added to Subpart E of Part 1980, Chapter XVIII, Title 7, Code of Federal Regulations.

Section 1980.454 Administrative C restricts FmHA personnel from issuing or signing any documents or certificates other than those authorized by Subparts A and E of Part 1980.

FmHA has received several requests from attorneys representing lenders, packagers, and borrowers for certain certificates and documents which may compromise FmHA's regulations and procedures. Issuing such documents or certificates would, in the opinion of FmHA, create potential legal problems of interpretation of existing requirements and could effect enforceability of the Loan Note Guarantee.

FmHA has designed its regulations to disclose all its requirements and Administrative procedures in order that the public would be fully informed of its operations.

FmHA authorized documents include only those set forth in its regulations. However, a sample "Certificate of Incumbency and Signature" has been issued to the FmHA State Directors to use at loan closing, as requested by those interested parties which purchase the guaranteed portions of the loan. To eliminate any confusion and misinterpretation of FmHA intent, the agency publishes herewith as an Appendix B of Subpart E of Part 1980 the approved "Certificate of Incumbency and Signature". No other certificates or documents are to be issued by FmHA personnel.

It is the policy of this Department that rules relating to public property, loans, grants, benefits, or contracts shall be published for comment notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. This amendment, however, is not published for proposed rulemaking since this change is procedural in nature. Therefore, public participation is unnecessary. The official responsible for this determination is Darryl H. Evans.

Accordingly, Subpart E of Part 1980 is amended as follows:

1. In § 1980.454, the subsection labeled Administrative is amended by adding a new paragraph C which reads as follows:

§ 1980.454 Conditions precedent to issuance of the Loan Note Guarantee.

* * * * *

Administrative

* * * * *

C. The State Director or any other FmHA personnel shall not sign any documents other than those specifically provided for in Subparts A or E of this Part. No certificates shall be signed except the "Certificate of Incumbency and Signature" as set forth as Appendix B of this Subpart in the Federal Register.

2. Appendix B "Certificate of Incumbency and Signature" is added and reads as follows:

Appendix B. U.S. Department of Agriculture—Farmers Home Administration

Certificate of Incumbency and Signature

I, (Name)————, (Title)—— of the Farmers Home Administration, (FmHA), an Agency of the United States Department of Agriculture, DO HEREBY CERTIFY that the following person holds the office of (State Director, State Program Loan Chief, District Director, or County Supervisor)———— of————, for FmHA and that the signature appearing below and that the signatures appearing above that person's name on the following described document is the genuine signature of such person:

1. Forms(s) FmHA 449-34, "Loan Note Guarantee," dated—— relating to loan made by (Lender's Name)———— to (Borrower's Name)————, FmHA Loan Identification No—.

2. Forms(s) FmHA 449-35, "Lender's Agreement," dated—— relating to loan made by (Lender's Name)———— to (Borrower's Name)————, FmHA Loan Identification No—.

3. Form(s) FmHA 449-36, "Assignment Guarantee Agreement," dated—— relating to loan made by (Lender's Name)———— to (Borrower's Name)————, FmHA Loan Identification No—.

Signature———— (Name Type)————.

In witness whereof, I have hereunto signed my name this—— day of——, 19—.

Farmers Home Administration. By———— (Title)————

3. In the Table of Sections for Subpart E of Part 1980 following the reference to Appendix A add "Appendix B—Certificate of Incumbency and Signature".

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

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

This final rule has been reviewed under the USDA criteria established to implement Executive Order 12044, "Improving Government Regulations". A determination has been made that this action should not be classified "significant" under those criteria. A Final Impact Statement has been prepared and is available from the Office of the Chief, Directives Management Branch, Farmers Home Administration, USDA, Room 6348, South Agriculture Building, Washington, DC. 20250.

Dated: September 20, 1979.

James E. Thornton,

Associate Administrator, Farmers Home Administration.

[FR Doc. 79-30640 Filed 10-2-79; 8:45 am]

BILLING CODE 3410-07-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

10 CFR Part 570

[Docket No. ERA-R-78-14]

Withdrawal of Standby Gasoline Rationing Regulations

AGENCY: Department of Energy, Economic Regulatory Administration.

ACTION: Withdrawal of Standby Gasoline Rationing Regulations.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice that the standby gasoline rationing regulations, amending Chapter II, Title 10 of the Code of Federal Regulations by adding a new Part 570 (44 FR 15568, March 14, 1979), have been withdrawn.

EFFECTIVE DATE: September 27, 1979.

FOR FURTHER INFORMATION CONTACT: Arthur Heringman, Economic Regulatory Administration, 2000 M Street NW., Room 8212, Washington, D.C. 20461, (202) 632-6580.

SUPPLEMENTARY INFORMATION: On March 1, 1979, we issued a final rule (44 FR 15568, March 14, 1979) publishing standby gasoline rationing regulations. The regulations only could become final if approved by a resolution by each House of Congress in accordance with the procedures specified in sections 201 and 552 of the Energy Policy and Conservation Act (EPCA) (Pub. L. 94-163). The President submitted the standby gasoline rationing regulations to Congress on March 1, 1979, but the regulations were not approved by a resolution of each House of Congress as specified in the EPCA.

Therefore, the standby gasoline rationing regulations are withdrawn and Chapter II, Title 10 of the Code of Federal Regulations is not amended by the addition of a new Part 570.

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

F. Scott Bush,

Assistant Administrator, Regulations and Emergency Planning, Economic Regulatory Administration.

[FR Doc. 79-30623 Filed 10-2-79; 8:45 am]

BILLING CODE 6450-01-M

FEDERAL RESERVE SYSTEM

12 CFR Parts 207, 220, 221, 224

[Regs. G, T, U, and X]

List of OTC Margin Stocks

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The List of OTC Margin Stocks is comprised of stocks traded over-the-counter (OTC) that have been determined by the Board of Governors of the Federal Reserve System to be subject to margin requirements under certain Federal Reserve regulations. The List is published from time to time by the Board as a guide for lenders subject to the regulations and the general public. This document sets forth additions to or deletions from the previously published List and will serve to give notice to the public about the changed status of certain stocks.

EFFECTIVE DATE: October 1, 1979.

FOR FURTHER INFORMATION CONTACT: Jamie Lenoci, Financial Analyst, Division of Banking Supervision and Regulation, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, 202-452-2781.

SUPPLEMENTARY INFORMATION: Set forth below are stocks representing additions to or deletions from the Board's List of stocks traded over-the-counter on file at the Office of the Federal Register as of April 2, 1979. The List, as amended, includes those stocks that the Board of Governors has found meet the criteria specified by the Board and thus have the degree of national investor interest, the depth and breadth of market, the availability of information respecting the stock and its issuer to warrant incorporating such stocks within the requirements of Regulations G, T, U, and X. Copies of the current List may be obtained from any Federal Reserve Bank. A copy is also on file at the Office of the Federal Register.[1]

The requirements of 5 U.S.C. 553 with respect to notice and public participation were not followed in connection with the issuance of this amendment due to the objective character of the criteria for inclusion on the List specified in 12 CFR 207.5 (d) and (e), 220.8 (h) and (i), and 221.4 (d) and (e). No additional useful information would be gained by public participation. The requirements of 5 U.S.C. 553 with respect to deferred effective date have not been followed in connection with the issuance of this amendment because the Board finds that it is in the public interest to facilitate investment and credit decisions based in whole or in part upon the composition of this List as soon as possible.

Accordingly, pursuant to the authority of sections 7 and 23 of the Securities Exchange Act of 1934 (15 U.S.C. 78 g and w) and in accordance with § 207.2(f)(2) of Regulation G, § 220.2(e)(2) of Regulation T, and § 221.3(d)(2) of Regulation U, there is set forth below additions to and deletions from the Board's List:

Additions to List

AES Technology Systems, Inc., $.01 par common.
Adventure Lands of America, Inc., No par common.
Airlift International, Inc., $.10 par common.
Art's-Way Manufacturing Company, Inc., No par common.
Avantek, Inc., No par common.
Bristol Products, Inc., No par common.
Caesars New Jersey, Inc., $.10 par common.
Capital Energy Corporation, No par common, $.50 stated value.
Catalina Savings and Loan Association, $1.00 par guaranty stock.
Chemlawn Corporation, No par common.
Cherry Electrical Products Corporation, $1.00 par common.
Color Tile, Inc., $1.00 par common.
Computerized Automotive Reporting Service, $.66⅔ par common.
Context Industries, Inc., $.10 par common.
Continental Information Systems Corporation, $.03 par common.
Crump, E.H. Companies, Inc., No par common.
Cullen/Frost Bankers, Inc., $5.00 par common.
Cullinane Corporation, $.10 par common.
Danker Laboratories, Inc., $.01 par common.
Dunes Hotels & Casinos, Inc., $.50 par common.
ElectroSound Group, Inc., $.01 par common.
EPSCO, Inc., No par common.
Evans & Sutherland Computer Corporation, $.20 par common.
Federated Guaranty Life Insurance Company, $1.00 par common.
Financial Industries Corporation, $1.00 par common.
First National Supermarkets, Inc., $.01 par common.
First State Bank of Oregon, $3.33⅓ par capital.
Floating Point Systems, Inc., No par common.
Fluorocarbon Company, The, $.20 par common.
Frontier Savings Association, $1.00 par permanent capital.
GenRad, Inc., $1.00 par common.
Hamilton Brothers Petroleum Corporation, $1.00 par cumulative preferred.
Independent Bankshares Corporation, No par common.
Israel Investors Corporation, $1.00 par common.
Jhirmack Enterprises, Inc., $.10 par common.
Judy's Inc., $.50 par common.
Kallestad Laboratories, Inc., $.05 par common.
Kinder-Care Learning Centers, Inc., 7½% convertible subordinated, debentures.
Land Resources Corporation, $.10 par common.
Lewis, Palmer G. Company, Inc., $1.00 par common.
MCI Communications Corporation, $.10 par common, Warrants (expire 11-17-80)
Medford Corporation, $1.00 par common.
Merrill Bankshares Company, $4.00 par common.
Merry Companies, Inc., $2.50 par common.
Microdyne Corporation, $.10 par common.
National Aviation Underwriters, Inc., $.25 par common.
National Lampoon, Inc., $.10 par common.
Nelson, Thomas, Inc., $1.00 par common.
New Haven Water Company, $25.00 par common.
North American Biologicals, Inc., $.10 par common.
Northwestern States Portland, Cement Company, $10.00 par common.
Nuclear Metals, Inc., $.10 par common.
Nuclear Pharmacy, Inc., $.05 par common.
Oil Base, Inc., $1.00 par common.
Oregon Metallurgical Corporation, $1.00 par common.
Oregon Trail Savings & Loan Association, $2.00 par common.
Par Systems Corporation, $.10 par common.
Penn Pacific Corporation, $.50 par common.
Peoples National Bank of Washington, $5.00 par common.
Powell Industries, Inc., $.01 par common.
Proprietors' Corporation, No par common.
Ql Corporation, $.01 par common.
Real Estate Investment Properties, $1.00 par shares of beneficial interest.
Robinson Nugent, Inc., No par common.
Roper Industries, Inc., $5.00 par common.
Ryan Insurance Group, Inc., $1.00 par common.
Scientific Time Sharing Corporation, $.10 par common.
Servico, Inc., $.10 par common.
Stephens, John & Company, Inc., $.02 par common.
Threshold Technology, Inc., $.01 par common.
Timeplex, Inc., $.01 par common.
Union Metal Manufacturing Co., The, $1.00 par common.
Washington Scientific Industries, Inc., $.10 par common.
Wausau Paper Mills Company, $.50 par common.
Weingarten, J., Inc., No par common.
Wiener Corporation, The, $1.00 par common.
Xidex Corporation, $.70 par common.

Deletions From List

Stocks Removed for Failing Continued Listing Requirements

American Reserve Corporation, $2.00 par common.

[1] Copy of current List filed as part of original document.

College/University Corporation, No par common.
Communication Properties, Inc., $1.00 par common.
Empire Fire and Marine Insurance Company, $2.00 par common.
Life Insurance Company of Georgia, $2.50 par capital.
Major Realty Corporation, $.01 par common.
Merchants, Inc., $1.00 par common.
NUS Corporation, Class A, $1.00 par common.
Popeil Brothers, Inc., $.40 par common.
SBE, Inc., $1.00 par common.
Teltronics Services, Inc., $.01 par common.
Welltech, Inc., Class A, voting, $.10 par common.

Stocks Removed for Reasons Such as Listing on National Securities Exchanges or Being Involved in an Acquisition

American Re-Insurance Company, $1.50 par common.
American Savings & Loan Association of Florida, $.50 par common.
Analog Devices, Inc., $.16⅔ par common.
Applebaums' Food Markets, Inc., $1.00 par common.
Atlantic Pepsi-Cola Bottling Company, Inc., $.25 par common.
Atlantic Steel Company, $5.00 par common.
Campanelli Industries, Inc., $.01 par common.
Columbia National Corporation, No par common.
Computervision Corporation, $.05 par common.
Comten, Inc., $.05 par common.
Connecticut General Insurance Corporation, $2.50 par common.
Daylin, Inc., $.35 par common.
Dorchester Gas Corporation, $.10 par common.
Eberline Instrument Corporation, $.66⅔ par common.
First Texas Financial Corporation, $1.00 par common.
Florida Mining & Materials Corporation, $1.00 par common.
Friendly Ice Cream Corporation, $1.00 par common.
Gelman Sciences, Inc., $.10 par common.
Great Southern Corporation, $2.00 par common.
Indiana Group, Inc., $.83⅓ par common.
Key Pharmaceuticals, Inc., $.50 par common.
Knogo Corporation, $.01 par common.
Lawry's Foods, Inc., $2.00 par common.
Lazare Kaplan International Inc., $1.00 par common.
Leggett & Platt, Inc., $1.00 par common.
Litronix, Inc., $.05 par common.
Meenan Oil Co., Inc., $1.00 par common.
Metropolitan Development Corporation, $1.00 par common.
NCNB Corporation, $2.50 par common.
National Convenience Stores, Inc., $.83⅓ par common.
Newell Companies, Inc., $1.00 par common.
Pennsylvania Life Company, $.50 par common.
Pioneer Food Industries, Inc., $1.00 par common.
Pioneer Western Corporation, $1.00 par common.
Pizza Inn, Inc., The, $1.00 par common.
Polymer Materials, Inc., $.10 par common.
Quality Inns International, Inc., $1.00 par common.
Revell, Inc., $1.00 par common.
Scholl, Inc., $1.00 par common.
Sealed Air Corporation, $.01 par common.
Security Pacific Corporation, $10.00 par common.
Sooner Life Insurance Company, $1.00 par common.
Southern Airways, Inc., $2.00 par common.
Southern Industries Corporation, $.10 par common.
Southwest Gas Corporation, $1.00 par common.
Summit Properties, No par shares of beneficial interest.
Surgicot, Inc., $.01 par common.
Tally Corporation, $.16⅔ par common.
Telenet Corporation, $1.00 par common.
Tiffany & Company, $1.00 par common.
Tobias Kotzin Company, $.50 par common.
Toys "R" Us, Inc., $.10 par common.
Transcontinental Oil Corporation, $.10 par common.
Tratec Incorporated, $.25 par common.
Universal Instruments Corporation, $1.25 par common.
Winter Park Telephone Company, The, $1.25 par common.
Wix Corporation, $1.00 par common.

By order of the Board of Governors of the Federal Reserve System acting by its Director of the Division of Banking Supervision and Regulation pursuant to delegated authority (12 CFR 265.2(c)), October 1, 1979.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 79-30595 Filed 9-28-79; 3:17 pm]

BILLING CODE 6210-01-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Part 1214

NASA Astronaut Candidate Recruitment and Selection Program

AGENCY: National Aeronautics and Space Administration.

ACTION: Information on request for comments on final rule.

SUMMARY: NASA published its final rule on the NASA Astronaut Candidate Recruitment and Selection Program (14 CFR Subpart 1214.11) in the Federal Register on June 20, 1979 (44 FR 36024–36025). Public comment was requested by August 20, 1979. Only one comment was received. The individual questioned the application of Veterans Preference requirements. However, this requirement is not discretionary since it is required by 5 U.S.C. 3309.

FOR FURTHER INFORMATION CONTACT: Daniel M. Germany, telephone 202/755–3678.

Joan E. Cavanaugh,

Federal Register Liaison Officer.

[FR Doc. 79-30534 Filed 10-2-79; 8:45 am]

BILLING CODE 7510-01-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket 9122]

Lone Star Industries, Inc., et al.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Final order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order requires a Greenwich, Conn. manufacturer of portland cement and masonry cement, and the Keystone Portland Cement Co., an Allentown, Pa. competitor, among other things, to provide the Commission with evidence that their acquisition agreement has been terminated, and all non-public documents exchanged during negotiations returned. The firms are also required to provide the Commission with 60 days' advance notice and liberal discovery rights, should merger plans be resumed before Dec. 31, 1981.

DATES: Complaint issued Jan. 25, 1979. Decision issued Aug. 23, 1979.[1]

FOR FURTHER INFORMATION CONTACT: FTC/C, Alfred F. Dougherty, Jr., Washington, D.C. 20580. (202) 523–3601.

SUPPLEMENTARY INFORMATION: On Tuesday, June 12, 1979, there was published in the Federal Register, 44 FR 33691, a proposed consent agreement with analysis In the Matter of Loan Star Industries, Inc., a corporation, and Keystone Portland Cement Co., a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16

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

CFR Part 13, are as follows: Subpart-Acquiring Corporate Stock or Assets: § 13.5 Acquiring corporate stock or assets.

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

Carol M. Thomas,

Secretary.

[FR Doc. 79-30602 Filed 10-2-79; 8:45 am]

BILLING CODE 6750-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 231 and 241

[Release Nos. 33-6130; 34-16224]

Environmental Disclosure

AGENCY: Securities and Exchange Commission.

ACTION: Interpretative Release.

SUMMARY: The Securities and Exchange Commission today published an interpretative release focusing attention on existing requirements under the Securities Act of 1933 and the Securities Exchange Act of 1934 concerning environmental disclosure to assist registrants in complying with those requirements and to alert them that the Commission will continue, in appropriate cases, to take enforcement action in instances of non-compliance. This release, in particular, addresses these issues: (1) The need to disclose total estimated expenditures for environmental compliance beyond two years in the future, (2) The obligation to disclose particular types of environmental proceedings, and (3) The circumstances under which companies must disclose their policies or approaches concerning environmental compliance.

DATE: September 27, 1979.

FOR FURTHER INFORMATION CONTACT: Catherine Collins, Office of Disclosure Policy and Proceedings, Division of Corporation Finance, Securities and Exchange Commission, Washington, D.C. 20549, (202) 272-2589.

SUPPLEMENTARY INFORMATION: The Commission's disclosure requirements impose significant obligations with respect to information concerning environmental protection. Registrants are required to disclose, in certain registration statements filed under the Securities Act of 1933 and in annual and quarterly reports filed pursuant to the Securities Exchange Act of 1934, the material effects that compliance with Federal, State and local provisions regulating the discharge of materials into the environment, or otherwise relating to the protection of the environment, may have upon the registrant. The Commission today concluded an administrative proceeding involving its environmental disclosure requirements [1] and in that context reviewed its policies with respect to such requirements. In order to ensure effective dissemination of those policies, the Commission has determined to publish this statement reviewing the environmental disclosure provisions and reiterating the Commission's views as to their scope and applicablity.

A. The Commission's Releases Concerning Environmental Disclosure

As far back as 1971, the Commission was aware that requirements imposed by environmental statutes could have a material economic impact on those corporations that were subject to the statutes. Accordingly, it issued a release informing registrants that the Commission's existing rules require disclosure of material [2] environmental information, including: (1) The existence and nature of pending environmental litigation; and (2) Instances in which compliance with environmental laws "may necessitate significant capital outlays, may materially affect the earning power of the business, or cause material changes in registrant's business done." [3]

After monitoring the disclosure which this general release elicited, the Commission in 1973 adopted environmental disclosure rules [4] which require all corporations to disclose specific items of information related to environmental matters in addition to the disclosures required by the Commission's existing rules that were explained in the 1971 Release. More specifically, the new rules require:

(1) Disclosure of the material effects that compliance with federal, state and local provisions which have been enacted or adopted regulating the discharge of materials into the environment, or otherwise relating to the protection of the environment, may have upon the capital expenditures, earnings and competitive position of the registrant and its subsidiaries; [5] and

(2) Disclosure of any administrative or judicial proceeding known to be contemplated by governmental authorities and arising under federal, state or local provisions which have been enacted or adopted regulating the discharge of materials into the environment, or otherwise relating to the protection of the environment or any other material pending administrative or judicial proceeding. Any proceeding brought by a governmental authority is deemed material. [6]

After these rules were promulgated, certain public interest groups brought an action against the Commission seeking to require it to promulgate additional environmental rules, and the court directed the Commission to undertake further environmental rulemaking. [7] Following these further proceedings, the Commission determined, among other things, to add to its requirement that registrants disclose the effects of compliance with environmental laws a proviso that:

> Registrant shall disclose any material estimated capital expenditures for environmental control facilities for the remainder of its current fiscal year and its succeeding fiscal year; and such further periods as the registrant may deem material. [8]

In the same release, the Commission also admonished registrants that its existing rule requiring disclosure of pending proceedings contemplated by governmental authorities encompassed a requirement to disclose Notices of Violation, in the nature of cease and desist orders, issued by the Environmental Protection Agency. [9]

B. Interpretation of the Commission's Environmental Disclosure Releases

As a matter of policy, in light of its mandate under the National Environmental Policy Act of 1969 to consider environmental values and its mandate under the federal securities laws for investor protection, the Commission "has issued several releases alerting public companies of their legal obligation to disclose any and all environmental * * * information that would be material to investors or

[1] *See, In the Matter of United States Steel Corporation*, Securities Exchange Act Release No. 16223 (September 27, 1979).

[2] *See, e.g.*, Securities Act Rule 405, 17 CFR 230.405; Securities Exchange Act Rule 12b-2, 17 CFR 240.12b-2.

[3] Securities Act Release No. 5170 (July 19, 1971).

[4] Securities Act Release No. 5386 (Apr. 20, 1973).

[5] This amendment was made to Securities Act registration Forms S-1, Item 9(a), Instruction 5, 17 CFR 239.11; S-7, Item 5(a), 17 CFR 239.26; S-9, Item 3(c), 17 CFR 239.22; to Securities Exchange Act registration Form 10, Item 1(b), Instruction G, 17 CFR 249.210; and to periodic reporting Form 10-K, Item 1(b)(7), 17 CFR 249.310.

[6] This amendment was made to Securities Act registration Forms S-1, Item 9(a), Instruction 5, 17 CFR 239.11; S-7, Item 5(a), 17 CFR 239.26; S-9, Item 3(c), 17 CFR 239.22; to Securities Exchange Act registration Form 10, Item 1(b), Instruction G, 17 CFR 249.210; and to periodic reporting Form 10-K, Item 1(b)(7), 17 CFR 249.310.

[7] *See Natural Resources Defense Council, Inc. v. Securities and Exchange Commission*, 389 F. Supp. 689 (D.D.C., 1974). *See also Natural Resources Defense Council, Inc. v. Securities and Exchange Commission*, 432 F. Supp. 1190 (D.D.C. 1977), *reversed and remanded*, No. 77-1761 (D.C. Cir. April 20, 1979).

[8] Securities Act Release No. 5704 (May 6, 1976), at 15.

[9] Id. at 13, n. 22.

shareholders."[10] Additionally, the Commission promulgated specific environmental rules. Compliance with the Commission's specific environmental disclosure rules does not necessarily constitute full compliance with the disclosure requirements of the federal securities laws.[11] Moreover in order to carry out their objectives, the Commission construes its existing specific environmental disclosure rules broadly and liberally.

To assist registrants in complying with these specific environmental disclosure rules and the application of its general disclosure requirements to environmental matters, the Commission addresses below three significant interpretive questions: (1) When must a corporation disclose, in addition to its planned environmental expenditures for the next two fiscal years, the total cost of compliance with environmental statutes? (2) What disclosures must be made concerning administrative proceedings involving environmental matters which are contemplated by government authorities and what is an administrative proceeding that must be disclosed? (3) When is a corporation required to disclose its policies concerning, or approach toward, compliance with environmental laws?

1. The Necessity To Disclose the Total Costs of Complying With Environmental Laws

The Commission's releases in 1971 and 1973 required that registrants indicate the material effects compliance with environmental protection requirements would have on capital expenditures and earnings. Many registrants, in response to these releases, disclosed only prior actual and presently authorized capital expenditures. However, where a registrant expected that additional material capital expenditures would have to be authorized to achieve compliance for the periods beyond that for which information was given, and had in fact developed or received estimates with respect thereto, such estimates were generally required to be disclosed in order to make the disclosures made not misleading.

These principles were not changed in 1976, when, to achieve more uniform minimum disclosures, the Commission prescribed disclosure of estimated capital expenditures for minimum periods. Thus, if the registrant has estimates suggesting that after the two-year period there will nevertheless remain material capital expenditures necessary to comply with such requirements, or material penalties or fines for non-compliance are reasonably likely to be imposed, disclosure of such additional known or estimated costs, penalties, or fines may be necessary to prevent the mandatory disclosure from being misleading.[12] Further, if the registrant reasonably expects that these costs for any future year will be materially higher than the costs disclosed for the mandatory two-year period, the registrant may, if it has not already done so, be obligated to develop estimates with respect to such costs. Disclosure of such estimates may be required in order to describe adequately the material effects of complying with environmental regulations and in order to prevent from being misleading the mandatory disclosures on capital expenditures and earnings for the minimum two year period. It may also be necessary for the registrant to set forth the source of its estimates, the assumptions and methods used in reaching the estimates, and the extent of uncertainty that projected future costs may occur in order for the disclosure made not to be misleading.[13]

2. Disclosure of Administrative Proceedings

The Commission's environmental rules, adopted in 1973, require, among other things, disclosure of administrative proceedings pending or contemplated by governmental authorities, and the relief sought in such proceedings.[14]

The meaning of an administrative proceeding for the purposes of this rule has never been construed narrowly by the Commission. As the Commission stated in explaining that this rule required disclosure of Notices of Violation issued by the Environmental Protection Agency:

By requiring a description of all [governmental] litigation regardless of whether the amount of money involved is itself material, the Commission believes it has given recognition to both the importance of the national environmental policy and to the far-reaching effects, both financial and

[10] Reply Brief of the Securities and Exchange Commission, *Natural Resources Defense Council, Inc.* v. *Securities and Exchange Commission, supra* note 7.

[11] The Commission's general disclosure rules require disclosure of any additional material information, beyond that for which disclosure is specifically required, necessary to make required statements not misleading. *See* Securities Act Rule 408, 17 CFR 230.408; Securities Exchange Act Rules 12b-20 and 14a-9, 17 CFR 240.12b-20 and 240.14a-9.

In the context of its environmental releases, the Commission has interpreted these rules as requiring that *all* material information relating to environmental information must be disclosed. *See*, Release 5171, *supra*, at 1; Securities Exchange Act Release No. 5627 (Oct. 14, 1975, at 2). This approach reflects the Commission's belief that omissions of *material* environmental information would render misleading the required disclosures concerning financial matters and the nature of a registrant's business.

[12] Under certain circumstances, substantial fines or penalties may be imposed under the existing environmental laws. In particular, monetary sanctions may be imposed for failure to comply with the requirements of either the Clean Water Act or the Clean Air Act or for violations of state or local law. Under the 1977 Amendments to the Clean Air Act, EPA is given authority to seek civil fines up to $25,000 per day of violation. Under the Clean Water Act, civil fines of as much as $10,000 per day may be imposed for each violation. Civil fine actions may be resolved by settlement. Criminal penalties can be greater under both statutes. The Clean Air Act Amendments of 1977 have added, in addition to federal civil fines, an administrative "noncompliance penalty" for existing facilities which do not achieve state implementation plan requirements, *inter alia*, by July 1, 1979. These penalties are to be designed to remove any economic benefits which might be derived from noncompliance or delayed compliance with the law. Such penalties may be offset in some manner by sums actually expended for control at the offending facilities during the period of time for which they are being assessed. In addition to the foregoing sanctions, continuing or recurring violations of either the Clean Air Act or the Clean Water Act may subject the violating facility to possible placement on an EPA "List of Violating Facilities" ("List"). If a facility is placed on the List, no federal agency may contract for goods, materials or services at the offending facility for as losing as the violation continues.

[13] Such estimates may involve contingencies which may not be predicted with certainty, and in this regard the Commission notes the applicability of the Financial Accounting Standards Board's Statement of *Financial Accounting Standards No. 5, Accounting for Contingencies*, March 1975.

[14] Enforcement responsibilities under both the Clean Air Act and the Clean Water Act are shared by federal, state, and local environmental authorities. These authorities may choose among a number of approaches in addressing violations of laws or regulations, and enforcement activity can follow various courses. Certain of these enforcement actions may be pursued consecutively or concurrently. Under the Clean Water Act, the EPA may issue an administrative order, seek a civil injunction or civil fines, or prosecute criminally in appropriate circumstances in which a willful violation is believed to have occurred. Under the Clean Air Act, EPA may provide an informal Notice of Violation; issue a formal "Notice of Violation" ("NOV"); issue an administrative order; or seek civil fines, a civil injuction, or criminal penalties. State and federal authorities often cooperate in enforcement activities under both the Clean Air Act and the Clean Water Act. Enforcement activities generally proceed simultaneously with negotiations with alleged violators. *See, e.g.*, Section 113(a)(4) of the Clean Air Act which provides that an order relating to a violation "shall not take effect until the person to whom it is issued has had an opportunity to confer with the Administrator concerning the alleged violation." 42 U.S.C. 7413(a)(4).

environmental, of violations of environmental laws. Further, the fact that legal action, both pending and known to be contemplated, must be disclosed serves to foreshadow potentially serious environmental problems facing registrants.[15]

In light of the foregoing, the Commission interprets its rule to require disclosure of administrative proceedings which are initiated by the registrant, as well as those initiated by the government. The obligation to disclose is triggered whenever a governmental authority is a party to any administrative proceeding. For example, requests for an adjudicatory hearing to contest the provisions of an NPDES permit [16] constitute an administrative proceeding that must be disclosed where an adjudicatory hearing is held or actually to be held.

Similarly, the Commission interprets its rule as requiring disclosure of all administrative orders relating to environmental matters, whether or not those orders literally follow a "proceeding." An administrative order may be entered without a "proceeding" where a corporation directly consents to the entry of an order or where the order is the product of negotiation between the parties. In this regard, the consequences of an administrative consent order, just as those of a judicial consent order, may be just as significant as the consequences of a fully litigated proceeding. The Commission does not hinge its disclosure requirements on the technical issue of whether a registrant chooses to contest the entry of an order.

An additional matter related to disclosure of pending proceedings is the obligation to disclose the "relief sought" by the government. The Commission does not consider mere disclosure that the government seeks to compel new pollution control efforts to constitute adequate disclosure of relief sought. Instead, the Commission's regulations contemplate that an estimate of the level of expenditures required to install the pollution control equipment sought by the governmental authority be provided if such expenditures are likely to be material.

[15] Securities Act Release No. 5704, *supra*, at 12–13.

[16] The basic mechanism for regulating effluent discharges to bodies of water is the National Pollutant Discharge Elimination System ("NPDES") permit program. This program is administered either by EPA or by the state in question, depending upon whether the state has an EPA-approved NPDES program. Under the permit system, each discharger must obtain a permit before discharging pollutants into the "waters of the United States"; these permits are required to embody the most stringent limitations required by federal effluent limitations guidelines, state water quality standards, or other state laws or regulations.

3. Requirements To Disclose Policy

In its environmental proceedings,[17] the Commission declined to impose an across-the-board requirement that all corporations disclose their general environmental policy, because such a requirement "would result in subjective disclosures largely incapable of verification." [18] But, notwithstanding the lack of a general rule that environmental policy be disclosed, two circumstances may give rise to disclosure obligations in this area.

First, if a corporation voluntarily makes disclosures concerning its environmental policy, such disclosures must be accurate, and the corporation must make any additional disclosures necessary to render the voluntary disclosures not misleading.[19]

Second, if a corporation has a policy or approach toward compliance with environmental regulations which is reasonably likely to result in substantial fines, penalties, or other significant effects on the corporation,[20] it may be necessary for the registrant to disclose the likelihood and magnitude of such fines, penalties, and other material effects in order to prevent from being misleading the required disclosures with respect to such matters as descriptions of the corporation's business, financial statements, capital expenditures for environmental compliance or legal proceedings.

General

In light of the Commission's longstanding concern about the adequacy of disclosure with respect to environmental protection requirements, and particularly in light of the requirements of the National Environmental Policy Act, registrants should be aware that the Commission will continue to monitor environmental disclosure as well as to bring enforcement actions in appropriate cases of non-compliance.

Accordingly, 17 CFR Part 231 and 17 CFR Part 241 are amended by adding "Environmental Disclosure Requirements."

By the Commission.

George A. Fitzsimmons,

Secretary.

September 27, 1979.

[FR Doc. 79-30636 Filed 10-2-79; 8:45 am]

BILLING CODE 8010-01-M

[17] Securities Act Release Nos. 5569, 5627 and 5704.

[18] Securities Act Release No. 5627, *supra*, at 33.

[19] *See* note 10, *supra*.

[20] *See* note 12, *supra*.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 2, 271

[Docket No. RM79-19; Order No. 45-A]

Treatment of Certain Production-Related Costs of Natural Gas to be Sold and Transported Through the Alaska Natural Gas Transportation System; Order Clarifying Certain Provisions

September 21, 1979.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Order clarifying certain provisions of Order No. 45; Regulations and Statement of Policy.

SUMMARY: Order No. 45 ("Treatment of Certain Production-Related costs of Natural Gas to be sold and transported through the Alaska Natural Gas Transportation System") issued August 24, 1979, provided regulations and a statement of policy respecting the treatment of production-related costs of natural gas sold in a first sale for transport through the Alaska Natural Gas Transportation System. Order No. 45-A clarifies certain provisions of Order No. 45 by indicating that the Commission intends Order No. 45 to become effective 60 days from the date of issuance of that order and that a party who fails to utilize the rehearing procedure provided by Order No. 45 to file an application for adjustment pursuant to section 502(c) of the Natural Gas Policy Act of 1978 would not waive the right to file such applications under section 502(c) in the future.

DATE: This order is issued September 21, 1979.

FOR FURTHER INFORMATION CONTACT: John Conway, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, (202) 357-8051.

Treatment of Certain Production-Related Costs for Natural Gas to Be Sold and Transported Through the Alaska Natural Gas Transportation System, Docket No. RM79-19.

On September 7, 1979, Atlantic Richfield Company, Exxon Corporation, and Sohio Natural Resources Company filed a motion seeking clarification of Order No. 45. In their joint motion, the companies note that the Commission, while providing in ordering paragraph (1) of Order No. 45 that the order would not become effective until 60 days from

the date of issuance of the order and that parties have the opportunity to file petitions for rehearing within 30 days of the date of issuance of the order, stated in the accompanying preamble that the rehearing procedure would permit judicial review of the rule to commence within 60 days of the issuance of Order No. 45. The motion asserts that this last statement might, contrary to other language in the order, suggest that the Commission may consider that the time for seeking judicial review would run under the Alaska Natural Gas Transportation Act of 1976, 15 U.S.C. 719 *et seq.*, from August 24, 1979 (the date Order No. 45 was issued (44 FR 51554, Sept. 4, 1979)) regardless of the provisions for rehearing. The companies request that Order No. 45 be clarified to ensure that all parties understand that the time period for seeking judicial review of Order No. 45 shall not begin to run until the Commission has taken final action on any petitions for rehearing of such order that may be filed, or until the expiration of the time for filing petitions for rehearing, if none are filed.

The Commission intends that Order No. 45 become effective 60 days from the date of issuance of that order. If the Commission receives petitions for rehearing and if the 60 day period does not provide adequate time to respond to such petitions, then the Commission will issue a further order delaying the effective date of Order No. 45. The period for seeking judicial review will not begin to run until the order becomes effective.

The Commission takes this opportunity to clarify ordering paragraph 4 of Order No. 45. That paragraph provides that petitions for rehearing may be accompanied by, or drafted in the alternative as, an application for adjustment pursuant to section 502(c) of the Natural Gas Policy Act. This provision is discretionary; it is not mandatory. Should a party wish to inaugurate expeditious Commission consideration under section 502(c) of the Natural Gas Policy Act it is free to utilize the petition proceedings to do so. However, should a party fail to utilize the petition proceeding for this purpose it will not be penalized in any way nor be considered to have waived the right to file such applications under section 502(c) in the future.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-30675 Filed 10-2-79; 8:45 am]

BILLING CODE 6450-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 207

[Docket No. R-79-710]

Multifamily Housing Mortgage Insurance; Special Eligibility Provisions for Existing Projects in Target Preservation Areas

AGENCY: Office of Assistant Secretary for Housing-Federal Housing Commissioner (HUD).

ACTION: Interim Rule and Request for Comments.

SUMMARY: HUD is issuing an interim rule with respect to amendments to the program of mortgage insurance for existing multifamily housing projects authorized in section 223(f) of the National Housing Act. The amendments are to facilitate a demonstration of the use of this insurance in older, declining urban areas.

DATES: Effective date: October 29, 1979. Comments due: December 3, 1979.

ADDRESSES: Send comments to: Rules Docket Clerk, Office of the General Counsel, Room 5218, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410. Each person submitting a comment should include his/her name and address, refer to the document by the docket number indicated by the headings, and give reasons for any recommendation. Copies of all written comments received will be available for examination by interested persons in the Office of the Rules Docket Clerk, at the address listed above. All comments received will be considered before making the rule final.

FOR FURTHER INFORMATION CONTACT: Michael Wells, Office of Policy and Program Development, Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410, (202) 755-6454.

SUPPLEMENTAL INFORMATION: Section 311(a) of the Housing and Community Development Act of 1974 added section 223(f) to the National Housing Act. Section 223(f) authorizes the Secretary of HUD to insure mortgages executed in connection with the purchase or refinancing of existing multifamily housing projects not insured by HUD-FHA at the time of construction. Prior to the enactment of section 223(f), HUD-FHA was authorized to insure mortgages for the substantial rehabilitation of existing projects and for the refinancing of certain FHA-insured existing projects. There was no statutory authority to insure conventionally financed existing projects without requiring substantial rehabilitation.

Section 223(f) requires that in the case of the refinancing of property located in an older, declining urban area, the Secretary shall prescribe such terms and conditions as he or she deems necessary to assure that: (1) The refinancing is used to lower the monthly debt service only to the extent necessary to assure the continued economic viability of the project, taking into account any rent reductions to be implemented by the mortgagor; and (2) during the mortgage term no rental increases shall be made except those which are necessary to offset actual and reasonable operating expense increases or other necessary expense increases approved by the Secretary.

The Department writes section 223(f) insurance pursuant to the Multifamily Housing Mortgage Insurance Program in section 207 of the National Housing Act, and HUD has done this since it first implemented section 223(f). Section 207 projects are required to be economically sound. Many or most dwellings in older, declining urban areas are currently ineligible for insurance written according to the economic soundness underwriting standard.

Furthermore, there are certain provisions that make section 223(f) insurance generally more restrictive than section 207. The maximum allowable mortgage repayment term for section 207 mortgage insurance is the lesser of 40 years or 100 percent of economic life. The maximum term generally permitted for the section 223(f) Program is the lesser of 35 years or 75 percent of economic life. The maximum allowable ratio of the mortgage amount to the estimated value of the project is 90 percent in section 207, but generally is 85 percent for the section 223(f) Program.

Discussion of Amendments

HUD has determined, consistent with the intent of Congress, to make section 223(f) financing available to owners of multifamily properties in older, declining urban areas on terms that are more generous to these owners than those which were described above, provided this can be done while meeting the test of economic soundness. Therefore, the Department is offering to certain multifamily property owners in older, declining urban areas on a limited, carefully controlled demonstration

basis, section 223(f) insurance with the following terms:

(1) A maximum allowable mortgage term that is the lesser of 40 years or 100 percent of economic life.

(2) A 90 percent maximum allowable ratio of the mortgage amount to the Assistant Secretary for Housing-Federal Housing Commissioner's estimate of the value of the project.

(3) A 90 percent maximum allowable ratio of the mortgage amount to the cost of acquisition as determined by the Commissioner.

In order to be eligible for section 223(f) financing on the particularly favorable terms described above, multifamily properties must be in areas that: (a) Are undergoing or will soon undergo comprehensive revitalization, preservation or conservation activities which should enable most or all of the multifamily dwellings in the area to meet the economic soundness test, and (b) either are older, declining urban areas or were older, declining urban areas prior to the beginning of the revitalization activities. The demonstration program for which HUD is making the particularly favorable section 223(f) financing available is the Target Area Preservation Demonstration Program. As part of the Program, the Secretary will designate the areas meeting the foregoing criteria, which will be eligible to receive the favorable financing, as Target Preservation Areas.

Changes 1 and 2 above provide mortgage loan terms that are the same as the terms in the section 207 Program. The provision in change 1 that allows a mortgage term of as much as 100 percent of economic life, will not apply to any section 223(f) insurance for properties which are not in Target Preservation Areas. Both the other provisions in change 1, which permits a mortgage term of 40 years or less, and change 2, which provides a 90 percent loan-to-value ratio, apply only to section 223(f) projects in Target Preservation Areas, and to section 223(f) projects that are financed with State or local assistance and which meet the special eligibility provisions in paragraph (k) of § 207.32(a). Paragraph (k) is already in the regulations.

Although there is no loan-to-acquisition cost ratio in the section 207 Program, the 90 percent loan-to-acquisition cost ratio ceiling in change 3 is the same ratio as the loan-to-value ratio ceiling that is in the section 207 Program and change 2. The maximum allowable loan-to-acquisition cost ratio in the section 223(f) Program is generally 85 percent. This is the same ratio as the general loan-to-value ratio for the section 223(f) Program.

The proposed revisions also change the provisions in paragraph (j) concerning both the maximum allowable ratio of the secondary financing amount to the Assistant Secretary for Housing-Federal Housing Commissioner's estimate of the value of the project, and the maximum allowable ratio of the secondary financing amount to the cost of acquisition as determined by the Commissioner, in order to make the maximum amount of secondary financing that is allowed for projects in the Target Preservation Areas smaller than the maximum secondary financing amount generally permitted in the section 223(f) Program.

In addition to the above-described changes, there are nonsubstantive changes that conform the language in paragraph (k) with certain above-described changes.

The changes to the loan-to-value ratio, secondary financing-to-value ratio, loan-to-acquisition cost ratio, and secondary financing-to-acquisition cost ratio ceilings in the amended regulations will give the Assistant Secretary for Housing-FHA Commissioner the discretion to assure that there is a modest but significant reduction in the amount of equity capital that the owner of a multifamily structure in an older, declining urban area must have invested in the property in order to take advantage of section 223(f) mortgage insurance when the Commissioner determines that this course of action is consistent with the objectives of the demonstration. Since it is likely that a secondary loan will generally provide a reduced portion of the total non-equity financing, and the primary mortgage loan will probably be an increased portion of the total non-equity financing, the non-equity financing will tend to have a lower aggregate interest cost in the case of section 223(f) projects in Target Preservation Areas than is the case with section 223(f) projects generally. When combined with the increased mortgage term this reduced interest cost ought to permit owners of section 223(f)-financed Target Preservation Area projects to make mortgage loan payments that are markedly lower than they would be without these provisions.

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

These amendments are essential to permit the Department to: (1) Test, on an immediate and limited basis, whether or not more liberal financing terms would make the Section 223(f) Program more successful in assisting projects in older, declining urban areas, and (2) meet contractual responsibilities relating to the demonstration. Because the need to reverse the decline and decay of older urban areas is critical, the Secretary has determined that prior publication and public procedure are impracticable and contrary to the public interest.

Accordingly, 24 CFR Part 207 is amended by amending § 207.32a (b), (c), (e), (j) and (k), and adding a new paragraph (l) as follows:

§ 207.32a Eligibility of mortgages on existing projects [Amended]

1. Paragraph (b)(1) is revised to read:

* * * * *

(b) *Maximum mortgage amounts—general.* In addition to the limitation in paragraphs (c) and (d) of this section a mortgage may not involve a principal obligation in excess of the lesser of the following:

(1) 85 percent (90 percent if the project meets the eligibility requirements contained in paragraph (k) or paragraph (l) of this section) of the Commissioner's estimate of the value of the project;

(2) * * *

2. The introductory text of paragraph (c) is revised to read:

* * * * *

(c) *Maximum mortgage amounts—property to be acquired.* If the project is to be acquired by the mortgagor and the purchase price is to be financed with the insured mortgage, the maximum mortgage amount shall not exceed 85 percent (90 percent if the project meets the eligibility requirements contained in paragraph (k) or paragraph (l) of this section) of the cost of acquisition as determined by the Commissioner. The cost of acquisition shall consist of the following items, the eligibility and amounts of which must be determined by the Commissioner:

(1 * * *

(2) * * *

(3) * * *

(4) * * *

(5) * * *

3. Paragraph (e) is revised to read:

* * * * *

(e) *Maturity.* The term of the mortgage shall not be less than 10 years, nor shall it exceed the lesser of 35 years (40 years if the project meets the eligibility requirements contained in paragraph (k) or paragraph (l) of this section) or 75

percent of the estimated remaining economic life of the physical improvements (100 percent if the project meets the eligibility requirements contained in paragraph (l) of this section). The term of the mortgage shall begin on the first day of the second month following the date of initial final endorsement of the mortgage for insurance.

* * * * *

4. Paragraph (j)(4) is revised to read:

"(j) *Secondary financing.* * * *

(4) For those projects which meet the eligibility requirements contained in paragraph (k) or paragraph (l) of this section, any additional obligations on the project in connection with the insured transaction shall be in an amount approved by the Commissioner and represented by such credit and security instruments as are approved by the Commissioner. In the case of projects which meet the eligibility requirements contained in paragraph (l) of this section, the additional obligations shall in no event exceed:

(i) When a loan is made to finance the purchase of an existing multifamily housing project, the lesser of:

(A) Five percent (5%) of the Commissioner's estimate of value, or

(B) Five percent (5%) of the cost of acquisition as defined in paragraph (c) of this section.

(ii) When a loan is made to refinance an existing multifamily housing project, the lesser of:

(A) Five percent (5%) of the Commissioner's estimate of value, or (B) Fifty percent (50%) of the difference between the cost to refinance as defined in paragraph (d)(2) of this section and the maximum mortgage amount as determined by the Commissioner.

* * * * *

5. The introductory text of paragraph (k) is revised to read:

(*k*) *Additional eligibility requirements for a mortgage refinancing a project financed with State or local assistance.* Projects which were constructed through State or local assistance shall be entitled to the benefits of the special eligibility provisions contained in paragraphs (b) and (c) of this section, and of the 40-year maximum term provision contained in paragraph (e) of this section, by meeting the following additional requirements:

* * * * *

(6) A new paragraph (l) is added as follows:

(*l*) *Additional eligibility requirements for a mortgage financing a project in a Target Preservation Area.* Projects in areas that the Secretary shall hereafter designate as Target Preservation Areas, shall be entitled to the benefits of the special eligibility provisions contained in paragraphs (b), (c) and (e) of this section. In order for an area to be designated as a Target Preservation Area, the Secretary must determine that:

(1) The area either is an older, declining urban area, or was an older, declining urban area before the concentrated activities described in paragraph (l) (2) of this section began;

(2) Concentrated housing, physical development or public service activities are being or are to be carried out in the area in a coordinated manner to serve a common objective or purpose pursuant to a locally developed plan or strategy for neighborhood improvement, conservation or preservation;

(3) The area has unique qualities that make it suitable for inclusion as one of the demonstration areas in the Target Area Preservation Demonstration Program.

The Target Area Preservation Demonstration Program makes section 223(f) financing available on a limited, carefully controlled demonstration basis to areas that meet the requirements given above, and such additional Target Preservation Area eligibility criteria as the Secretary may announce in the future. The objective of the Target Area Preservation Demonstration Program is to determine whether a sufficient number of multifamily property owners in the Target Preservation Areas avail themselves of section 223(f) insurance that meets the economic soundness test, and whether section 223(f) financing can make sufficient contributions to the preservation, conservation or revitalization of the Target Preservation Areas to justify making the demonstration's approach to providing financing to multifamily properties in older, declining urban areas a permanent part of the section 223(f) program. An area approved as a Neighborhood Strategy Area under the provisions of Subpart C of Part 881, shall be considered to have met the criteria in subparagraphs (1) and (2) of this paragraph.

(Sec. 223(f), National Housing Act (12 U.S.C. 1715n); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)))

Issued at Washington, D.C., August 29, 1979.

Lawrence B. Simons,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 30573 Filed 10-2-79; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF DEFENSE

Department of the Navy

32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972; Amendment

AGENCY: Department of the Navy, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS) to reflect that the Secretary of the Navy: (1) Has determined that the display of the day shapes required by 72 COLREGS Rules 24 and 27 is not possible on Navy submarines; and, (2) Has found that recently obtained measurement data regarding the navigational lights on USS CORAL SEA (CV 43) more accurately reflects the locations of those navigational lights than the data found in the existing Part 706. The intended effect of this rule is to warn mariners in waters where the 72 COLREGS apply.

EFFECTIVE DATE: September 21, 1979.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander M. D. SEIDERS, JAGC, USN Admiralty Division, Office of the Judge Advocate General, Navy Department, Washington, DC 20370, Telephone number (202) 694-5188.

SUPPLEMENTARY INFORMATION: This amendment provides notice that the Secretary of the Navy has determined that, just as Navy Submarines cannot display the navigational lights required by 72 COLREGS Rules 24 and 27, they likewise cannot display the day shapes required by those Rules without interfering with their special function as submarines. This is based on the technical finding that it is not possible to install a mast on the submarines for use in displaying the day shapes without interfering with the underwater characteristics of those vessels.

Notice is also provided that the navigational light measurements pertaining to USS CORAL SEA (CV 43) found in the existing tables of 32 CFR 706.2 are being revised. The new measurements have been determined to more accurately reflect the locations of CORAL SEA's navigational lights than the measurements in the existing tables.

Moreover, it has been determined, in accordance with 32 CFR Parts 296 and 701, that publication of this amendment for public comment prior to adoption is

impracticable, unnecessary and contrary to public interest since it is based on technical findings that the placement of lights and the use of day shapes in a manner differently from that prescribed herein will adversely affect the applicable ships' abilities to perform their military functions. Accordingly, 32 CFR Part 706 is amended as follows:

§ 706.2 [Amended]

1. Table Two of § 706.2 is revised as follows to indicate action taken by the Secretary of the Navy:

Vessel	No.	Masthead lights, distance to stbd of keel in meters; rule 21(a)	Forward anchor light, distance below flight deck in meters; § 2(k), annex I	Forward anchor light, number of; rule 30(a)(i)	Aft anchor light, distance below flight deck in meters; rule 21(e), rule 30(a)(ii)	Aft anchor light, number of; rule 30(a)(ii)	Side lights, distance below flight deck in meters; § 2(g), annex I	Side lights, distance forward of forward masthead light in meters; § 3(b), annex I	Side lights, distance inboard of ship's sides in meters; § 3(b), annex I
*	*		*		*	*		*	*
U.S.S. Midway	CV 41								
U.S.S. Coral Sea	CV 43	18.9	0.16	2	6.2	2	0.16	116.7	19.9
*	*		*		*	*		*	*

2. Paragraph 2 of Table Four of § 706.2 is revised to read as follows:

The second masthead light required by Rule 23(a)(ii) and the lights and shapes required by Rules 24 and 27 are not displayed by submarines.

(EO 11964 and 33 U.S.C. 1605)

Effective Date: The effective date of this amendment will be September 21, 1979.

Dated: September 21, 1979.

R. James Woolsey,
Acting Secretary of the Navy.

[FR Doc. 79-30556 Filed 10-2-79; 8:45 am]
BILLING CODE 3810-71-M

Department of the Air Force

32 CFR Part 901

Appointment to the United States Air Force Academy

AGENCY: Department of the Air Force, Department of Defense.

ACTION: Final rule.

SUMMARY: The Department of the Air Force is revising Part 901 of Chapter VII, Title 32, of the Code of Federal Regulations. This revision tells the methods of application, and the requirements and procedures for the appointment of young men and women to the United States Air Force Academy. The revision defines the meaning of children; provides additional information on the precandidate program; and requires use of airman assignment availability code 05.

EFFECTIVE DATE: July 9, 1979.

FOR FURTHER INFORMATION CONTACT: Ms. Sara Tolan, phone: (202) 697-7116.

The revised part will read as follows:

PART 901—APPOINTMENT TO THE UNITED STATES AIR FORCE ACADEMY.

Sec.

901.0 Purpose.

Subpart A—Appointment Policies and Requirements

901.1 General policy.
901.2 Statutory authority.
901.3 Appointment vacancies.
901.4 Sources of nomination.
901.5 Basic eligibility requirements.
901.6 Medical requirements for admission.
901.7 Academic examination requirements.
901.8 Physical aptitude examination requirement.
901.9 Precandidate evaluation by the USAF Academy.

Subpart B—Nomination Requirements and Procedures

901.10 Notice of nomination.
901.11 Congressional, District of Columbia, and United States Possessions.
901.12 Regular (competitive).
901.13 Reserve (competitive).
901.14 Presidential (competitive).
901.15 Vice Presidential.
901.16 Children of deceased or disabled veterans and children of military or civilian personnel in a missing status (competitive).
901.17 Honor Military and honor Naval schools—college or university AFROTC—high school AFJROTC (competitive).
901.18 Children of Congressional Medal of Honor recipients.
901.19 Citizens of the American Republics and the Republic of the Philippines.
901.20 Notification of change of address or station assignment.
901.21 Supply of forms.

Subpart C—Cadet Appointments

901.22 Obligations of cadet appointment.
901.23 Cadet's oath of allegiance.

Authority: 10 U.S.C. 903, 8012, except as otherwise noted.

Note—This part is derived from Air Force Regulation 53-10, July 9, 1979.

Part 806 of this chapter states the basic policies and instructions governing the disclosure of records and tells memers of the public what they must do to inspect or obtain copies of the material referenced herein.

§ 901.0 Purpose.

This part explains the methods of application and the requirements and procedures for the appointment of young men and women to the United States Air Force Academy.

Note—This regulation is affected by the Privacy Act of 1974. The systems of records prescribed in this regulation are authorized by 10 U.S.C., chapter 903; and 10 U.S.C. 8012. Each form that is subject to the provisions of AFR 12-35, paragraph 30, and is required by this regulation, contains a Privacy Act Statement either incorporated in the body of the document or in a separate statement accompanying each such document.

Subpart A—Appointment Policies and Requirements

§ 901.1 General policy.

Persons who are eligible for nomination to the Air Force Academy are encouraged to apply in each category in which they are eligible.

§ 901.2 Statutory authority.

This part is based on statutory authority contained in 10 U.S.C., chapter 903.

§ 901.3 Appointment vacancies.

By law, specific authorities may nominate eligible applicants for appointment vacancies at the Academy.

§ 901.4 Sources of nomination.

(a) United States Senators and Representatives.

(b) Resident Commissioner of Puerto Rico; Governor of Puerto Rico; Governor of the Panama Canal Zone; Governor of American Samoa; Delegate in Congress from Guam; Delegate in Congress from the Virgin Islands; and the Delegate to the House of Representatives from the District of Columbia.

(c) Air Force enlisted Regular competitive category.

(d) Air Force enlisted Reserve competitive category.

(e) Presidential competitive category.

(f) Vice-Presidential category.

(g) Children of deceased or disabled veterans and children of military or civilian personnel in missing status competitive category.

(h) Honor military and honor naval schools, Air Force Reserve Officer Training Corps (AFROTC), and Air Force Junior Reserve Officer Training Corps (AFJROTC) competitive category.

(i) Children of Congressional Medal of Honor recipients.

(j) Citizens of the American Republics and the Philippines (designated to receive instruction under 10 U.S.C. 9344 and 9345.

§ 901.5 Basic eligibility requirements.

Each applicant must meet the following requirements for eligibility:

(a) *Age.* Must be at least 17 and not have passed the 22nd birthday on July 1 of the year of entry into the Academy.

(b) *Citizenship.* Except for sources covered by § 901.4(j), the applicant must be a citizen of the United States. If an applicant is a citizen by naturalization, he or she must substantiate citizenship. Proof of citizenship should be addressed to the Director of Cadet Admissions (USAFA/RRS, USAF Academy CO 80840). Facsimiles or copies, photographs or otherwise, will not be made of naturalization certificates under any circumstances, as stated in 18 U.S.C. 1426(h).

(c) *Domicile.* If nominated by an authority designated in § 901.4 (a) or (b), the applicant must be domiciled within the constituency of such authority.

(d) *Moral character.* Must be of highest moral character. Commanders will furnish information to USAFA/RRS, USAF Academy CO 80840, on any military applicant or nominee whose official records indicate questionable background as follows:

(1) Applicant is or has been a conscientious objector. In this case, an affidavit is required stating that such beliefs and principles have been abandoned so far as they pertain to willingness to bear arms and to give full and unqualified military service to the United States.

(2) Any facts that indicate the applicant's appointment may not be consistent with the interests of national security.

(3) Conviction by court-martial for other than a "minor offense" (MCM, 1969, revised edition, paragraph 128b, page 26-1) or conviction of a felony in a civilian court.

(4) Elimination from any officer training program or any preparatory school of the Army, Navy, or Air Force academies for military inaptitude, indifference, or undesirable traits of character. This includes any person who resigned in the face of impending charges or who was eliminated by official action.

(5) Habitual intemperance and drug abuse. (AFR 30-2 will be consulted when information on drug experimentation or use becomes known.)

(6) Any behavior, activity, or association tending to show that the applicant is of questionable moral character or reputation.

(e) *Marital status.* Applicant must be unmarried. (Any cadet who marries will be discharged from the Academy.)

(f) *Dependents.* Applicant must not have a legal obligation to support a child or children or any other person.

Note—For the purpose of this regulation, children are defined as the natural children of a parent, and adopted children whose adoption proceedings were initiated prior to their 15th birthday.

§ 901.6 Medical requirements for admission.

Each candidate must meet the physical requirements outlined in AFRs 160-43 and 160-13.

§ 901.7 Academic examination requirements.

Each candidate must take either the College Board admission testing program (ATP) or the American College testing program tests (ACT).

(a) College Board Admission Testing Program:

(1) A candidate who elects to use the ATP tests must take the scholastic aptitude tests (SAT).

(2) The candidate is encouraged, but not required to take achievement tests.

(i) English Composition.

(ii) Level 1 (Standard) Mathematics or Level II (Intensive) Mathematics. (Level I recommended for candidates without advanced high school mathematics.)

(3) *Makeup examination.* A makeup administration of College Board admission testing program tests is held by examining centers at a time to be determined by USAFA/RRS. If, for some valid reason, candidates are unable to take the tests on the regular testing dates, they may request authorization from USAFA/RRS to take them on the special makeup date. Supplies and instructions are furnished by USAFA/RRS.

(b) *American College Testing Program Tests.* Candidates who elect to use the ACT tests must take the complete battery of tests: English, mathematics, social sciences, and natural sciences.

§ 901.8 Physical aptitude examination requirement.

Physical aptitude examination consists of four exercises designed to measure coordination, strength, endurance, speed, and agility. A list of test items is included in the USAFA catalog.

§ 901.9 Precandidate evaluation by the USAF Academy.

The Air Force Academy conducts a precandidate evaluation program as the first step in the admissions process and as an aid to Members of Congress in screening their applicants.

(a) Once an individual expresses an interest in seeking a nomination to a Member of Congress, a congressional assistant sends the applicant a precandidate card made available by the Air Force Academy.

(b) The applicant completes the card and mails it to the Academy. The Academy, in turn, sends the applicant a packet of information, including DD 1908, Service Academies Precandidate Questionnaire. The applicant completes this form and sends it to the Academy.

(c) The Academy evaluates DD 1908, and the information is made available to congressional offices. Such information gives the Member of Congress an indication of the applicant's potential for qualifying for admission; it does not, however, reflect the applicant's final admission status. It is intended only to aid the Members of Congress in selecting their best qualified applicants for nomination.

(d) Individuals whose evaluations reflect a weakness will be informed of their deficiencies and encouraged to submit additional test scores or information in an effort to meet the minimum criteria. Individuals who receive a nomination will be given admission processing instructions, when there is a precandidate questionnaire on

file in the admissions office which indicates they have the potential to qualify for admission.

Subpart B—Nomination Requirements and Procedures

§ 901.10 Notice of nomination.

The Director of Cadet Admissions, USAFA/RRS, notifies military applicants of their eligibility or ineligibility for nomination. If eligible for nomination, USAFA/RRS sends them a precandidate questionnaire. If the precandidate questionnaire indicates they have the potential to qualify for admission to the Academy or the Preparatory School, USAFA/RRS sends the individual a candidate kit which includes: DD Forms 1867, Candidate Personnel Data Record; 1868, Candidate Activities Record; and 1875, Request for Secondary School Transcript, and complete processing instructions.

§ 901.11 Congressional, District of Columbia, and United States Possessions.

(a) A U.S. citizen domiciled in one of the 50 States may apply directly to the United States Senators of his or her State, and the Representative of his or her congressional district. In addition:

(1) Persons domiciled in the District of Columbia apply to the Delegate to the House of Representatives from the District of Columbia.

(2) Persons domiciled in Puerto Rico apply to the Resident Commissioner. Persons who are natives of Puerto Rico also may apply to the Governor.

(3) Children of civilians residing in the Panama Canal Zone, or children of civilian employees of the U.S. Government and the Panama Canal Company residing in the Republic of Panama, apply to the Governor of the Panama Canal Zone.

(4) Residents of American Samoa apply to the Governor.

(5) Residents of the Virgin Islands and Guam apply to their respective Delegates to Congress.

(b) Congressional nominations are submitted by the nominating authorities between May 1 and January 31 for the class entering the following summer.

(1) Applications to the nominating authorities should be sent early in the nominating period. A suggested letter format is included in the USAFA catalog and the Admissions Guide which accompanies the precandidate questionnaire.

(2) All inquiries concerning status of applications should be sent to the nominating authority.

(c) The nominating authority forwards DD Form 1870, Nomination for Appointment to the United States Military Academy, Naval Academy, Air Force Academy, (used only by sources listed in § 901.4 (a), (b), and (f) for each Air Force Academy nominee, through HQ USAF/MPPAB, Washington, D.C. 20330, to USAFA/RRS, USAF Academy, Colorado 80840.

§ 901.12 Regular (competitive).

Appointments to fill vacancies from this category are made from candidates in order of merit. Applications must be submitted no later than January 31 for the class entering the following summer.

(a) Any enlisted member of the Regular component of the Air Force may apply for nomination. Selectees must be in active enlisted status when appointed as cadets.

(b) A Reserve commissioned officer on extended active duty may apply for vacancies in the Regular military category. If selected, such candidates must have their commissioned officer status terminated and be enlisted before appointment as Air Force cadets. If a cadet in this category is separated without prejudice and under honorable conditions from the Air Force Academy, he or she may apply for reappointment as a commissioned officer.

(c) A regular applicant arranges to have his or her high school transcript submitted to the Director of Cadet Admissions, USAFA/RRS, and completes AF Form 1786, Application for Appointment to the United States Air Force Academy Under Quota Alloted to Enlisted Members of the Regular and Reserve Components of the Air Force, and submits it to his or her immediate commander who:

(1) Determines if the applicant meets the basic eligibility requirement shown in § 901.5 of this part. If disqualified, the application is returned and the applicant is informed of the reason.

(2) Forwards by first indorsement AF Form 1786 to USAFA/RRS, USAF Academy, Colorado 80840. The indorsement must include a complete comprehensive statement of the applicant's character, ability and background, plus the following statement: "Statements contained in this application regarding component, length of service, and date of birth have been verified from official records."

(3) Advises the Consolidated Base Personnel Office (CBPO) to place the airman in assignment availability code (AAC) 05. Applicants who are not selected are removed from AAC 05 when USAFA/RRS notifies the CBPO of nonselection.

§ 901.13 Reserve (competitive).

Appointments to fill vacancies from this category are made from candidates in order of merit. Applications must be submitted no later than January 31 for the class entering the following summer.

(a) Any enlisted member of the Air Force Reserve or the Air National Guard of the United States (ANGUS) may apply for nomination.

(b) A reserve commissioned officer who satisfactorily completes 1 year of service in an Active Reserve assignment by July 1 of the year in which admission is sought may apply for vacancies in the Reserve military category. If selected, such candidates must have their commissioned officer status terminated and be in the Air Force Reserve before appointment as Air Force Academy cadets. Cadets in this category who are separated without prejudice, and under honorable conditions, from the Air Force Academy, may apply for reappointment as a commissioned Reserve officer.

(c) A Reserve category applicant arranges to have his or her high school transcript submitted to USAFA/RRS; completes AF Form 1786; and submits it to his or her organization commander. The organization commander processes the application as outlined in § 901.12(c). A Reserve applicant is not placed on active duty to be processed for nomination or appointment to the Air Force Academy.

§ 901.14 Presidential (competitive).

(a) The child of a Regular or Reserve member of the Armed Forces of the United States is eligible for nomination if:

(1) The parent is on active duty and has completed 8 years of continuous active duty service (other than for training) by July 1 of the year that the candidate would enter the USAF Academy; or

(2) The parent was retired with pay or was granted retired or retainer pay (children of Reservists retired while not on active duty status are ineligible); or

(3) The parent died after retiring with pay or after being granted retired or retainer pay (children of deceased Reservists who were retired while not on active duty status are ineligible); and

(4) The applicant does not meet the eligibility requirements for the children of deceased or disabled veterans (CODDV) appointment category. (By law, a person eligible for appointment consideration under the CODDV category may not be a candidate in the Presidential category.)

(b) An eligible individual may apply to USAFA/RRS, USAF Academy CO 80840. A suggested letter format is included in the USAFA catalog and in the Admissions Guide which accompanies the precandidate questionnaire. The nominating period opens on May 1 and closes January 31.

Applicants should not write directly to the President of the United States since these applications are processed by the Air Force Academy.

§ 901.15 Vice Presidential.

(a) Any individual who meets the basic eligibility requirements of § 901.5 may apply for a nomination to the Vice President, United States Senate, Washington, D.C. 20510. The Vice President will accept requests for nominations between May 1 and October 31.

(b) It is important to submit a request for nomination before, or early in the nominating period. A suggested letter format is included in the USAFA catalog and in the Admissions Guide which accompanies the precandidate questionnaire. Address all inquiries concerning status of application to the nominating authority.

§ 901.16 Children of deceased or disabled veterans and children of military or civilian personnel in a missing status (competitive).

(a) The child of a deceased or disabled member of the Armed Forces of the United States is eligible for nomination if:

(1) The parent was killed in action, or died of wounds or injuries received or diseases contracted while in active service, or of preexisting injury or disease aggravated by active service, or

(2) The parent has a permanent service-connected disability rated at no less than 100 percent, resulting from wounds or injuries received or diseases contracted while in active service, or preexisting injury or disease aggravated by active service.

(b) The child of a parent who is in "missing status" is eligible, if the parent is a member of the armed services or a civilian employee in active Government service who is officially carried, or determined to be absent, in a status of missing; missing in action; interred in a foreign country; captured, beleaguered, or besieged by a hostile force; or detained in a foreign country against the person's will.

(c) To request a nomination in this category, an individual must submit an application to USAFA/RRS between May 1 and January 31. A suggested letter format is included in the USAFA catalog.

§ 901.17 Honor military and honor naval schools—college or university AFROTC—high school AFJROTC (competitive).

(a) *Honor military and honor naval schools:* (1) Five honor graduates, or prospective honor graduates, from each designated honor military and honor naval school may be nominated to fill the vacancies allocated to this category. Vacancies are filled in the order of merit, regardless of the schools from which the nominations are made. Appropriate school authorities must certify that each nominee is a prospective honor graduate or an honor graduate and meets the basic eligibility requirements listed in § 901.5.

(2) Appropriate school authorities use the nomination blanks provided by the Academy to submit nominees to USAFA/RRS, USAF Academy CO 80840. Such nominations are submitted no later than January 31 for the class entering the following summer. Nominations are not limited to honor graduates of the current year. An individual eligible for nomination in this category applies to the administrative authority of the school involved.

(b) *College or University AFROTC and high school AFJROTC:* (1) Five students from each college or university AFROTC Unit may be nominated to compete for the vacancies allocated in this category. Vacancies are filled in the order of merit.

(i) The student applies for nomination to the professor of aerospace studies, who must certify that the applicant meets the basic eligibility requirement listed in § 901.5 and will have satisfactorily completed 1 year of scholastic work at the time the class for which he or she is applying enters the Academy.

(ii) The professor of aerospace studies uses the forms provided by the Academy to recommend for nomination the five best qualified applicants to the president of the educational institution in which the AFROTC unit is established.

(iii) The president of the institution submits the nominations to USAFA/RRS, USAF Academy CO 80840, by January 31 of the year in which the applicants desire appointment.

(2) Five students from each high school AFJROTC unit may be nominated to compete for the vacancies allocated to this category. Vacancies are filled in the order of merit.

(i) The student applies for nomination to the aerospace education instructor, who must certify that the applicant meets the basic eligibility requirements listed in § 901.5, and will have successfully completed the prescribed AFJROTC program by the end of the school year.

(ii) The aerospace education instructor uses the nomination blanks provided by the Academy to recommend for nomination the five best qualified applicants to the principal of the high school in which the AFJROTC unit is established.

(iii) The principal of the high school submits the nominations to USAFA/RRS, USAF Academy CO 80840, by January 31 of the year in which the applicants desire appointment.

§ 901.18 Children of Congressional Medal of Honor recipients.

(a) The child of any Congressional Medal of Honor recipient who served in any branch of the Armed Forces may apply for nomination. If an applicant meets the eligibility criteria and qualified on the entrance examinations, he or she is admitted to the Academy.

(b) The applicant must write to USAFA/RRS, USAF Academy CO 80840 requesting a nomination in this category. The nominating period opens on May 1 and closes January 31. A suggested letter format is included in the USAFA catalog.

§ 901.19 Citizens of the American Republics and the Republic of the Philippines.

(a) The Academy is authorized to provide instruction to as many as 20 persons at any one time from the American republics. However, not more than three students from any one republic may receive instruction at the same time. In addition, one student from the Republic of the Philippines may be admitted in each entering class. A citizen of an American republic must apply to the government of his or her own country. A Filipino applies to the President of the Republic of the Philippines.

(b) The application must contain complete particulars about the applicant's background and should be submitted at least a year before the time of desired admission to the Academy. Applicants in these categories must meet the eligibility requirements established for all Academy candidates, except the requirement to be a US citizen, and must be able to read, write, and speak English proficiently.

§ 901.20 Notification of change of address or station assignment.

The applicant or nominee is personally responsible for notifying USAFA/RRS, USAF Academy CO 80840, of every change of address or station assignment. Notifications from military personnel must include complete name, grade, SSAN, and new organization or unit to which assigned.

§ 901.21 Supply of forms.

DD Forms 1867, 1868, 1875, and 1908 are stocked and issued by USAFA/RRS, USAF Academy CO 80840. DD Form 1870 is stocked and issued by the Air Force Academy Activities Group, HQ USAF/MPPA, Wash DC 20330. Air Force

Unites may procure AF 1786 through normal distribution channels.

Subpart C—Cadet Appointments

§ 901.22 Obligations of cadet appointment.

(a) A cadet who enters the Air Force Academy directly from civilian status and takes an oath of allegiance as a cadet assumes a military service obligation of 6 years.

(b) Cadets will be required to sign an agreement, with parents' or guardians' consent if a minor, that they will fulfill these obligations:

(1) Complete the Academy course of instruction, unless disenrolled from the Academy by competent authority.

(2) Accept an appointment and serve as a commissioned officer in a Regular component of one of the armed services for 5 years.

(3) If authorized to resign from the Regular component before the sixth anniversary of their graduation, serve as a commissioned officer in the Reserve component until the sixth anniversary.

(4) If disenrolled from the Academy before graduation, the cadet will be subject to the separation policies which apply to all service academies. Application of these policies will be governed by the Department of Defense requirements of the Active and Reserve components and the national manpower needs of selective service (see AFR 53-3).

§ 901.23 Cadet's oath of allegiance.

Upon admission, each cadet will be required to take the following Oath of Allegiance: "I, (name), having been appointed an Air Force Cadet in the United States Air Force, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So Help Me God."

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DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 50

Sale and Distribution of Printed Matter; Interim Rule

AGENCY: National Park Service, Interior.

ACTION: Interim rule with request for comments.

SUMMARY: This interim regulation with request for comments recodifies the provisions of 36 CFR 50.24(c)(2) concerning the sale or distribution of printed matter within areas administered by the National Capital Region of the National Park Service, to become part of 36 CFR 50.52. It also establishes a permit system for these sale and distribution activities within the interiors of park buildings within the Region. The new permit system allows for the sale and distribution of printed matter in fixed locations in public areas of the interiors of specified buildings. The regulation provides standards for the issuance of such permits and for the designation of the locations appropriate for sale and distribution activities. Finally, it establishes certain specifically prohibited activities, which in some instances have been associated with the sale and distribution of printed matter.

The need for this regulation arose when the United States District Court for the District of Columbia recently rule that the total prohibition of the sale and distribution of printed matter within the interior of park buildings contained in 36 CFR 50.24(c)(2)(v) is not constitutional insofar as the Kennedy Center is concerned, since commercial sales of certain items are allowed within that building. The intended effect of the new permit provisions is to impose on these activities, which involve First Amendment considerations, only those narrow restrictions which are necessary to protect park resources and to prevent unreasonable interference with other Park Service functions and activities.

This is both an interim regulation, effective immediately, and a request for comments. The interim regulation is necessary to ensure adequate protection of the Kennedy Center and to prevent unreasonable interference with the various programs occurring at the Center, while at the same time allowing for the sale and distribution activities.

DATES: This interim regulation is effective October 3, 1979, and will remain in effect until revoked, replaced, or modified by a final rulemaking publication. Written comments, suggestions, or objections regarding this interim regulation will be accepted until Novenber 2, 1979.

ADDRESSES: Written comments should be directed to: Manus J. Fish, Regional Director, Nationl Capital Region, National Park Service, 1100 Ohio Drive, SW., Washington, D.C. 20242.

FOR FURTHER INFORMATION CONTACT:
Richard G. Robbins, Assistant Solicitor, National Capital Parks, Office of the Solicitor, Department of the Interior, Washington, D.C. 20240, Telephone: 202-343-4338.
George Berklacy, Assistant to the Regional Director, Public Affairs, National Capital Region, National Park Service, 1100 Ohio Drive SW., Washington, D.C. 202452, Telephone: 202-426-6700.

SUPPLEMENTARY INFORMATION: The following persons participated in the writing of this regulation: Richard G. Robbins and Brian C. Koula, Office of the Solicitor.

Background

On November 20, 1978, the United States District Court for the District of Columbia issued an order dismissing the criminal actions against three defendants charged with a violation of 36 CFR 50.24(c)(2)(v) at the Kennedy Center, for the reason that the criminal action, insofar as the Kennedy Center is concerned, constituted an unconstitutional abridgment of First Amendment freedoms. *United States* v. *Boesewetter*, Cr. No. 78-318 (D.D.C., filed November 20, 1978). Currently, the provisions of 36 CFR 50.24(c)(2)(v) totally prohibit the sale or distribution of printed matter in the interior of all park buildings within the National Capital Region of the National Park Service. Although the court limited its order in these criminal actions to the particular cases before it, all of which arose in the Kennedy Center, the Park Service recognizes that the reasoning in the courts memorandum would logically apply as well to the National Visitor Center which is also a part of the National Capital Region, National Park Service. This interim regulation is intended to revise the regulation of sale and distribution activities in the interiors of the two buildings in a manner consistent with the guidance provided by the District Court in the memorandum accompanying its order dismissing the criminal actions.

To ensure the protection of these buildings, and to prevent any unreasonable interference or impairment of park programs, public use facilities and services, or the administrative functions of the National Park Service in these buildings, the Park Service has determined it is necessary to publish these interim regulations, effective immediately. Written comments will be accepted, however, for a period of thirty days.

Subsection (a) of the interim regulation, 36 CFR 50.52, is merely a recodification, without revision, of subsection (c)(2) of 36 CFR 50.24. Subsection (a) specifically allows the

sale or distribution of newspapers, leaflets, and pamphlets, in all National Capital Region park areas open to the public, without permit, with certain listed exceptions. These exceptions are not changed by this interim regulation. Subsections (b) and (c) of 36 CFR 50.52 are new. Subsection (b) establishes a permit system for the sale and distribution of printed matter in the Kennedy Center and the National Visitor Center. Subsection (c) establishes a prohibition of certain activities, unprotected by the First Amendment, which have sometimes been associated with the sale and distribution of printed matter.

Sale and Distribution of Printed Matter Kennedy Center and National Visitor Center

The memorandum accompanying the order in *United States* v. *Boesewetter*, Cr. No. 78-318 (D.D.C., filed November 20, 1978), stated that an absolute ban could not constitutionally be placed on First Amendment activities in the semi-public portions of the Kennedy Center, since sales of beverages, other refreshments, souvenir programs and other commemorative items are permitted in these areas. However, the court recognized that regulations focusing on time, place, and manner of the distribution of printed material within the Kennedy Center could be promulgated. The court stated in its memorandum that " * * * if commercial transactions involving refreshments and programs are conducted from fixed locations, such as sales booths, distribution of religious literature perhaps may be limited to similar locations." The court went on to state that:

> [s]tricter time, place, and manner limitations can be imposed where access to a semi-public forum must be reconciled with the rights of other users, such as rights of Kennedy Center patrons to be free of disruptions or intrusions that interfere with their enjoyment of a performance.

Although this order and memorandum addresses the issue of an absolute ban of First Amendment activities only at the Kennedy Center, to comply with the letter and spirit of this decision, the National Park Service has reviewed all buildings within the National Capital Region to determine to which of these buildings, in addition to the Kennedy Center, the principles established in this order and memorandum apply. Most buildings are not open to public or "semi-public" use. A few others are of such a small size there is no space available for these activities, since the historical or cultural resources occupy the entirety of the public use areas of the building.

It has been initially determined that only in the National Visitor Center, in addition to the Kennedy Center, will the sale and distribution of printed matter be allowed under the interim permit system. However, the Park Service will review this determination after the 30 day comment period has passed, and the public has had the opportunity to suggest additional buildings in the Region to which the new permit system should be applied.

It is the purpose of this permit system to control sale and distribution of printed matter within the interior of the Park Service buildings which are a part of the National Capital Region only to the extent necessary to properly protect the legitimate interests of the National Park Service and to do so in a manner which will ensure even-handed administration of these controls.

The governmental interests justifying limitations on printed matter sale and distribution activities may vary from park to park and within different units of any particular park, according to the purposes for which the units are administered and the manner in which the activity is conducted. Park resources can be harmed by the unregulated sale and distribution of printed matter. Unregulated sale and distribution of printed matter may unreasonably interfere with the interpretive and other programs, including the performing arts, taking place in park areas, particularly in the interior of park buildings. While unregulated sale and distribution of printed matter would not in every case preclude such functions, it can impede or significantly detract from the ability of visitors to understand and enjoy these programs, particularly in the confines of a building.

In many areas of the National Park System, the National Park Service strives to maintain an atmosphere of peace, calm and tranquility. Examples include certain historic areas, monuments, and memorials in which an atmosphere of calm, tranquility, and often reverence is maintained to commemorate important events and persons in the nation's history. Activities associated with the sale or distribution of printed matter would impair the tranquil atmosphere which the National Park Service seeks to maintain in these areas.

In addition to the effects on park resources and programs, recent experiences with the sale and distribution of printed matter in various units of the National Park System indicate that such activities, when unregulated, may interfere with the maintenance of public order in the parks. Numbers of complaints from park visitors indicate that persons engaged in such activities have also sold candy and flowers and have misrepresented the purpose of the sales and distributions and the affiliations of those engaged in these activities. Moreover, there are some indications that the sale and distribution of printed matter has been used to disguise an intent merely to obtain money from park visitors, rather than to disseminate views or information. There is a legitimate governmental interest in protecting park visitors from such abuses.

The regulation establishes a permit system for the use of the interior of certain park buildings for the sale and distribution of printed matter. Because of the limited space within the buildings, and the increased potential for conflicts between sale and distribution activities and other park programs and services when occurring in the confines of buildings, the Park Service has determined a permit requirement is necessary. A permit system was selected as the best regulatory method because it permits the site manager to regulate the numbers of persons engaged in sale and distribution activities in order to protect park resources and because it permits regulation of time and location to avoid conflicts in the use of specific locations. Regulation of numbers is important to protect the governmental interests identified above. The conflicts foreseen without a permit system are those that arise when competing groups seek to use the same location at the same time, or other events or programs are scheduled for the particular location sought by the applicant. The permit system also allows the site manager an opportunity to inform applicants of the applicable regulations and the policies and programs for the particular park building. No fees will be charged to obtain a permit under this section.

The regulation confers discretion on the site manager subject to the standards set forth in paragraph (3) of the regulation, to decide in advance which locations within the particular park building he administers are appropriate for the sale or distribution of printed matter. The standards for exercising this discretion are tightly drafted and relate directly to the statutory and policy management guidelines that apply to the particular park unit. In exercising this discretion, the site manager will be guided by the principles outlined above. Locations which have been designated as available are to be indicated on a map

in the site manager's office to permit their easy identification by the general public.

Since all commercial transactions within the Kennedy Center and the National Visitor Center are conducted from fixed locations, the sale and distribution activities provided for under this system will be limited to similar locations, consistent with the guidance earlier discussed, provided by the United States District Court. Furthermore, to prevent confusion concerning the sponsor of the sale or distribution activity, each group or individual engaged in this activity must be identified by a sign. To prevent the disruption of other activities occurring in the building, hawking or calling out from the stands is prohibited. This system allows visitors access to the information being provided by the group but prevents interference with the other activities occurring in the building. Through application of the criteria contained in paragraph b(3) of the regulation, at least one location frequented by the visitors to the areas will be designated as available in all buildings to which this subsection applies.

Certain types of sales or distribution may not be authorized by a permit under the regulations. If the sale or distribution would violate applicable State or Federal laws or regulations, or if it would constitute a clear and present danger to the public health or safety, it would not be permitted. Likewise, persons operating under a permit may not engage in activities that infringe upon the rights of other visitors to the park area.

A permit under this section, moreover, would not authorize commercial advertisements in violation of 36 CFR 50.24(b)(1) or sale of items other than literature in violation of 36 CFR 50.24(c)(1). Soliciting of alms and contributions, unaccompanied by the distribution of literature is also prohibited by 36 CFR 50.24(a)(1).

In anticipation of the publication of this interim regulation, the site managers of the Kennedy Center and the National Visitor Center have applied the standards contained in 36 CFR 50.52(b)(3), and designated on a map the locations within these buildings which will initially be available for the sale and distribution activities.

The general manager at the Kennedy Center has designated two locations as available. An area at the intersection of both the Hall of States and the Hall of Nations with the Grand Foyer has been designated. The locations are on the south wall of each Hall immediately east of the glass doors which separate the Halls from the Grand Foyer. For more specific information on these locations, a map is available in the General Manager's Office.

Within the Center, it was concluded that in other locations in the Halls there would be unreasonable interference with interpretive programs, visitor services or other program activities and administrative functions of the Park Service or with concession operations, by the sale and distribution activities. (36 CFR 50.52(b)(3)(iii) and (iv)).

It was further determined that the Grand Foyer is not reasonably available, since it is the most clearly delineated memorial area of the Kennedy Center. It contains the bust of President Kennedy, and activities in this area are limited to interpretation of the memorial, and to those activities related directly to the performing arts. No program or souvenir sales will occur within this semi-public area of the Grand Foyer. Beverages are served prior to performances and during intermission. Refreshments have traditionally been an integral part of and are inextricably intertwined with public performances. Because of this dual function as a memorial and the entrance to the Center's theaters, an atmosphere of peace and tranquility of the same degree as that maintained in other commemorative areas, such as the interior of the Lincoln Memorial, cannot be maintained. However, the Park Service goal is to maintain this atmosphere to the greatest extent possible. Therefore, pursuant to § 50.52(b)(3)(i), the entire Grand Foyer has been designated as unavailable.

The locations designated as available will allow persons engaged in the sale and distribution of printed matter an opportunity to contact the visitors to the Kennedy Center. All persons entering the Grand Foyer can be contacted from these locations, since all visitors entering the center must pass the locations provided in order to enter the Grand Foyer.

The General Manager of the National Visitor Center has designated three locations as available. A location has been designated on each side of the Discover America Hall of States of the Center where it opens into the main hall. Another location has been designated in the Gallery, near the entrance to the train station. A map of these locations may be seen in the General Manager's Office in room 203. It was determined by the general manager that other locations would unreasonably interfere with visitor services and other program activities or administrative functions, or impair the operations of concessioners, located at fixed locations in the building. (36 CFR 50.52(b)(3)(iii) and iv)). Because of a decrease in funding for the Center, at the present time, the Center may be entered only on the west side, and only the doors on the west side of the Main Hall into the Gallery are open. Therefore, the visitors, and people in transit to the train station are largely confined to the building's west end, where all three available locations have been designated. Should the circumstances at the Visitor Center change, the regulations allow flexibility to make necessary changes in the location designations. The designated locations will give those engaged in sale and distribution activities the opportunity to contact persons entering the National Visitor Center, whether to receive visitor information or in transit to the train station.

Impact Analysis: The National Service has determined that this document is not a significant rule requiring preparation of a regulatory analysis under Executive Order 12044 and Part 14 of Title 43 of the Code of Federal Regulations; and, further, that it is not a major Federal action significantly affecting the quality of the human environment, which would require preparation of an Environmental Impact Statement. Therefore, in consideration of the foregoing, Part 50 of title 36 of the Code of Federal Regulations is amended by adding a new § 50.52 to read as follows:

§ 50.52 Sale and distribution of printed matter.

(a) The sale or distribution of newspapers, leaflets, and pamphlets, conducted without the aid of stands or structures, is permitted in all park areas, open to the general public, without permit except the following areas where such sale or distribution is prohibited.

(1) Lincoln Memorial area which is on the same level or above the base of the large marble columns surrounding the structure, and the single series of marble stairs immediately adjacent to and below that level.

(2) Jefferson Memorial area enclosed by the outermost series of columns, and all portions on the same levels or above the base of these columns.

(3) Washington Monument area enclosed within a circle extending ten feet from the paved area surrounding the base of the Washington Monument.

(4) Constitution Gardens area bounded on the north by Constitution Avenue, NW.; on the south by the north reflecting pool walk extending from 17th Street, NW.; to Bacon Drive, NW.; on the east by 27th Street, NW.; and on the west by Bacon Drive, NW.

(5) The interior of all park buildings, including, but not limited to, those portions of the Kennedy Center and

Ford's Theatre administered by the National Park Service.

(6) The White House Park area bounded on the north by H Street, NW.; on the south by Constitution Avenue, NW.; on the west by 17th Street, NW.; and on the east by 15th Street, NW.; except for Lafayette Park, the White House sidewalk (the south Pennsylvania Avenue, NW. sidewalk between East and West Executive Avenues) and the Ellipse.

(b) The sale or distribution of newspapers, leaflets and pamphlets from fixed location stands is permitted within the Kennedy Center and the National Visitor Center park areas, provided a permit to do so has been issued by the Site Manager: *And provided further,* That the printed matter is not primarily commercial advertising and provided the following conditions are fulfilled:

(1) Any application for such a permit shall set forth the name of the applicant; the name of the organization, if any; the date, time, duration, and location of the proposed sale or distribution; and the number of participants.

(2) The Site Manager shall, without unreasonable delay, issue a permit on proper application unless:

(i) A prior application for a permit for the same time and location has been made which has been or will be granted and the activities authorized by that permit do not reasonably permit multiple occupancy of the particular area; or

(ii) The sale or distribution will present a clear and present danger to the public health or safety; or

(iii) The number of persons engaged in the sale or distribution exceeds the number that can reasonably be accommodated in the particular location applied for; or

(iv) The location applied for has not been designated as available for the sale or distribution of printed matter; or

(v) The activity would constitute a violation of an applicable law or regulation.

If an application for a permit is denied, the applicant shall be so informed in writing, with the reason(s) for the denial clearly set forth.

(3) The Site Manager shall designate on a map, which shall be available for inspection in the Office of the Site Manager, the locations within these park areas that are available for the sale or distribution of printed matter. Locations may be designated as not available only if the sale or distribution of printed matter would:

(i) Cause injury or damage to park resources; or

(ii) Unreasonably impair the atmosphere of peace and tranquility maintained in commemorative areas; or

(iii) Unreasonably interfere with interpretive, living history, visitor services, or other program activities or with the administrative functions of the National Park Service; or

(iv) Substantially impair the operation of public use facilities or services of concessioners or contractors.

(4) The permit may contain such conditions as are reasonably consistent with protection and use of the park area.

(5) No permit shall be issued for a period in excess of 14 consecutive days: *Provided,* That permits may be extended for like periods, upon a new application, unless another applicant has requested use of the same location and multiple occupancy of that location is not reasonably possible.

(6) Persons engaged in the sale or distribution of printed matter under this section shall not conduct activities from other than a stand in the locations designated, or hawk or call out from the stand. Each stand shall bear a sign identifying the sponsor, in a form approved by the Unit Manager.

(7) The sale or distribution of printed matter without a permit, or in violation of the terms or conditions of a permit, is prohibited.

(8) Any permit may be revoked under any of those conditions, as listed in paragraph (b)(2) of this section, which constitute grounds for denial of a permit, or for violation of the terms and conditions of the permit. Such a revocation shall be made in writing, with the reason(s) for revocation clearly set forth, except under emergency circumstances, when an immediate verbal revocation or suspension may be made, to be followed by written confirmation.

(c) Persons engaged in the sale or distribution of printed matter under this section shall not obstruct or impede pedestrians or vehicles, harass park visitors with physical contact, misrepresent the purposes or affiliations of those engaged in the sale or distribution, or whether the printed matter is available without cost or donation.

(Sec. 3 of the Act of August 25, 1916, 39 Stat. 535, as amended (16 U.S.C. 3); 8 D.C. Code 108 and 245 DM-1 (34 FR 13879), as amended)

Ira J. Hutchison,

Acting Director, National Park Service.

[FR Doc. 79-30487 Filed 10-3-79; 8:45 am]

BILLING CODE 4310-70-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

42 CFR Part 57

Grants for Residency Training in General Internal Medicine or General Pediatrics

AGENCY: Public Health Service, HEW.

ACTION: Final regulations.

SUMMARY: This rule amends the regulations implementing grants for residency training programs in general internal medicine or general pediatrics by providing for suspension of the requirement concerning the number of residents in these programs. The amendment will permit the Secretary to exercise administrative discretion to suspend this requirement for grantees which demonstrate a good faith effort to meet this requirement but are unable to do so due to circumstances beyond their control. This administrative flexibility is necessary to accomplish the purposes of the authorizing legislation.

EFFECTIVE DATE: This amendment is effective October 3, 1979.

FOR FURTHER INFORMATION CONTACT: Kenneth P. Moritsugu, M.D., M.P.H., Director, Division of Medicine, Bureau of Health Manpower, Health Resources Administration, Center Building, Room 4-44, 3700 East-West Highway, Hyattsville, MD 20782 (301-436-6418).

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Health of the Department of Health, Education, and Welfare, with the approval of the Secretary of Health, Education, and Welfare, is amending the regulations implementing section 784 of the Public Health Service Act, which were published in the Federal Register on November 18, 1977 (42 FR 59500, 42 CFR Part 57, Subpart FF).

Section 57.3105 (h) and (i), setting forth the number of residents required to be in training in these programs, are amended to include a provision for suspension of the requirement in certain cases. This provision will permit the Secretary to exercise administrative discretion to suspend this requirement for grantees which demonstrate a good faith effort to meet this requirement but are unable to do so due to circumstances beyond their control. This administrative flexibility is necessary to accomplish the purposes of the authorizing legislation. Since this amendment is technical in nature and relieves a restriction to provide support to otherwise eligible grantees, the Secretary has determined, according to 5

U.S.C. 553 and Departmental policy, that it would be unnecessary, impractical and contrary to the public interest to follow proposed rulemaking procedures or to delay the effective date of these regulations.

Accordingly, 42 CFR Part 57, Subpart FF is amended as set forth below:

§ 57.3105 [Amended]

1. Sections 57.3105 (h) and (i) are amended by adding to them the following sentence:

* * * * *

* * * However, the Secretary may suspend this requirement for a period which he or she finds appropriate if it is shown, after a thorough review of the facts involved, that a grantee has made a good faith effort to comply with the requirement and has met the other requirements of this Subpart and the Act, but is unable to have the required number of residents in the program due to circumstances beyond its control.

(Sec. 215, Public Health Service Act, 58 Stat. 690 as amended by 63 Stat. 35 (42 U.S.C. 216); sec. 784, Public Health Service Act, 90 Stat. 2315 (42 U.S.C. 295g-4))

Dated: September 26, 1979.

Julius B. Richmond,

Assistant Secretary for Health.

Approved: September 27, 1979.

Patricia Roberts Harris,

Secretary.

[FR Doc. 79-30581 Filed 9-28-79; 2:29 pm]

BILLING CODE 4110-83-M

Office of Education

45 CFR Chapter I

National Direct Student Loan, College Work-Study, Supplemental Educational Opportunity Grant; Annual Revision of Sample Cases and Benchmark Figures

AGENCY: Office of Education, HEW.

ACTION: Notice of Publication of Annual Revision of Sample Cases and Benchmark Figures.

SUMMARY: The Office of Education announces the annual revision of sample cases and benchmark figures for approval of need analysis systems for dependent students and the first periodic review for approval of need analysis systems for independent students for academic year 1980-81 for use with the National Direct Student Loan, College Work-Study, and Supplemental Educational Opportunity Grant Programs.

ADDRESS: Send descriptions of systems, the family contribution figures, and requests for information to Mr. John A. McGonigal, Campus-Based Branch, Division of Policy and Program Development, Bureau of Student Financial Assistance, Room 4018, ROB-3, 400 Maryland Avenue, SW., Washington, D.C. 20202, (202) 245-9720.

FOR FURTHER INFORMATION CONTACT: John A. McGonigal (202) 245-9720.

SUPPLEMENTARY INFORMATION:

General

The Commissioner of Education is revising the sample cases and benchmark figures that are used to approve need analysis systems for the National Direct Student Loan (NDSL), College Work-Study (CWS) and Supplemental Educational Opportunity Grant (SEOG) programs for academic year 1980-81. See § 13 of each of those program's regulations, 45 CFR 174.13 for NDSL, 45 CFR 175.13 for CWS and 45 CFR 176.13 for SEOG. These sections set forth procedures for annual review and approval by the Commissioner of need analysis systems for dependent students for use in those programs. As a part of this review the Commissioner publishes a set of sample cases and benchmark figures. To be approved, a system must generate expected parental contributions in at least 75 percent of the sample cases that are within $50 of the benchmark figures published by the Commissioner for those cases.

Under paragraph (c)(5) of each of those sections the Commissioner revises the set of sample cases annually for inflation, in such a way as to maintain, over time, a constant expected parental contribution for families with equal income and asset positions, measured in constant dollars. The original set of sample cases and benchmark figures was published in the Federal Register on May 21, 1975 as Appendix A at page 22139, and was used to approve need analysis for dependent students for academic year 1975-76. The set of benchmark figures now being published is for academic year 1980-81.

The revision for 1980-81 has been computed by: (1) Assuming the rate of inflation for 1979 to be 10 percent, (2) Including an asset protection allowance determined to be $24,500 and (3) Increasing the size of the net available income categories to $1,350 from $1,200 for determining the expected contribution.

Under the regulations for these three programs published in the Federal Register of August 13, 1979, 44 FR 47444-47506, individuals or organizations that wish to have their system of need analysis approved for dependent students must also submit their system of need analysis for independent students (45 CFR 174.13(e), 175.13(e) and 176.13(e)). The Commissioner will approve the need analysis system for independent students of those individuals or organization's if the Commissioner approves the individual's or organization's system for dependent students. (45 CFR 174.13(d)(2), 175.13(d)(2) and 176.13(d)(2)).

The table, as set forth below, shall be effective immediately with respect to approval of need analysis systems for dependent students. Such systems shall be used for making awards to students for academic year 1980-81.

(Catalog of Federal Domestic Assistance No. 13.418, Supplemental Educational Opportunity Grant Program; 13.463, College Work-Study Program; and 13.471, National Direct Student Loan Program)

Dated: September 27, 1979.

John Ellis,

Executive Deputy Commissioner for Educational Programs.

Benchmark Cases, Academic Year 1980-81

Net Assets:	$10,000				$20,000				$30,000				$40,000			
Family Size:	3	4	5	6	3	4	5	6	3	4	5	6	3	4	5	6
Income before taxes:																
$8,000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
$12,000	420	80	0	0	420	80	0	0	570	220	0	0	830	480	160	0
$16,000	1,010	670	350	0	1,010	670	350	0	1,160	820	490	120	1,460	1,080	760	390
$20,000	1,650	1,250	920	560	1,650	1,250	920	560	1,840	1,420	1,070	710	2,240	1,750	1,350	970
$24,000	2,480	1,950	1,540	1,140	2,480	1,950	1,540	1,140	2,740	2,180	1,730	1,290	3,280	2,630	2,100	1,610

Note.—The figures above are expected parental contributions which assume:

1. Two parents, one with income;
2. One dependent in undergraduate postsecondary education;
3. No business and/or farm assets;
4. Age of older wage earner is 45; asset protection allowance equals $24,500;
5. 1979 U.S. income tax schedules; joint return, standard deduction;
6. No social security benefits for education;
7. No unusual medical or dental expenses or casualty or theft losses;
8. No other unusual circumstances.

[FR Doc. 79-30590 Filed 10-2-79; 8:45 am]

BILLING CODE 4110-02-M

Office of Child Support Enforcement

45 CFR Part 304

Federal Financial Participation in the Cost of Cooperative Agreements With Courts and Law Enforcement Officials

AGENCY: Office of Child Support Enforcement (OCSE).

ACTION: Amendment of effective date.

SUMMARY: On July 31, 1978, OCSE published a final regulation (43 FR 33249), effective that day which provided Federal financial participation (FFP) for the non-salary costs of child support enforcement activities performed by courts or court related agencies (45 CFR 304.21). This document changes the effective date of that regulation to make it retroactive to July 1, 1975, which will allow OCSE to reimburse States for the administrative costs of courts incurred during the 3 year period from July 1, 1975, the beginning of the IV-D program, to July 31, 1978.

DATES: 45 CFR 304.21 as amended July 31, 1978, is effective retroactive to July 1, 1975.

FOR FURTHER INFORMATION CONTACT: Steven Henigson, Office of Child Support Enforcement, 6110 Executive Blvd.—Room 900, Rockville, MD. 20852; telephone: (301) 443-5301.

SUPPLEMENTARY INFORMATION: The July 31, 1978 regulation liberalized the Federal policy on the availability of Federal financial participation (FFP) for the costs of court activities incurred on behalf of the child support enforcement program (IV-D program). From the inception of the program, July 1, 1975, until July 31, 1978, FFP was available only for the costs of compensating court employees (other than judges) who were performing child support enforcement activities. FFP was not available for any administrative costs incurred by courts in carrying out child support enforcement activities, such as office space, furniture, computer services, etc.

On March 15, 1979, the United States District Court for the Western District of Missouri, Central Division, in the case of *Reser* v. *Califano* ruled that the regulation that prohibited Federal reimbursement of the non-salary administrative costs of courts prior to July 31, 1978, was invalid because it was not reasonably related to the purposes of the Child Support Enforcement program and as such was not within the regulatory authority of the Secretary. As part of the deliberations within the Department to determine whether the *Reser* case should be appealed, a complete review of this policy was undertaken.

The Department has now determined that the July 31, 1978 change in reimbursement policy should be applied retroactively to the beginning of the program, thereby avoiding the inconsistent policy of reimbursing non-salary costs of courts or court administered agencies incurred after July 31, 1978 but not before.

The Department's policy of denying FFP for the non-salary court administrative costs before July 31, 1978, is currently under challenge by a number of States that are seeking administrative review of disallowed costs incurred during the period July 1, 1975 to July 31, 1978. Other States are currently suing the Department in an effort to obtain reimbursement for costs they incurred during that period. This amendment will enable the Department to reverse its previous disallowances and reimburse State claims that are otherwise valid.

This document changes the effective date of the regulation, as amended (45 CFR 304.21) from July 31, 1978 to July 1, 1975. This change does not affect other provisions or prohibitions contained in the regulation. FFP is still not available for the costs of judicial determinations, including compensation for judges and other court personnel, and related administrative costs.

Consistent with the Administrative Procedure Act, the Department finds that public notice and comment is unnecessary with respect to this change. This amendment removes an inconsistency in the treatment of States' claims for FFP based on the time period during which the expenditures were incurred. This regulation will benefit those States that incurred expenditures under the IV-D program for the administrative costs of courts or court related agencies prior to July 31, 1978. This change in no way affects the rights of individuals in the IV-D program. This change merely makes retroactive a liberalization in policy regarding Federal reimbursement. In addition, this change is effective immediately upon publication because it relieves a restraint on the availability of Federal funding.

45 CFR 304.21, as amended July 31, 1978 is hereby made effective retroactive to July 1, 1975.

(Sec. 1102 of the Social Security Act, 49 Stat. 647 (42 U.S.C. 1302)) (Catalog of Federal Domestic Assistance Program No. 13.679 Child Support Enforcement program)

Note.—The Office of Child Support Enforcement has determined that this document does not require preparation of a Regulatory Analysis as prescribed by Executive Order 12044.

Dated: September 26, 1979.

Stanford G. Ross,

Director, Office of Child Support Enforcement.

Approved: September 27, 1979.

Patricia Roberts Harris,

Secretary.

[FR Doc. 79-30572 Filed 9-28-79; 2:45 pm]

BILLING CODE 4110-07-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1033

[S. O. 1399]

Pend Oreille Valley Railroad, Inc. Authorized to Operate Over Tracks of Chicago, Milwaukee, St. Paul and Pacific Railroad Co.

AGENCY: Interstate Commerce Commission.

ACTION: Service Order No. 1399.

SUMMARY: Service Order No. 1399 authorizes Pend Oreille Valley Railroad, Inc. to operate over Chicago, Milwaukee, St. Paul and Pacific Railroad Company tracks between Newport, Washington, and Metaline Falls, Washington. The Bankruptcy Court has authorized Milwaukee to convey this line to the Pend Oreille Valley Railroad, Inc. so that service can continue to shippers and so that track rehabilitation can begin.

DATES: Effective date: 12:01 a.m., October 1, 1979; expiration date: 11:59 p.m., March 31, 1980.

FOR FURTHER INFORMATION CONTACT: J. Kenneth Carter; telephone (202) 275-7840.

Decided, September 26, 1979.

The line of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW) between Newport, Washington, and Metaline Falls, Washington, is on the Pend Oreille Branch, for which an application for abandonment has been filed.

A newly organized company, Pend Oreille Valley Railroad, Inc., has been organized for the purpose of operating the portion of this branch between Newport and Metaline Falls. Several shippers on this line are in need of rail service and Pend Oreille Valley

Railroad, Inc. is prepared to offer rail service between Newport and Metaline Falls.

The Bankruptcy Court has authorized the MILW to convey this line to Pend Oreille Valley Railroad, Inc. An application seeking operating authority over this line will be filed with the Commission. The MILW has agreed to use by Pend Oreille Valley Railroad, Inc. of these tracks between Newport and Metaline Falls.

The MILW has asked the Bankruptcy Court to authorize an embargo of all lines west of Miles City, Montana, effective October 1, 1979.

In view of the uncertainty of the continued operation of this line; in order to provide continued service to shippers on this line; and so that Pend Oreille Valley Railroad, Inc. may begin immediate rehabilitation of this line before winter weather makes track work more difficult, operation of this line by Pend Oreille Valley needs to commence immediately.

It is the opinion of the Commission that an emergency exists requiring the operation by Pend Oreille Valley Railroad, Inc. over tracks formerly operated by MILW in the interest of the public; that notice and public procedure are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

§ 1033.1399. Service Order No. 1399.

It is ordered, (a) Pend Oreille Valley Railroad, Inc. authorized to operate over tracks of Chicago, Milwaukee, St. Paul and Pacific Railroad Compan y (MILW) between former MILW milepost 43.6 at Newport, Washington, and former MILW milepost 104.7 at Metaline Falls, Washington, a distance of approximately 61.1 miles.

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

(c) Nothing herein shall be considered as a prejudgement of the application of Pend Oreille Valley Railroad, Inc. seeking authority to operate over these tracks, or to the proposed request for an embargo.

(d) *Rates applicable.* Inasmuch as this operation by Pend Oreille Valley Railroad, Inc. over tracks previously operated by MILW is deemed to be due to carrier's disability, the rates applicable to traffic moved over these lines shall be the rates applicable to traffic routed, to, from, or via these lines which were formerly in effect on such traffic when routed via MILW, until tariffs naming rates and routes specifically applicable via Pend Oreille Valley Railroad, Inc. become effective.

(e) In transporting traffic over these lines, Pend Oreille Valley Railroad, Inc. and all other 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 that traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between the carriers; or upon failure of the carriers to so agree, the divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 12:01 a.m., October 1, 1979.

(g) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., March 31, 1980, unless 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. 79-30574 Filed 10-2-79; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 32

Upland Game Hunting; Opening of Ouray National Wildlife Refuge, Utah, to Upland Game Hunting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulation.

SUMMARY: The Director has determined that the opening to upland game hunting of Ouray 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: November 3, 1979 through November 16, 1979, inclusive.

FOR FURTHER INFORMATION CONTACT: Herbert G. Troester, Refuge Manager, Ouray National Wildlife Refuge, 447 East Main Street, Suite 4, Vernal, Utah 84078, telephone: 801-789-0351.

SUPPLEMENTARY INFORMATION:

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

Upland game hunting is permitted on the Ouray National Wildlife Refuge, Utah, except in the areas designated by signs as being closed. The open areas, comprising 7,500 acres, are delineated on maps at the refuge headquarters. Upland game hunting shall be in accordance with all applicable State regulations subject to the following conditions:

1. Male pheasants only may be hunted.
2. Sheppard Bottom is closed to hunting.
3. Vehicles will be restricted to designated travel routes and parking lots.
4. Lands leased from the Ute Indian Tribe may be hunted with a Tribal Hunting License only through November 16, 1979.

The provisions of this special regulation supplement the regulations which govern upland game 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.

The U.S. Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A-107.

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 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 the Ouray 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.

Herbert G. Troester,

Refuge Manager, Ouray National Wildlife Refuge, Vernal, Utah.

September 25, 1979.

[FR Doc. 79-30600 Filed 10-2-79; 8:45 am]

BILLING CODE 4310-55-M

50 CFR Part 32

Newton Corner, Mass.; Opening of the Great Swamp 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 Great Swamp National Wildlife Refuge is compatible with the objectives for which the area was established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public.

DATES: (December 3, 1979, through December 13, 1979).

FOR FURTHER INFORMATION CONTACT: John L. Fillio, Great Swamp National Wildlife Refuge, R.D. 1, Box 148, Basking Ridge, New Jersey, 07920, Telephone No. 201-647-1222.

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 Great Swamp 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.

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

Public hunting of deer of either sex with shotguns on the Great Swamp National Wildlife Refuge, New Jersey, is permitted, except on areas designated by signs as closed, during the period of December 3, 1979 to December 8, 1979, inclusive, and December 10 to December 13, 1979. Hunting of deer with firearms shall be in accordance with all State and Federal regulations subject to the following special conditions:

Deer may be taken throughout the hunt between the hours of 7 a.m. E.S.T. and 5 p.m. E.S.T. Participation will be limited to the 600 hunter permittees randomly selected for the special Great Swamp hunt. Only 250 hunters will be allowed at any given time on each day during the hunt period. Armbands and parking area permits will be issued and must be displayed as designated. Armbands and permits must be surrendered prior to departure from the refuge. Hunters must furnish and wear a minimum of 200 square inches of blaze or hunter orange in accord with State requirements. All deer taken must be checked out at the refuge check station. Vehicles are restricted to public roads and areas designated by parking permits.

A shotgun not smaller than 12 gauge will be permitted for hunting deer, and buckshot not smaller than Number 4 nor larger than Number 000 will be permitted in possession during the hunt. Hunter permittees will be required to have shotguns and loads certified prior to the hunt. Target practice or test firing is not permitted, and guns must be unloaded when in areas posted as "closed". Baiting or hunting with the aid of bait is prohibited.

Regulations, summaries, maps delineating open hunting areas, and shotgun and load certification forms and requirements are available at refuge headquarters and from the Regional Director, U.S. Fish and Wildlife Service, One Gateway Center, Suite 700, Newton Corner, Massachusetts 02158.

The refuge will be closed to the general public during the hunting period, December 3 through December 13, 1979.

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

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.

September 24, 1979.

Howard N. Larsen,

Regional Director, Fish and Wildlife Service.

[FR Doc. 79-30601 Filed 10-2-79; 8:45 am]

BILLING CODE 4310-55-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 652

Surf Clam and Ocean Quahog Fisheries; Allowable Level of Fishing During Fourth Quarter of 1979

AGENCY: National Oceanic and Atmospheric Administration (NOAA)/Commerce.

ACTION: Amendment to final regulations.

SUMMARY: This amendment specifies the number of hours per week during which surf clams may be harvested from the fishery conservation zone (FCZ) in the fourth quarter (October 1 through December 31) of 1979. The Regional Director of the Northeast Region, National Marine Fisheries Service (NMFS), has determined, through analysis of recent catch statistics and consultation with representatives of the surf clam industry and the surf clam committee of the Mid-Atlantic Fishery Management Council (Council), that adoption of a 24 hour weekly fishing period at the start of the quarter will allow for the continued catch of surf clams throughout the quarter.

EFFECTIVE DATE: October 1, 1979, through December 31, 1979.

FOR FURTHER INFORMATION CONTACT: Allen E. Peterson, Jr., Regional Director, Northeast Region, National Marine Fisheries Service, 14 Elm Street, Gloucester, Massachusetts 01930. Telephone (617) 281-3600.

SUPPLEMENTARY INFORMATION: Pursuant to Section 302 of the Fishery Conservation and Management Act of 1976, (Act), a fishery management plan (FMP) for the surf clam and ocean quahog fisheries was prepared by the Council. The FMP was approved and regulations implementing it were published on February 17, 1978. The FMP was recently amended to allow the Regional Director greater latitude in establishing allowable surf clam fishing time after consultation with the surf clam committee of the Council. Regulations implementing that amendment become effective on October 1, 1979.

The initial regulations implementing the FMP provided for a 4-day fishing

week, Monday through Thursday, subject to adjustment by the Regional Director, to permit the continued catch of surf clams throughout an entire quarter. Based upon determinations by the Regional Director, § 652.7 has been amended on nine occasions. These amendments were necessary to allow fishermen maximum access to the resource while permitting continued harvest of surf clams throughout each calendar quarter and preventing the quarterly quota from being exceeded. Section 652.7(a)(2) as amended requires the Regional Director, prior to the beginning of each quarter, to determine the level of effort which will permit the continued harvest of surf clams throughout the entire quarter. It is expected that the harvest of surf clams during the third quarter of 1979 will fall short of the quarterly quota. Catch information received to date indicates that 80,000 bushels may be left over at the end of the quarter. As provided by § 652.6(a)(1), this shortfall will be added to the quota for the fourth quarter. Although this addition represents a significant increase in the quarterly allocation, experience from previous quarters, particularly the fourth quarter of 1978, shows that an increase to 36 hours per week of fishing time at the beginning of this quarter could lead to high catch rates which might require a subsequent reduction in fishing time or a closure later in the quarter. In consultation with the surf clam committee and industry advisory subpanel of the Council, the Regional Director has determined that the most prudent and advantageous policy is to begin this quarter with a 24-hour fishing week, and later increase the allowable fishing time (in late October or November), if necessary, to facilitate the harvest of the full quarterly allocation.

The National Oceanic and Atmospheric Administration has determined that this action does not constitute a major Federal action significantly affecting the quality of the human environment requiring the preparation of either an environmental impact statement or a regulatory impact analysis under Executive Order 12044.

The Assistant Administrator finds that there is good cause to make these regulations effective sooner than 30 days after their publication because of the conservation needs of the resource.

Signed at Washington, D.C. the 28th day of September, 1979.

(16 U.S.C. 1801 *et seq.*)

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

50 CFR 652.7(a)(1) is hereby revised to read as follows:

§ 652.7 Effort restrictions.

(a) *Surf Clams.* (1) Fishing for surf clams shall be permitted during 4 days per week, from 12:01 a.m. (0001 hours) Monday to 12 midnight (2400 hours) Thursday. However, no fishing vessel shall engage in fishing for surf clams for more than 24 hours in any week. For the period from October 1, 1979, through December 31, 1979, inclusive, the authorized fishing periods for surf clams for each vessel shall be periods designated on the letter of authorization from the Regional Director. The letter shall be kept aboard the vessel at all times and shall state those periods in which the vessel is authorized to fish for surf clams. Such periods shall be 12 or 24 hours in duration and cumulatively cannot exceed 24 hours total in one week. No changes in authorized fishing periods will be permitted once a quarter has commenced. All requests for changes for subsequent quarters must be received by the Regional Director 15 days prior to the beginning of the next quarter. Fishing for any part of an authorized period will be counted as one period of fishing. In this paragraph "fishing" means the actual or attempted catching of fish, but not activities in preparation for fishing, such as traveling to or from the fishing grounds. (i) Designated fishing periods shall end at 5:00 p.m. (1700 hours) during that part of the year in which Eastern Standard Time is in effect. Designated fishing periods shall end at 6:00 p.m. (1800 hours) during that part of the year in which Daylight Saving Time is in effect.

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Proposed Rules

Federal Register
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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 AGRICULTURE

Office of the Secretary of Agriculture

7 CFR Part 6

Section 22 Import Quotas

AGENCY: Foreign Agricultural Service.

ACTION: Proposed rule.

SUMMARY: It is proposed to revise Import Regulation 1 which governs the administration of an import licensing system for certain dairy products subject to quotas proclaimed under the authority of Section 22 of the Agricultural Adjustment Act of 1933, as amended. Changes are to be made in these quotas, effective as of January 1, 1980, by Presidential Proclamation to be issued in accordance with provisions of the Trade Agreements Act of 1979 (Pub. L. 96-39) (the Act) and bilateral agreements approved by such Act. The revision is needed to provide for the fair and equitable allocation and use of licenses for the importation of articles subject to such quotas.

DATE: In order to assure consideration, written comments on this proposed rule must be received by November 2, 1979.

ADDRESS: Comments should be addressed to: Dairy, Livestock and Poultry Division, CP, Foreign Agricultural Service, room 6616, South Building, Department of Agriculture, Washington, D.C. 20250. Copies of all written comments received will be available for examination by interested persons in room 6621 of the South Agricultural Building (14th and Independence Ave., Washington, D.C. 20250. Copies of all written comments received will be available for examination by interested persons in room 6621 of the South Agricultural Building (14th and Independence Ave., Washington, D.C.) during the regular busines hours (8:30-5:00 weekdays).

FOR FURTHER INFORMATION CONTACT: Bryant H. Wadsworth, Deputy Director, or Carol M. Harvey, Head, Dairy and Import Group, Dairy, Livestock and Poultry Division, CP, Room 6616 South Building, Department of Agriculture, Washington, D.C. 20250 (202) 447-7217 or (202) 447-5270.

SUPPLEMENTARY INFORMATION: The President is required by Sections 701 and 703 of the Act to issue a proclamation under Section 22 to place specified limitations on the importation of certain cheese and chocolate crumb, effective January 1, 1980. The Act also approved bilateral agreements entered into during the Multilateral Trade Negotiations (MTN) by the United States and certain foreign countries with respect to the quantity of cheese and chocolate crumb subject to such limitations that may be imported from such countries. It is anticipated that these country quotas will be set forth in the proclamation. The "price-break" quotas (specified articles being subject to quota only if having a purchase price less than a determined price) now in effect will be terminated since Section 701 requires that the total quantity of such articles, regardless of price, be limited.

It is anticipated that the Presidential Proclamation setting forth the quotas will authorize the Secretary of Agriculture to issue licenses for the importation of cheese and certain other dairy products subject to Section 22 quotas as is the present procedure. The Report of the Committee on Ways and Means of the House of Representatives accompanying H.R. 4537 (which became the Act) contains the following statement on page 138:

> Obviously, with the expansion of the quota to cover both old quota and old price-break cheeses, care must be taken by the USDA to allocate new license rights so as to protect both the rights of those who have traditionally been in the business of importing quota cheeses and the rights of price break cheese importers who have had no historical record of holding licenses, as well as new entrants to the cheese importing business. Care must also be given to fulfill the provision in a number of the agreements that "the United States agrees to take all necessary measures to permit the maximum utilization of the quotas." * * * the Department [is expected] to provide for a fair allocation of rights to import. Within the overall quota system, competition must be provided in the importing, wholesaling, and retailing of imported cheese.

In order that a licensing system to accomplish this purpose may be placed in effect as soon as possible after January 1, 1980, the proposed rule is published to obtain the benefit of public comment although the Presidential Proclamation has not been issued.

Quantities of cheese now subject to Section 22 quotas will, with some slight modifications, continue to be covered by Appendix 1 to the Regulation. A new Appendix 2 will cover additional quota quantities of cheese. The quantities of such cheese which may be imported from specified countries are not set forth in the appendices attached to this proposed regulation since such quantities and countries are expected to be specified in the Presidential Proclamation. Should the anticipated Presidential Proclamation contain provisions significantly at variance with what is expected, a revised proposed rule, consonant with such provisions, may be required.

Discussion of Major Changes

Determination (§6.20)

No reference is made to the issuance of certain licenses on a semi-annual, rather than annual, basis as has been done in the past since it is expected that the Presidential Proclamation will eliminate this requirement. This will relieve the Licensing Authority and the importing public of an unnecessary administrative and regulatory burden while having little or no impact on the market.

The current system allows for the issuance of licenses valid for twelve months covering no more than one half of any particular cheese quota on January 1 of each quota year, and licenses valid for six months covering the remainder of the quota on July 1 of each quota year. This long-standing requirement was intended to prevent the importation of more than half of any cheese quota during the spring months or "flush" period of the annual domestic dairy production year.

The issuance of the licenses on an annual basis will not have a significant adverse impact on the domestic market, because: (1) the implementation on January 1, 1980, of anticipated Import Regulation 2, to be issued under authority of section 702 of the Trade Agreements Act of 1979 (PL 96-39) and designed to prohibit price-undercutting by subsidized imported cheese, will create a stronger incentive to use the quotas for quality table cheese rather than industrial cheese (for further

processing), and (2) this will tend to skew the seasonal import pattern even more toward the holiday season or last third of the calendar year, when most cheese imports have traditionally been entered.

Definition (§6.21)

The definition for "affiliate" has been refined in order to deal with potential loopholes which might allow a person to have members of his or her family or other contacts, etc., acquire additional licenses contrary to the spirit and intent of the regulation. The approach of this definition is adapted from the affiliate definition in Section 318 of the Internal Revenue Code.

The definition for "associate" has been added to prevent collusion or consipiracy between two or more non-affiliated persons in order to improperly obtain additional licenses. This definition is largely intended to stop a licensee from encouraging his or her domestic suppliers or customers to apply for licenses which, if acquired, may ultimately be used directly or indirectly by said licensee, adding to his or her effective aggregate quota share.

"EC" is added to the definitions to accommodate an understanding reached between the United States and the European Community during the MTN that beginning with the 1980 quota year all quotas awarded to the EC or her member states would become EC-wide quotas.

The definition for "postmark" has been added to correct a deficiency in the existing regulation. In applying for nonhistorical licenses under § 6.26 of Revision 6 of the regulation, it became at least circumstantially evident that some firms were taking advantage of the lack of such definition by stamping the envelope for their applications on August 1 with the postage meters in their respective offices, in order to assure an early position in the application consideration process, and then not mailing their applications until several days later, after they had gathered all the necessary materials. This procedure, if employed, would give such applicants an unfair advantage over those who were not fortunate enough to possess postage meters. Since the postmark date may become a basis in certain cases upon which applications for supplementary as well as nonhistroical licenses may be eliminated, it is important that all applicants understand clearly what is meant by "postmark."

Eligibility (§ 6.25)

Possibilities of establishing eligibility for nonhistorical quota shares are expanded to include persons or firms which can show satisfactory proof of being in the business of manufacturing cheese or cheese products in the Customs Territory of the United States, as well as those firms which can show satisfactory proof of being in the business of importing cheese or cheese products. In light of the fact that the anticipated Presidential Proclamation will bring virutally all cow's milk cheese imports under absolute quota, where currently only about 60 percent of such imports have been subject to quota, it is felt that license eligibility procedures need to be expanded to give legitimate cheese and cheese product manufacturers the possibility of importing limited quantities of quota cheese.

Eligibility to obtain a supplementary license will be established by meeting the same requirements for gaining nonhistorical eligibility. It will be established automatically for a given article from a given country of origin if the applicant already has historical eligibility for the same article from the same country of origin or if the licensee receives the endorsement of the government of the supplying country. Supplementary licenses will be issued on 50 percent or more of each quota listed in Appendix 2 of the regulation. Appendix 2 basically covers those portions of the Section 22 cheese quotas which are new or expanded. Appendix 1 covers the Section 22 quotas already in existence, with minor adjustments. A person with historical eligibility for a share of one of the absolute quotas, basically listed in Appendix 1, viz., Cheddar, American other than Cheddar, Bluemold, Edam and Gouda and Processed Edam and Gouda cheeses, and Italian-type cheese, both in original loaves and not in original loaves, may obtain a prorated historical share of the quota for the same cheese in Appendix 2. Historical eligibility may also be established for the Swiss-type and Other cheeses listed in Group V of Appendix 2 by submitting to the Licensing Authority, during a specified period following publication of this revision in final form in the Federal Register proof of importation of such cheeses free of quota restrictions (i.e., so-called pricebreak cheeses) during the period July 1, 1978—June 30, 1979.

Allocation of annual quota and issuance of licenses. (§ 6.26) Allocation procedures for quota quantities listed in Appendix 1 (largely currently in effect) are not changed significantly by the proposed rule. Approximately 80 to 90 percent of these quota amounts will continue to be allocated in historical licenses. Cancellation or termination of a historical quota share will result in that quota share becoming a permanent addition to the quantity available for allocation in nonhistorical licenses. No more than half of any quota in Appendix 2 will be allocated on a historical basis. The remaining amounts will be allocated as supplementary licenses. Supplementary licenses will be allocated only from Appendix 2.

Persons with historical eligibility for a quota share of an article in Appendix 2 may apply for a supplemental share of the same article in an amount not to exceed the amount of his or her historical quota share for the article. Theoretically then, a historical licensee for an article in Appendix 2 will be able to double his or her quota share for a given quota year by obtaining a supplementary license to go with the historical license.

Eligible applicants without a historical quota share for an article in Appendix 2 may also obtain supplementary licenses for that article. Supplementary quota shares for such "newcomers" are limited to no less than 36,000 pounds (one container) or more than 110,000 pounds (three containers). Limiting supplementary quota shares to no less than a container is intended to minimize the incentive to buy and sell small licenses in order to make up full container shipments.

Allocation procedures for supplementary licenses for quotas assigned to the EC will be done so that, to the extent possible, each eligible applicant will receive at least a minimum quota share. After each has been assigned a minimum share, the remaining amounts available will be prorated among eligible applicants, based on the size of each applicant's historical quota share for the same article in Appendix 2 or the minimum supplementary share, whichever is greater.

If more eligible applicants apply for a quota than can possibly receive minimum shares from the quantity available for allocation, the Licensing Authority may find it necessary to eliminate one or more applications in order to be able to assign minimum shares to the others. Such eliminations, if necessary, will be done on the basis of postmark date of application.

Allocation of supplementary licenses for non-EC quotas will be done in the same way as for EC quotas, *unless* the government of the non-EC supplying country involved elects to endorse one or more applicants as "preferred importers." If such endorsements are made, the preferred importers involved will receive quota shares on a priority

basis. This procedure is intended to give the supplying country the prerogative of selecting the importer(s) they prefer to deal with on those portions of their respective quotas which are allocated on a supplementary basis, i.e., 50 percent or more of the quotas listed in Appendix 2.

Endorsements of preferred importers will have to be made annually during the normal application period of August 1 through November 1, unless notice to the contrary is published in the Federal Register.

If a licensee uses less than 85 percent of his or her nonhistorical or supplementary license during a quota year, he or she may lose the eligibility to receive such a license in the next quota year. Less than 85 percent use of a historical license during a quota year will result in that license being reduced to one-half of its basic annual allocation in the next quota year. However, if the licensee uses this reduced historical license at the rate of 85 percent or more during the year it is in force, the quota share will be restored to its full basic annual allocation in the next quota year.

The current regulation allows for the reduction of a historical license after two consecutive years of less than 85 percent use. The change noted above is made to increase the incentive to use licenses and to facilitate computerization of the reducing procedure.

Any type of cheese import license, or portions thereof, may be surrendered to the Licensing Authority without penalty prior to August 1 of a quota year. This will probably occur in instances where the licensee intends to use less than 85 percent of a license and yet desires to avoid losing eligibility for it or leaving it reduced in the following year.

Use of Licenses. (§ 6.27)

Requirements for invoices and/or through bills of lading have been modified in order to allow for the ability of the Customs Service and the importers to deal with shipments from countries with centrally planned economies which may prohibit direct dealing with Americans and/or direct shipments to the United States.

Suspension or Revocation of Eligibility (§ 6.29)

Import Regulation 1 now allows for the permanent cancellation of historical eligibility for a license if the license is not used at all for two consecutive quota years. This revision two consecutive years or three years within a five year period. This provision is intended to further facilitate full use of the quotas. The three-year-within-five provision will give added incentive for a licensee to surrender his or her license by the August 1 deadline of a quota year, if he or she doesn't intend to use it, giving other licensees an opportunity to use it.

Elimination of Milk Chocolate Crumb Quotas from licensing provisions.

This proposed revision makes no provision for the licensing of Milk Chocolate Crumb subject to quotas, since it is anticipated that the Proclamation will no longer require a license for such importation. These quotas, covered by TSUS Appendix items 950.15 and 950.16, have had a long history of only partial use from year to year.

Proposed Rule

Accordingly, it is proposed to amend Subpart—Section 22 Import Quotas—of Part 6 of Subtitle A of Title 7 of the Code of Federal Regulations to read as follows:

Subpart—Section 22 Import Quotas

Sec.
6.20 Determination.
6.21 Definitions.
6.22 Prohibitions and restrictions on imports.
6.23 Exceptions.
6.24 Application for license.
6.25 Eligibility.
6.26 Allocation of annual quota and issuance of licenses.
6.27 Use of licenses.
6.28 Records and inspection.
6.29 Suspension or revocation of eligibility.
6.30 Adjustment of countries of origin.
6.31 Delegation of authority.
6.32 Supersedure of Import Regulation 1, Revision 6.
Appendix 1—Articles subject to the historical and nonhistorical licensing provisions of Import Regulation 1, Revision 7, and respective annual Import Quotas for each Quota year
Appendix 2—Articles subject to the historical and supplementary licensing provisions of Import Regulation 1, Revision 7, and respective annual Import quotas for each Quota year

Authority: Sec. 3, Pub. L. 897, 80th Cong., 2nd Sess., 62 Stat. 1248, as amended (7 U.S.C. 624); secs. 701, 703, Pub. L. 96-39, 93 Stat. 268, 272 (19 U.S.C. 1202 note); Part 3 of the Appendix to the Tariff Schedules of the United States (17 U.S.C. 1202)

§ 6.20 Determination.

Part 3 of the Appendix to the Tariff Schedules of the United States, which contains the quantitative limitations on certain articles imported into the United States proclaimed by the President pursuant to Section 22 of the Agricultural Adjustment Act, as amended (7 U.S.C. 624), provides that certain articles may be entered only by or for the account of a person or firm to which a license has been issued by or under the authority of the Secretary of Agriculture and only in accordance with the terms of such license as set forth in this regulation. Licenses are to be issued under regulations of the Secretary of Agriculture which he determines will, to the fullest extent practicable, result in the fair and equitable allocation among importers or users of the right to import articles subject to such quotas and facilitate the maximum utilization of the respective quotas for such articles, taking due account of any special factors which may have affected or may be affecting the trade in the articles concerned. It is hereby determined that the regulation will, to the fullest extent practicable, accomplish this result.

§ 6.21 Definitions.

Except where the context otherwise requires, the following terms have the meanings set forth in this section:

(a) "Affiliate" means, in the case of:

(1) *Members of a family.* An individual shall be considered as owning the stock, directly or indirectly, by or for (i) a spouse (other than a spouse legally separated from the individual under a decree of divorce or separate maintenance), and (ii) children, grandchildren, parents, brothers and sisters.

(2) *Attribution from partnerships and estates.* Stock owned, directly or indirectly, by or for a partnership or estate shall be considered as owned proportionately by its partners or beneficiaries.

(3) *Attribution from trusts.* (i) Stock owned, directly or indirectly, by or for a trust (other than an employees' trust) shall be considered as owned by its beneficiaries in such trust. (ii) Stock owned, directly or indirectly, by or for any portion of a trust of which a person is considered the owner under subpart E of part I of subchapter J of the Internal Revenue Code (relating to grantors and others treated as substantial owners) shall be considered as being owned by such person.

(4) *Attribution from corporations.* If five percent or more in value of the stock in a corporation is owned, directly or indirectly, by or for any person, such person shall be considered as owning the stock owned, directly or indirectly, by or for such person.

(5) *Attribution to partnerships and estates.* Stock owned, directly or indirectly, by or for a beneficiary of a trust (other than an employees' trust) shall be considered as owned by the trust, unless such beneficiary's interest in the trust is a remote contingent interest. For purposes of this clause, a contingent interest of a beneficiary in a

trust shall be considered remote if, under the maximum exercise of discretion by the trustee in favor of such beneficiary, the value of such interest, computed actuarially, is five percent or less of the value of the trust property. Stock owned, directly or indirectly, by or for a person who is considered the owner of any portion of a trust under subpart E of part I of subchapter J of the Internal Revenue Code (relating to grantors and others treated as substantial owners) shall be considered as owned by a trust.

(6) *Attribution to corporations.* If five percent or more in value of the stock of a corporation is owned, directly or indirectly, by or for any person, such corporation shall be considered as owning the stock owned, directly or indirectly, by or for such person.

(7) *Options.* If any person has an option to acquire stock, such stock shall be considered as owned by such person. For purposes of this paragraph, an option to acquire such an option, and each one of a series of such options, shall be considered as an option to acquire such stock.

(8) *Operating Rules.* (i) In general: Except as provided in paragraphs (a)(8) (ii) and (iii) of this section, stock constructively owned by a person by reason of the application of paragraph (a) (1), (5), (6), or (7), shall for purposes of applying paragraphs (a) (1), (5), (6) and (7) be considered as actually owned by such person.

(ii) Members of a family: Stock constructively owned by an individual by reason of the application of paragraph (a)(1) of this section shall not be considered as owned by him or her for purposes of again applying paragraph (a)(1) of this section in order to make another the constructive owner of such licenses.

(iii) Partnerships, estates, trusts and corporations: Licenses constructively owned by a partnership, estate, trust or corporation by reason of the application of paragraphs (a) (5) and (6) shall not be considered as owned by it for purposes of again applying paragraph (a) (2), (3), (4) in order to make another the constructive owner of such licenses.

(iv) Option rule in lieu of family rule: For purposes of this paragraph, if a license may be considered as held by an individual under paragraphs (a) (1) or (7), it shall be considered as held by him under paragraph (a)(8) of this section.

(9) For purposes of the application of paragraph (a) (1)–(8) of this section, any attribution of ownership, to or from any person, partnership estate, trust, corporation, or other legal entity shall not disqualify such person, partnership, estate, trust, corporation, or other legal entity, from entitlement to a license for importation of any article in Appendix 1 or Appendix 2 hereto, unless such attribution results in an aggregate equity interest of five percent or more in such other entity.

(b) "Annual Quota" means the quantity of an article which may be entered in a quota year as provided in Appendix 1 or Appendix 2.

(c) "Appendix 1" means Appendix 1 to this regulation. Definitions of articles in this appendix are the same as those provided in the Tariff Schedules of the United States.

(d) "Appendix 2" means Appendix 2 to this regulation. Definition of articles in this appendix are the same as those provided in the Tariff Schedules of the United States.

(e) "Article" means any TSU item referred to in Appendix 1 or Appendix 2.

(f) "Associate" means a party connected with one or more parties, formally or informally, directly or indirectly, with the common purpose of obtaining eligibility for additional licenses, one party intending to use, directly or indirectly the licenses that the other may acquire.

(g) "Authorized agent" means an agent as used in 19 CFR 141.31(a) for whom the licensee has filed with the District Director of Customs a limited power of attorney using Customs Form 5291 authorizing such agent to act for, but only in, the licensee's name.

(h) "Basic annual allocation" refers to historical quota shares only and means the quota share of a licensee for an article before any reduction as authorized under § 6.26(d) has been effected. It will be calculated on the basis of the annual average amount entered by a licensee during a predetermined representative base period.

(i) "Country of origin" and/or "Supplying country" mean the country in which the article subject to the regulation was produced or manufactured as defined under 19 CFR 134.1(b).

(j) "Date of entry" is the date when the specified Customs entry form is properly executed and deposited, together with estimated duties and any related documents required by law or regulation to be filed with such form at the time of entry, with the appropriate Customs officer.

(k) "Department" means the United States Department of Agriculture.

(l) "EC" means the nine European Community countries, vis., Belgium, Denmark, The Federal Republic of Germany, France, Ireland, Italy, Luxembourg, The Netherlands, and United Kingdom, which for the purposes of this regulation shall be deemed as one country of origin.

(m) "Eligible applicant" means a person applying for a license to enter an article who has established, to the satisfaction of the Licensing Authority, eligibility to enter such article, in accordance with § 6.25.

(n) "Enter" means to make entry, or withdrawal from warehouse, for consumption by deposit with, and acceptance by, the appropriate Customs officer of the properly executed entry documents, including invoices, bills of lading and payment of estimated duties.

(o) "Entire dairy products business" means the total assets and operations of the foreign and domestic aspects of a business pertaining to articles subject to the provisions of this regulation.

(p) "Entrepreneurial use" means the processing or sale of the article entered pursuant to the license as a part of the ordinary conduct of business by a licensee who is managing and assuming the risk of such business. Such term does not include one who is functioning as a mere supplier of license.

(q) "Licensee" means any person to whom a license has been issued under the regulation.

(r) "Licensing Authority" means the Director, Dairy, Livestock and Poultry Division, Foreign Agricultural Service, U.S. Department of Agriculture or any other officer or employee of the Department designated in writing as Acting Director in the absence of the Director.

(s) "Other countries" refers to countries sharing a common quota which are not listed as having separate quotas in Appendix 1 or Appendix 2, and for the purposes of the regulation is deemed as one country of origin.

(t) "Person" includes any individual, firm, corporation, partnership, association, or other legal entity. It also includes any government (other than the Government of the United States and any agency thereof).

(u) "Postmark" means the postage cancellation mark applied by the U.S. Post Office showing the post office and date of mailing. This *does not* include metered postage affixed by the applicant or any other private entity.

(v) "Quota share" means that part of the annual quota of an article listed in Appendix 1 or Appendix 2 for which a person is eligible.

(w) "Quota year" means the 12-month period beginning on January 1 of any given year.

(x) "Regulation" means the provisions contained in the Licensing Regulation of this subpart.

(y) "United States" means the Customs Territory of the United States,

which is limited to the United States, District of Columbia and Puerto Rico.

§ 6.22 Prohibitions and restrictions on imports.

(a) No person may enter or cause to be entered any article listed in Appendix 1 of Appendix 2, except as provided in § 6.23 or as authorized by a license issued pursuant to the regulation.

(b) A person to whom a license has been issued hereunder is not relieved from compliance with any requirement of the regulation or any other applicable laws and regulations.

§ 6.23 Exceptions.

Licenses are not required for the entry of:

(a) Articles imported by or for the account of any agency of the U.S. Government.

(b) Articles with an aggregate value of not over $25 in any shipment, if imported as samples for taking orders, for the personal use of the importer, or for research.

(c) Articles imported for exhibition, display or sampling at a trade fair, or for research, if written approval of the Licensing Authority is obtained.

§ 6.24 Application for license.

Applications to the Licensing Authority for the issuance of licenses to enter articles must be made in writing, addressed to the Head, Dairy and Import Group, Dairy, Livestock and Poultry Division, Foreign Agricultural Service, U.S. Department of Agriculture, Washington, D.C. 20250. Each letter of application must state the article (including the Part 3 TSUS Appendix classification number), the country or origin of the article, and, in the case of supplementary and nonhistorical licenses or licenses for portions allocated under paragraph (f) of § 6.26, the size of each quota share desired. Unpostmarked applications will not be approved by the Licensing Authority.

§ 6.25 Eligibility.

(a) *Historical eligibility.* (1) Historical eligibility for licenses to enter a quota share of articles subject to quotas in effect as of November 22, 1978 the adjusted quantities of which are shown in Appendix 1, has been determined. (2) Historical Eligibility for licenses to enter quota shares of articles under Group V of Appendix 2, which prior to January 1, 1980 were not subject to quota, will be established upon submission, by the importer during a period to be specified beginning on the day after this regulation is published in the Federal Register as a final rule, of copies of consumption entry or warehouse withdrawal for consumption records, Customs forms 7501 and 7505, showing the applicant as the importer of record or importer of account for entries made during the period July 1, 1978 through June 30, 1979 of cheese, cheese product or substitutes for cheese falling under TSUS Nos. 117.6035 (Swiss or Emmenthaler), 117.6055, 117.7550, 117.8550 (Gruyere-Process), 117.7560, 117.8560 except soft-ripened cheese (Other cheese, NSPF), and 117.7570 and 117.8570 (Other cheese, Lowfat). The Licensing Authority may also require a copy of the invoice or other documentation showing that the importer was the owner of the article at the time entry was made and substantiating the type or variety of cheese entered. (3) Historical eligibility for license to enter a quota share of an article under Group II, III, or IV of Appendix 2 from a particular country of origin may be acquired only by persons eligible for a historical license to enter such article from such country of origin under Appendix 1. The basic annual allocation for such historical quota share for such article in Appendix 2 will be established upon application by the licensee during a period to be specified beginning (on the day after this regulation is published as a final rule in the Federal Register), as provided in § 6.26 a(3).

(b) *Nonhistorical eligibility.* (1) Any person, who is not eligible under paragraph (a) of this section to receive a license to enter a particular article in Appendix 1 or Appendix 2, or has voluntarily surrendered such eligibility, who meets the requirements of this paragraph, will be eligible to obtain a license to enter a quota share of such article in Appendix 1.

(2) Nonhistorical Eligibility for specific articles listed in Appendix 1 will be established upon submission of:

(i) A notarized certification sworn to by the applicant under penalty of perjury stating that: (A) such person intends to be regularly engaged, during the period covered by the license(s) for which application is made, in the business of manufacturing within the United States or entering such articles for his or her own entrepreneurial use and for this purpose will maintain a bonafide business office within the United States and have a person, principal or resident agent upon whom service of judicial process may be made; (B) such person intends to use any article entered pursuant to a license obtained hereunder in actual commerce and, when required will submit proof demonstrating the use to which licenses and the articles entered pursuant thereto have been made; (C) such person is not a part of or an affiliate of the business of any other person eligible for a license for the article(s) for which application for license is made, and is not an officer, member, partner, associate, or employee of such business;

(ii) A list of the person(s) holding an ownership interest of 5 percent or more in the applying firm (if other than an individual) showing the percent of ownership held by each such person, and;

(iii) in addition, in the case of application for license(s) to enter any article(s) under Groups II through V (cheese), documentary evidence that such person has made at least two commercial entries of cheese or cheese products together totaling at least 10,000 pounds, as owner of the product and importer of record, or is listed in the most current issue of "Dairy Plants Surveyed and Approved for USDA Grading Service" and has manufactured in his or her own plant 100,000 pounds or more of cheese or cheese product within the United States, during the 12 month period ending August 1 of the year preceding that for which application for license is being made, including, when required, proof of payment in said person's own name for the said entered cheese or cheese products and corresponding duties.

(3) Evidence and certification required to establish the nonhistorical eligibility of a person making application to receive a quota share for a given quota year shall not be approved by the Licensing Authority if postmarked before August 1 or later than November 1 of the year preceding the quota year for which the license to import is requested, except as may otherwise be provided by notice published in the Federal Register.

(c) *Supplementary licenses.* (1) Supplementary license eligibility for specific articles listed in Appendix 2 will be established (i) by submission of documentary evidence acceptable to the Licensing Authority as required under paragraph (b)(2) of this section or; (ii) by application by a person having historical eligibility under paragraph (a) of this section for the article from the country of origin for which such person is seeking supplementary license or; (iii) by being endorsed in writing by the government of the supplying country as a preferred importer, with such endorsement being sent directly from the government of the supplying country through appropriate channels to the Licensing Authority.

(2) Evidence and certification required to establish nonhistorical eligibility of a person under paragraph (b) of this

section may be used to determine such person's eligibility under this paragraph for supplementary licenses provided it is submitted as required in paragraph (b)(3) of this section.

(d) *Continuation of eligibility.* (1) The historical eligibility of a person to receive a license for a quota share established under paragraph (a) of this section will be continued for subsequent quota years unless surrendered in accordance with paragraph (d)(4) of this section or suspended or revoked pursuant to § 6.29: *Provided,* That, effective with the 1979 quota year, no such licenses shall be issued to any licensee unless such licensee, no later than 60 days prior to the beginning of each subsequent quota year submits to the Licensing Authority a notarized certification sworn to by the licensee under the penalty of perjury stating that such licensee maintains a bonafide business office within the United States and has a person, principal or resident agent upon whom service of judicial process may be made; that such licensee has been the sole user of his or her license(s); that such licensee has not permitted his or her license(s) to be used by or for any other person; that such licensee has not entered any article(s) under license(s) issued to any other person(s); and, that such licensee will enter only for his or her own entrepreneurial use the articles for which he or she will be issued license(s) during the next quota year.

(2) The nonhistorical or supplementary eligibility of a person established under paragraph (b) or (c) of this section to enter a quota share of an article for a particular quota year will expire at the end of such quota year. Eligibility for each ensuing year, if desired, must be established by following the procedures set forth in paragraph (b) or (c) of this section.

(3) Any licensee who fails to enter at least 85 percent of a nonhistorical or supplementary quota share for any article for a given year will be ineligible to receive a nonhistorical or supplementary license for such article in the next quota year unless such licensee notifies the Licensing Authority by no later than August 1 of the quota year for which his license is valid, of his intentions to enter less than 85 percent of his quota share and surrenders to the Licensing Authority that portion of the quota share which he so she does not intend to use. If, after surrendering a portion of a non-historical or supplementary quota share of an article, a licensee fails to import 85 percent or more of the unsurrendered portion of the quota share, such licensee will be ineligible to receive a license to import a quota share of such article in the next quota year, unless the licensee establishes that he or she was unable to enter such article due to reasons acceptable to the Licensing Authority. Endorsement by the supplying country as provided for in paragraph (c)(1)(iii) of this section may serve to eliminate the penalty for less that 85 percent use in the case of supplementary licenses.

(4) A historical licensee may elect to permanently surrender his or her historical eligibility for a given article and receive a nonhistorical quota share for the same article from the same country of origin in the next quota year. If done, said licensee's nonhistorical eligibility will be deemed to have been in effect in the year preceding the year for which nonhistorical application is made giving said licensee priority accorded under § 6.26(b)(2) (ii) and (iv).

(e) *Transfer of eligibility.* (1) Upon receipt of documentary evidence acceptable to the Licensing Authority that the entire dairy products business of a person who has established historical eligibility for a quota share has been sold or otherwise transferred (a complete transfer of total assets, binding on all parties-in-interest) to a person who is assuming the operation of the entire business involving dairy products covered by this regulation, the Licensing Authority will recognize the successor-in-interest as having eligibility for such quota share: *Provided,* That, in the event of the merger of the businesses of two or more persons, the successor-in-interest, with the persons or firms for which said person is successor-in-interest and said person's affiliates and associates, will be considered only as one person for the purpose of determining nonhistorical or supplementary license eligibility for quota shares. (2) Eligibility for nonhistorical or supplementary quota shares may not be transferred.

§ 6.26 Allocation of annual quota and issuance of licenses.

(a) *Historical licenses.* (1) Subject to paragraph (d) of this section (concerning temporary reduction of historical quota share), and paragraph (d)(1) of § 6.25 (concerning continuation of eligibility), a person, or his or her successor-in-interest, eligible to receive a historical quota share for an article in Appendix 1 will receive his or her basic annual allocation plus a prorated share of the portion derived from temporary reductions of historical quota shares (done under paragraph (d) of this section) of other historical licensees for the same article in Appendix 1.

(2) Subject to paragraph (d) of this section and paragraph (d)(1) of § 6.25, a person, or his or her successor-in-interest, eligible to receive a historical quota share for an article in Appendix 2 will receive his or her basic annual allocation, but portions of quota shares of articles in Appendix 2 derived from temporary reductions of historical quota shares (done under paragraph (d) of this section) will, to the extent practicable, be allocated as supplementary quota shares as provided under paragraph (c) of this section.

(3) Subject to paragraph (d) of this section and paragraph (d)(1) of § 6.25, a person, or his or her successor-in-interest, who is eligible to receive a historical quota share for an article in Group II, III, or IV of Appendix 1 from a particular country of origin may receive a prorated historical quota share for such article from such country of origin in Appendix 2. A person who has established historical eligibility in accordance with the requirements of § 6.25(a)(2) for an article from a particular country in Group V of Appendix 2 may receive a prorated historical quota share for such article from such country. *Provided,* That, in no case shall more than 50 percent of any quota for any particular country in Appendix 2 be allocated on a historical basis; *and* no licensee may receive a historical quota share for an article in Group V of Appendix 2 from a particular country of origin which exceeds in size the quantity of such article entered free of quota from such country of origin by such licensee during the period July 1, 1978 through June 30, 1979.

(4) Subject to paragraph (d) of this section and paragraph (d)(1) of § 6.25, a person, or his or her successor-in-interest, who is eligible to receive a historical quota share in Appendix 1 for article 950.10D from New Zealand; or 950.10E from Australia may receive a historical quota share in Appendix 2 for such article from such country, but in no case shall such a person receive a historical quota share for such article from such country in Appendix 2 which is greater in size than 50 percent of his or her basic annual allocation for such article from such country in Appendix 1.

(5) Historical licensees for article 950.10D from other countries in Appendix 1 who can show proof satisfactory to the Licensing Authority that their quota share for such quota is based on entries of articles, for which Australia is the supplying country, may have the country of origin for such quota share permanently changed from other countries to Australia, with no change

made in the size of the quota share involved.

(b) *Nonhistorical licenses (pertaining only to articles in Appendix 1).* (1) The annual quotas in Appendix 1, less the quantities allocated to historical licenses, will, to the extent practicable, be allocated among eligible nonhistorical applicants. Subject to paragraph (b)(2)(ii) of this section, the minimum annual nonhistorical quota share for each article will be as follows:

(2) A person with his or her affiliate(s) and associate(s) will be considered only as one person for the purpose of allocation of nonhistorical quota shares. No more than one nonhistorical or historical quota share of each article in Appendix 1 will be allocated to any such eligible person. A person with historical eligibility for an article in Appendix 2 may not qualify for a nonhistorical quota share for the same article in Appendix 1.

Article	TSUS Item No.	Minimum Quantity (Pounds)
Dried Buttermilk and Whey	950.01	2,500
Dried Skimmed Milk	950.02	5,000
Dried Whole Milk	950.03	1,000
Dried Cream	950.04	250
Butter	950.05	1,000
Blue-mold cheese	950.07	5,000
Cheddar cheese	950.08A	10,000
American-type cheese	950.08B	10,000
Natural Edam and Gouda cheese	950.09A	7,000
Processed Edam and Gouda cheese	950.09B	5,000
Italian-type cow's milk cheese in original loaves	950.10	5,000
Italian-type cow's milk cheese in other than original loaves	950.10A	5,000
Swiss or Emmenthaler cheese with eye formation	950.10B	10,000
Swiss or Emmenthaler cheese other than eye formation, "Gruyere-Process"	950.10C	10,000
"Other" cheese, NSPF	950.10D	40,000
"Other" cheese, "Low Fat"	950.10E	10,000
Malted milk	950.11	250

(3) A nonhistorical quota share (referring only to articles in appendix 1) will be determined on the following basis:

(i) If, after applications for nonhistorical eligibility for a quota year have been evaluated, the Licensing Authority determines that the number of eligible applicants who held a nonhistorical license for an article in appendix 1 from a particular country of origin during the previous quota year *exceeds* the number which could be issued a quota share at the minimum quantity set forth above, the Licensing Authority will determine the quota shares by dividing the amount available by the number of such eligible applicants.

(ii) If the Licensing Authority determines that the number of eligible applicants for a quota year who held a nonhistorical license for an article from a particular country of origin during the previous year plus the number of eligible applicants who did not hold a nonhistorical license for such article from such country of origin during such year is *less* than the number which could be issued a quota share at the minimum quantity, the Licensing Authority will determine the quota shares by dividing the amount available by the number of such eligible applicants, subject to provisions in § 6.26(b)(4).

(iii) If the number of eligible applicants for a quota year who held a nonhistorical license for an article from a particular country of origin during the previous year plus the number of eligible applicants who either did not hold a nonhistorical license for such article from such country of origin during such year or did not hold any nonhistorical license for such article *exceeds* the number which could be issued a quota share at the minimum quantity, the Licensing Authority will first issue quota shares at the minimum quantity to each of the eligible applicants who held a nonhistorical license for such article from that particular country of origin during the previous year, secondly, issue quota shares at the minimum quantity to eligible applicants who held a nonhistorical license for such article from a different country of origin during the previous year, and thirdly issue quota shares at the minimum quantity to eligible applicants who did not hold a nonhistorical license for such article during the previous year, until all available quota shares are issued. Selection of eligible applicants in the latter two groups shall be made on the basis of the date of postmark of the application received pursuant to § 6.24 of the regulation.

(4) Subject to paragraph (b)(3)(i) of this section, quota shares for an article may not be smaller than the applicable minimum quantity set forth above unless requested in writing by the applicant, but in no case shall the quota share be greater than the quantity requested by the applicant.

(c) *Supplementary Licenses* (pertaining only to articles in Appendix 2):

(1) A person with his or her affiliate(s) and associate(s) will be considered only as one person for the purpose of allocation of supplementary quota shares. No more than one supplementary quota share of each article from a specific country of origin in Appendix 2 will be issued to any such person, except in cases where the Licensing Authority deems it necessary to make additional allocations in order to fully allocate a quota. However, no such additional allocations shall be made until all eligible persons have been notified and given an opportunity to apply.

(2) A supplementary quota share for an article in Appendix 2 from the EC will be determined on the following basis:

(i) Subject to paragraph (c)(1) of this section, the size of supplementary quota share issued to an eligible applicant for a specific article in Appendix 2 shall not exceed an amount equal to the amount of the applicant's historical quota share, if such a quota share exists, for such article in Appendix 2 from the EC; or if the applicant has no such historical quota share, the supplementary quota share for such article shall not exceed 110,000 pounds.

(ii) If, after applications for supplementary licenses have been evaluated and tabulated, the Licensing Authority determines that eligible applicants for shares of a particular quota for an article in Appendix 2 from the EC have appropriately requested amounts which together exceed the amount available for allocation, the Licensing Authority shall first assign quota shares of not less than 36,000 pounds to each applicant and then prorate the remaining portion of that available for allocation among them, based on each applicant's basic annual allocation for such quota in Appendix 2 from the EC, or on the 36,000 pound minimum share assigned, whichever is greater.

(iii) If, after applications for supplementary licenses have been evaluated and tabulated, the Licensing Authority determines that the number of eligible applicants for share of a quota for a particular article in Appendix 2 from the EC exceeds the number which could be assigned the minimum 36,000 pound share each, he or she may eliminate individual applications based on date of postmark. A single quota share for a particular article of less than 36,000 pounds may be issued, if appropriate, to facilitate full allocation of a particular quota.

(3) A supplementary quota share for an article in Appendix 2 from a particular country of origin other than the EC will be determined on the following basis:

(i) Eligible applicants whose applications have been endorsed in writing by an appropriate official of the government of the supplying country, which written endorsement is submitted directly from such government through appropriate channels to the Licensing Authority, duly stating that not to honor such endorsement would result in an undue hardship on such supplying country, shall receive first priority in

allocation. Written endorsements shall also include the names and addresses of applicants endorsed and the quota articles(s) including the amount(s), endorsed for each such applicant.

(ii) To the extent practicable an eligible applicant whose application has been endorsed by the government of the supplying country as set forth in paragraph (c)(3)(i) of this section shall be awarded the full amount for which he or she has made application. If eligible applicants whose applications have been endorsed by the government of the supplying country as set forth in paragraph (c)(3)(i) of this section request an aggregate amount of a specific quota from a specific country (not the EC) smaller than is available for allocation, or if no endorsement is made, the Licensing Authority shall allocate remaining portions among applicants who have not been endorsed following a procedure identical to that set forth in paragraph (c)(2) of this section for the EC, replacing, for this purpose, the words "the EC" wherever they appear with "a particular non-EC country."

(d) *Temporary reduction of historical quota share.* (1) Subject to provisions of paragraph (e) of this section, the historical quota share for any article in Appendix 1 or Appendix 2, which is not entered by its holder at the rate of 85 percent or more during a calendar year will be reduced in the following quota year. Such reduced historical quota share will be equal to one half of its basic annual allocation. *Provided,* That, once such reduced quota share has been established, the quota share of the licensee in the following quota year will be restored to its full basic annual allocation if the licensee enters 85 percent or more of the reduced quota share during the quota year when it was established.

(2) Notwithstanding the above, a licensee may, before August 1 of a quota year, voluntarily surrender without penalty that portion of a historical quota share for any article in Appendix 1 or Appendix 2 which he or she does not intend to use. Any temporary reduction of a historical quota share will be based on the percentage used of that portion of such quota share which was not voluntarily surrendered before August 1 of the preceding quota year.

(e) *Temporary reallocation of quota shares.* (1) Notwithstanding any other provisions of this regulation, to the extend that, prior to August 1, it appears from information submitted to the Licensing Authority or otherwise, that all or part of a quota share of a particular licensee for an article from a particular country of origin will not be entered during that quota year, the Licensing Authority may require such licensee to submit in writing within a specified 21 day period a statement as to the amount of the unused portion of such quota share which will be used during the remainder of such quota year. In addition, such licensee may be required to submit copies of contracts, purchase orders or any other documentary evidence of intent to import against such quota share. If the licensee fails to submit such statement (including documentary evidence, if requested) within the specified period, the Licensing Authority may conclude that the unused portion of the quota share in question will not be used during the remainder of said quota year. On the basis of said statement, or if no statement is submitted, the Licensing Authority may reallocate all or part of the unused portion of such quota share.

(2) To the extent that the quota shares or portions thereof are surrendered under § 6.25(d)(3), § 6.26(d)(2), or paragraph (e)(1) of this section by such licensees for articles during a quota year, the quota shares for other licensees will be increased for such year as follows:

(i) Reallocation will be made among applying licensees for such article from such country of origin on the basis of the amounts requested by the applicants, unless the aggregate of the amounts requested exceeds the portion of the quota available for reallocation, in which case reallocation will be based on the respective amounts of such articles entered by such licensees from such country of origin during the previous two quota years. However, no applicant may receive more than the amount he or she requests.

(ii) If, after a surrendered quota share is reallocated among licensees who hold a nonreduced license for such quota and apply for a portion of the reallocation, unallocated quantities of the quota still remain, such quantities may be allocated to other non-affiliated applicants who have historical or nonhistorical eligibility for any quota under the regulation for the remainder of the quota year in question. Quota shares allocated to such other applicants under this provision will be made in equal amounts of not less than 2,500 pounds each, except in the case of quota items 950.04 (dried cream) and 950.11 (malted milk), which will be allocated in equal shares of not less than 250 pounds each; except that no applicant will receive more than the amount requested in his or her application.

(3) Application for a reallocated portion will be made in accordance with § 6.24.

(4) Any temporary reduction in a historical quota share (in accordance with paragraph (d) of this section) will be based on the percentage used of the portion of such quota share which was not surrendered for reallocation during the preceding quota year.

§ 6.27 Use of licenses.

(a) The article entered must be a product of the country of origin specified in the license under which it is entered.

(b) Subject to § 6.30, a quota share may be imported from only one country of origin.

(c) Notwithstanding any other rules, regulations, or procedures for the importation of goods, the article entered under license may be entered or withdrawn from warehouse only in the name of the licensee either by the licensee or by the licensee's agent acting in the licensee's name under the power of attorney, and the quantity so entered must, on the date of entry, be owned by the licensee and must be charged against the license in effect. The article entered under license must be accompanied by:

(1) an invoice from a seller in the country of origin to a purchaser in the United States and a through bill of lading from the country of origin to the United States, or,

(2) if the seller is not located in the country of origin, a through bill of lading from the country of origin to the United States and a certificate of origin issued in the country of origin which shall indicate the destination of the merchandise to be the United States and state the quantity and description of the merchandise in the shipment. *Provided,* That, these requirements as well as those in paragraph (c)(1) of this section may be temporarily waived by the Licensing Authority upon his or her determination that compliance therewith, during periods of strikes, lockouts, or other such emergencies, affecting the importation of articles would interfere with the entry of such articles.

(d) In the event of a sale in transit, an article may be entered for consumption under a license issued to an authorized person to whom the sale has been made against a properly endorsed through bill of lading and a certified copy of the bill of sale from the original consignee showing the amount paid, the date of purchase, and the licensee as the owner of the article at such time.

(e) In the event of the loss of the original through bill of lading, a carrier's certificate showing the licensee as consignee and certifying that the shipment is a through shipment may be substituted therefor.

(f) An article may be entered from bonded warehouse only in the manner prescribed above for consumption entries. In the event of sale while in bonded warehouse, entry may be made under license issued to an authorized person or firm to whom the sale has been made and only upon the presentation of a properly endorsed Customs Form 7505 and a certified copy of the bill of sale, showing the amount, date of sale, and that the licensee is the owner of the article at such time.

(g) Consolidated entries or withdrawals from warehouse for consumption may not be made except with the written approval of the Licensing Authority.

(h) Each entry or withdrawal from warehouse for consumption must be accompanied by a copy of Customs entry Form 7501 or Customs warehouse withdrawal Form 7505 (with the appropriate license number noted on it), required through bill of lading and required invoice. The Customs Service will stamp the copy of the completed form 7501 or 7505 with the date of entry and the Customs entry or withdrawal number and submit it to the Licensing Authority as soon as practicable.

§ 6.28 Records and inspection.

Any person making an entry, except as provided in § 6.23, of an article listed in either Appendix 1 or Appendix 2 is required to retain all records, including invoices of all purchases, entries, withdrawals, sales and deliveries of such articles for a period of not less than 2 years subsequent to the end of the quota year during which entry was made. The Licensing Authority or his or her designee is entitled to make such audit and inspection of such records, to inspect the premises and stocks of articles of such person, and to make such other investigations as may be necessary or appropriate in the enforcement or administration of the regulation.

§ 6.29 Suspension or revocation of eligibility.

(a) *Failure to import quota share.* (1) If the Licensing Authority has reason to believe that a person with a historical quota share for any article has failed to enter any of such article for two consecutive quota years, or three nonconsecutive quota years within a five year period, the eligibility of such person for a historical license to enter such article will be suspended for the following quota year pending receipt by the Licensing Authority of documentary evidence of entry against such quota share during one or more of said years, unless the reason for failure to enter is acceptable to the Licensing Authority and an application to receive a license to import such article is received and approved by the Licensing Authority no later than 3 months after the beginning of such following quota year.

(2) If the Licensing Authority determines that a person with a historical quota share for any article has failed to import any of such article during two consecutive years, or three non consecutive years within a five year period, the eligibility of such person will be revoked unless the licensee establishes that he or she was unable to import such article due to extraordinary circumstances acceptable to the Licensing Authority.

(b) *Violations of the regulation*—(1) *Charge against licenses.* Any quantity of an article entered by any person contrary to this regulation may be charged against any unused import license held by, or to be issued to, such person.

(2) *Civil and criminal liability.* Any person who violates any provision of the regulation may be prosecuted under any and all applicable laws. Civil action may also be instituted to enforce any liability or duty created by, or enjoin any violation of any provision of, the regulation or requirement pursuant hereto.

(3) *Revocation of license eligibility.* The Licensing Authority, upon reasonable cause to believe—after records are reviewed and a preliminary investigation is made by the Department—that a licensee has violated the provisions of the regulation or has furnished false or incomplete information in connection with the application for or use of licenses issued hereunder, may, after notice to the licensee, revoke said licensee's eligibility (a permanent revocation of historical eligibility) and may bar such person from receiving any supplementary or nonhistorical licenses for a period of not more than three years. Any person whose eligibility has been revoked pursuant to provisions of this section will have the opportunity to appeal the determination to the Administrator, Foreign Agricultural Service (FAS), or his designee within 30 days from the date of notification. The request for reconsideration will be presented in writing separately stating any reason as to why such determination should not stand. The Administrator, FAS will provide such person with an opportunity for a hearing on such matter.

§ 6.30 Adjustment of countries of origin.

Upon submission by a licensee of proof satisfactory to the Licensing Authority that said licensee will unable to enter during a quota year his or her quota share of an article from the country of origin specified in his license, the Licensing Authority or his or her designee may authorize the licensee and other licensees similarly situated after taking due account of any special factors which may have affected or may be affecting the trade in the article concerned, to obtain the unfilled portion of their quota shares of such article from:

(a) Other countries specified in Part 3 of the Appendix to the Tariff Schedules of the United States as countries of origin for such article;

(b) Any country of origin (global) whenever countries of origin for such article are not specified.

§ 6.31 Delegation of authority.

The powers vested in the Administrator, FAS, insofar as such powers relate to the functions vested in the Licensing Authority by the regulation are hereby delegated to the Licensing Authority.

§ 6.32 Supersedure of Import Regulation 1, Revision 6.

This regulation will supersede the provisions of Import Regulation 1, Revision 6, as amended, heretofore in effect. With respect to violations, rights accrued, liabilities incurred, or appeals taken concerning Import Regulation 1, as amended and revised, prior to the effective date hereof, all provisions of said Import Regulation 1, as amended and revised, in effect at the time when such violations occurred, rights accrued, liabilities, incurred, or appeals taken will be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right liability, or appeal.

Subtitle A—Office of the Secretary of Agriculture

Appendix 1—Articles [1] subject to the historical and nonhistorical licensing provisions of Import Regulation 1, Revision 7, and respective annual Import Quotas for each Quota year

Article [1] by TSUS item number	Annual historical/nonhistorical quota (kilograms)	Equivalent whole pounds
Group I:		
(a) Butter (Item 950.05)	320,693	707,000
EC	96,162	212,000
New Zealand	150,594	332,000
Other countries	73,936	163,000
(b) Dried cream (Item 950.04)	226	500
(c) Malted milk (Item 950.11)	2,721	6,000

Subtitle A—Office of the Secretary of Agriculture

Appendix 1—Articles [2] subject to the historical and nonhistorical licensing provisions of Import Regulation 1, Revision 7, and respective annual Import Quotas for each Quota year

Article [1] by TSUS item number	Annual historical/ nonhistorical quota (kilograms)	Equivalent whole pounds
(d) Dried whole milk (Item 950.03)	3,175	7,000
(e) Dried skimmed milk (Item 950.02)	819,649	1,807,000
(f) Dried buttermilk and whey (Item 950.01)	224,984	496,000
Group II:		
(a) Edam and Gouda cheese (Item 950.09A)		
(b) Cheese and substitutes for cheese containing, or processed from Edam and Gouda cheese (Item 950.09B)		
(c) Blue-mold cheese (except Stilton made in England), and cheese and substitutes for cheese containing or processed from blue-mold cheese (Item 950.07)		
Group III:		
(a) Cheddar cheese, and cheese and substitutes for cheese containing or processed from Cheddar cheese (Item 950.08A)		
(b) American-type cheese, including Colby, washed curd, and granular cheese (but not including cheddar) and cheese and substitutes for cheese containing, or processed from such American-type cheese (Item 950.08B)		
Group IV:		
(a) Italian-type cheeses made from cow's milk, in original loaves. (Romano made from cow's milk, Reggiano, Parmesano, Provoloni, Provolette, Sbrinz) (Item 950.10)		
(b) Italian-type cheeses made from cow's milk, not in original loaves (Romano made from cow's milk, Reggiano, Parmesano, Provoloni, Provolette, Sbrinz, and Goya) and cheese and substitutes for cheese containing, or processed from, such Italian-type cheeses, whether or not in original loaves (Item 950.10A)		
Group V:		
(a) Swiss or Emmenthaler cheese with eye formation (Item 950.10B)		
(b) Swiss or Emmenthaler cheese other than with eye formation. Gruyere-process cheese; and cheese and substitutes for cheese containing, or processed from such cheese (Item 950.10C)		
(c) Cheese and substitutes for cheese provided for in Items 117.75 and 117.85, part 4C, schedule 1 (except cheese not containing cow's milk; cheese, except cottage cheese, containing 0.5 percent or less by weight of butterfat), and articles within the scope of other import quotas provided for in Part 3 of the Appendix to the Tariff Schedules of the United States (Item 950.10D)		
(d) Cheese and substitutes for cheese, containing 0.5 percent or less by weight of butterfat, as provided for in items 117.75 and 117.85 of subpart C, Part 4, schedule 1, except articles within the scope of other import quotas provided for in Part 3 of the Appendix to the Tariff Schedules of the United States (Item 950.10E)		

Appendix 2—Articles [2] subject to the historical and supplementary licensing provisions of Import Regulation 1, Revision 7, and respective annual Import Quotas for each Quota year

Article [1] by TSUS item number	Annual historical/ supplemental quota (kilograms)	Equivalent whole pounds
Group II:		
(a) Edam and Gouda Cheese (Item 950.09A)		
(b) Cheese and substitutes for cheese containing, or processed from Edam and Gouda cheese (Item 950.09B)		
(c) Blue-mold cheese (except stilton made in England), and cheese and substitutes for cheese containing, or processed from Blue-mold cheese (Item 950.07)		
Group III:		
(a) Cheddar cheese, and cheese and substitutes for cheese containing, or processed from Cheddar cheese (Item 950.08A)		
(b) American-type cheese, including Colby, washed curd, and granular cheese (but not including Cheddar) and cheese and substitutes for cheese containing, or processed from such American-type cheese (Item 950.08B)		
Group IV:		
(a) Italian-type cheese made from cow's milk, in original loaves. (Romano made from cow's milk, Reggiano, Parmesano, Provoloni, Provolette, Sbrinz) (Item 950.10)		
(b) Italian-type cheeses made from cow's milk, not in original loaves (Romano made from cow's milk, Reggiano, Parmesano, Provoloni, Provolette, Sbrinz, and Goya) and cheese and substitutes for cheese containing, or processed from, such Italian-type cheeses, whether or not in orginial loaves (Item 950.10A)		
Group V:		
(a) Swisss or Emmenthaler cheese with eye formation (Item 950.10B)		
(b) Swiss or Emmenthaler cheese other than with eye formation. Gruyere-process cheese; and cheese and substitutes for cheese containing, or processed from such cheese (Item 950.10C)		
(c) Cheese and substitutes for cheese provided for in items 117.75 or 117.85, part 4C, schedule 1 (except cheese not containing cow's milk; cheese, except cottage cheese, containing 0.5 percent or less by weight of butterfat), and articles within the scope of other import quotas provided for in Part 3 of the Appendix to the Tariff Schedules of the United States (Item 950.10D)		
(d) Cheese and substitutes for cheese, containing 0.5 percent or less by weight of butterfat, as provided or in items 117.75 and 117.85 of subpart C, Part 4, schedule 1, except articles within the scope of other import quotas provided for in Part 3 of the Appendix to the Tariff Schedules of the United States (Item 950.10E)		

[1] Each time a particular TSUS Item No. is referred to in this Appendix, it includes all the articles classified under that item number in Part 3 of the Appendix to the Tariff Schedules of the United States except where specifically otherwise provided in the article descriptions.

(Sec. 3, 62 Stat. 1248, as amended (7 U.S.C. 624); part 3 of the Appendix to the Tariff Schedules of the United States (9 U.S.C. 1202)

This proposed regulation is being published under emergency procedures, authorized by Executive Order 12044 and Secretary's Memorandum No. 1955, without a full 60-day comment period. It has been determined by Rolland E. Anderson, Director, Dairy, Livestock and Poultry Division, that an emergency situation exists which warrants less than a full 60-day comment period on this proposal. In addition to the time necessary for the evaluation of comments and preparation of the final rule after the close of the comment period, a reasonable period of time after publication of licenses. Further time will be needed to evaluate and tabulate applications and allocate and issue licenses.

This will mean that, if a full 60-day public comment period is granted, the issuance of licenses covering the new portions of the quotas will be delayed for some time after the beginning of the 1980 quota year. Licenses for the importation of articles subject to the quotas which will become effective January 1, 1980, should be made available as early as possible in calendar year 1980. It is therefore impracticable and contrary to the public interest to provide a full 60-comment period.

This proposal has been reviewed under the USDA criteria established to implement Executive Order 12044, "Improving Government Regulations." A determination has been made that this action should not be classified "significant" under those criteria. A Draft Impact Analysis has been prepared and is available from Bryant H. Wadsworth in room 6621 of the South Agriculture Building (14th and Independence Ave., Washington, D.C.) during the regular business hours (8:30–5:00 weekdays)

Signed the 28th day of September, 1979.

Vernon L. Sorenson,

Acting Administrator, Foreign Agricultural Service.

[FR Doc. 79-30790 filed 10-2-79; 8:45 am]

BILLING CODE 3410-01-M

DEPARTMENT OF ENERGY

[10 CFR Parts 375 and 376]

Leasing; Cancellation of Regional Public Hearings on Sequential Bidding Process

AGENCY: Department of Energy.

ACTION: Cancellation of Regional Public Hearings.

SUMMARY: On September 11, 1979, the Department of Energy published a Notice of Proposed Rulemaking in the Federal Register, at 44 FR 52842, with regard to establishment of a sequential bidding process for use in OCS lease sales. Regional public hearings were scheduled in New Orleans on October 2, and in Los Angeles on October 4. These hearings are cancelled, due to lack of public response. The public hearing scheduled in Washington, D.C. on October 15 will be held as planned.

DATES: Effective date of the cancellation: October 1, 1979.

The public hearing scheduled in Washington, D.C. on October 15 will be held as planned. For this hearing, requests to speak are due by 4:00 p.m. on October 10, 1979, an extension from the original date of September 27, 1979.

ADDRESS: All written comments and requests to speak should be sent to: Office of Public Hearings Management, Economic Regulatory Administration, Box XJ (Docket No. LPD-79-04), 2000 M Street NW., Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT: Joseph A. Gribbin, Economist, Department of Energy, Room 2317, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461. Telephone: (202) 633-9437.

Issued in Washington, D.C., on October 1, 1979.

R. Dobie Langenkamp,

Acting Assistant Secretary, Resource Applications.

[FR Doc. 79-30753 Filed 10-2-79; 8:45 am]

BILLING CODE 6450-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 240

[Release No. 34-16221; File No. S7-791]

Proposed Exemption From Section 16 of the Securities Exchange Act of 1934 for the Acquisition of Equity Securities Pursuant to Dividend Reinvestment Plans

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rule.

SUMMARY: The Securities and Exchange Commission is publishing for comment a proposed rule which American Telephone and Telegraph Company has petitioned the Commission, pursuant to Section 4(a) of the Commission's Rules of Practice (17 CFR 201.4(a)), to adopt. The proposed rule would exempt from the reporting and liability provisions of Section 16 of the Securities Exchange Act of 1934 (the "Exchange Act") acquisitions of equity securities made by officers, directors and ten percent-beneficial owners pursuant to dividend reinvestment plans.

DATE: Comments should be submitted on or before November 7, 1979.

ADDRESSES: Comments should refer to File No. S7-791 and should be submitted in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. All comments received will be available for public inspection and copying in the Commission's Public Reference Room, 1100 L Street, NW., Washington, D.C. 20549.

FOR FURTHER INFORMATION CONTACT: Peter J. Sarkesian, Division of Corporation Finance, Securities and Exchange Commission, Washington, D.C. 20549 (202) 272-3318.

SUPPLEMENTARY INFORMATION: The Commission hereby issues Securities Exchange Act Release No. 34-16221 which publishes for comment proposed Rule 16a-11 under the Securities Exchange Act of 1934.

Background

American Telephone and Telephone Company (the "Petitioner") has asked the Commission to adopt a rule exempting from Section 16 of the Exchange Act the acquisition of securities by officers, directors and ten percent-beneficial owners ("insiders") pursuant to a dividend reinvestment plan.[1]

Dividend reinvestment plans have become increasingly popular with corporations and their shareholders in the last several years. The plans are often administered by banks and, while they may vary in administrative detail, they are quite similar in substance and generally contain the following standard features:

(a) All stockholders of record are eligible to participate;

(b) Cash dividends on a participant's shares are automatically reinvested in additional shares on a quarterly or semi-annual basis;

(c) The price of additional shares purchased for participants is often 95% of the then market price, a discount intended to encourage participation;

(d) A participant may withdraw from the plan at any time;

(e) There are no brokerage commissions or service charges to the participant.

Petitioner's dividend reinvestment plan has the above features, and provides for quarterly reinvestment of cash dividends paid on its common stock. Petitioner's plan also provides that dividends paid on its preferred stock and its debt securities can also be reinvested in common stock, but without benefit of the 5% discount.

Views of Petitioner

Petitioner states that while a substantial number of its shareholders participate in the plan, the Company has found it necessary to warn its directors and officers that they cannot participate in the plan without being "locked in". This results from the fact that, so long as they are acquiring shares every three months under the dividend reinvestment plans, they can never sell any common stock of the Company (whether acquired under the plan or otherwise), without incurring liability for imputed short-term trading profits under Section 16(b) of the Exchange Act.[2] An imputed trading

[1] Panhandle Eastern Pipeline Company has filed a similar request.

[2] Section 16(b) of the Exchange Act provides in pertinent part "For the purpose of preventing the unfair use of information which may have been obtained by such beneficial owner, director, or officer by reason of his relationship to the issuer, any profit realized by him from any purchase and sale, or any sale and purchase of any equity security of such issuer (other than an exempted security) within any period of less than six months, * * *, shall inure to and be recoverable by the issuer * * *."

profit would result not only from the 5% discount that is made available on the same basis to them and to all other shareholders, but also from market fluctuations that might occur within six months before or after the sale.

Petitioner indicates that under the interpretation of section 16(b) established in *Smolowe* v. *Delendo*, 136 F. 2d 231, 239 (2d Cir. 1943), a sale price must be matched against the lowest purchase price occurring within six months before or after the date in order to determine the recoverable profit. The result is that, unless the market price is absolutely level for a period of 12 months or the director or officer happens to sell at the low of the market for the 12 month period, it is likely that there will be at least one dividend reinvestment based on a market price lower than the price at which the director or officer sold. In short, the director or officer is "locked in" in the sense that he can never sell any shares while participating in the plan without being required to pay over to the Company not only the discount which all shareholders receive under the plan but also, in most cases, an additional amount based on the market fluctuations that happen to occur during the six month periods before and after his sale.

Petitioner contends that it is not fair to the individuals involved and not in the public interest or in the interest of investors for directors and officers participating in a dividend reinvestment plan to be "locked in." Directors and officers need some flexibility in their personal financial affairs. So long as reinvestment of dividends makes it impracticable for them to sell any company shares, they may well conclude that it would not be wise to reinvest dividends. Petitioner submits that it is in the interest of shareholders that directors and officers have a stake in the business and that they should not be discouraged from increasing their holdings through dividend reinvestment, as the present regulatory structure does.

Finally, Petitioner believes that the slow, steady growth of investment that results when a director or officer simply leaves his dividends and interest with the Company, instead of having them distributed, is a method of acquisition which is exceptionally free from the dangers of abuse against which section 16(b) was directed, that is, the use of short-term trading to profit from inside information.

Accordingly, Petitioner recommends the adoption of the following rule:

Rule 16a-11. *Exemption for Acquisitions Under Dividend Reinvestment Plans.* Any acquisition of securities shall be exempt from section 16 if it is made pursuant to a plan providing for the regular reinvestment in such securities of dividends payable thereon or of dividends or interest payable on other securities of the same issuer, provided that the plan is made available on the same terms to all holders of securities of the class so acquired.

Discussion

The Commission is aware that none of the existing rules under section 16 of the Exchange Act provides any relief from the operation of section 16(b) for insider participants in dividend reinvestment plans [3] and, in fact, that many insiders do not participate in their company plans for this reason. Petitioner's proposed rule would exempt dividend reinvestment plan acquisitions from the reporting requirements of section 16(a) as well as the liability provisions of section 16(b). [4]

In accordance with the provisions of section 4(b) of the Commission's Rules of Practice (17 CFR 201.4(b)) and in order to obtain the widest possible range of comments for use in its consideration of the proposed rule, the Commission has decided to invite public comment on proposed Rule 16a-11.

Authority

The Commission hereby publishes proposed Rule 16a-11 pursuant to the Securities Exchange Act of 1934, particularly sections 16 and 23(a) thereof.

The Commission does not anticipate any increased costs to registrants and others as a result of the proposed rule. However, the Commission specifically invites comment on the question.

Section 23(a) of the Securities Exchange Act requires the Commission to consider the impact which any proposed rules would have on competition. While the Commission is not aware of any competitive impact likely to result from the proposal described in this release, commentators are invited to address that issue.

[3] Rule 16a-9 provides a temporary exemption from reporting small acquisitions which would cover most dividend reinvestments, and Rule 16a-10 provides that transactions exempted by the Commission from section 16(a) shall likewise be exempted from 16(b). However, Rule 16a-9 requires that even the small transactions must eventually be reported, and it is far from clear that Rule 16a-10 was intended to provide a permanent exemption from section 16(a). In addition, even the temporary exemption of Rule 16a-9 is lost if shares are sold within six months after a purchase.

[4] It should be emphasized that the proposed rule exempts from section 16 only the *acquisition of* dividend reinvestment plan securities by the insider. Subsequent dispositions of such securities would be subject to the reporting and liability provisions of sections 16(a) and 16(b).

Text of Proposal

17 CFR Part 240 is hereby proposed to be amended by adding § 240.16a-11 to read as follows:

§ 240.16a-11 Exemption for acquisitions under divided reinvestment plans.

Any acquisition of securities shall be exempt from section 16 if it is made pursuant to a plan providing for the regular reinvestment in such securities of dividends payable thereon or of dividends or interest payable on other securities of the same issuer, provided that the plan is made available on the same terms to all holders of securities of the class so acquired.

[Secs. 16, 23(a), 48 Stat. 896, 901; 15 U.S.C. 78p, 78w(a)]

September 26, 1979.

By the Commission.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-30560 Filed 10-2-79; 8:45 am]

BILLING CODE 8010-01-M

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

36 CFR Chapter IX

Improving Government Regulations; Semiannual Agenda of Regulations

AGENCY: Pennsylvania Avenue Development Corporation

ACTION: Semiannual agenda of significant regulations under development or review.

SUMMARY: Pursuant to section 2 of Executive Order 12044, the Pennsylvania Avenue Development Corporation is not planning to issue or review any significant regulations prior to March 31, 1980.

FOR FURTHER INFORMATION CONTACT: Ms. Mary M. Schneider, Attorney, Office of General Counsel, Pennsylvania Avenue Development Corporation, 425 13th Street NW., Suite 1148, Washington, D.C. 20004, (202) 566-1078.

Dated: October 1, 1979.

W. Anderson Barnes,

Executive Director.

[FR Doc. 79-30537 Filed 10-2-79; 8:45 am]

BILLING CODE 7630-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 40

[FRL 1332-5]

Proposed New Policies and Procedures for Review and Award of Research Grants and Cooperative Agreements

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed policies and procedures for review and award of research and development grants and cooperative agreements.

SUMMARY: The Environmental Protection Agency (EPA), Office of Research and Development (ORD), is considering implementation of recommendations resulting from an internal review of research assistance award policies and procedures. This review addressed a number of areas to maximize the utilization of resources and assure the highest quality science in award decisions. These areas included a concern to ensure the receipt of a broad base of research proposals, maximum competition for awards and expanded use of the cooperative agreement as an assistance mechanism. ORD also reviewed the findings of several other studies of ORD's research proposal solicitation, review, project management, and award decisional processes. EPA will incorporate these changes in amended 40 CFR Part 40 Regulations. The new policies and procedures, if adopted, will apply to most, if not all FY 1980 award decisions.

DATES: EPA must receive written comments on or before November 2, 1979. (Comments within 30, instead of the customary 60 days, are requested because the proposed actions will affect FY 1980 decisions.)

ADDRESS: EPA is soliciting comments on these proposed policies and procedures. Send comments to Raymond A. Shapek, Office of Research and Development (RD-675), Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Raymond A. Shapek (202/755-0656)

Draft EPA Policy and Procedural Changes for Research Proposal Solicitation, Review, Management and Award Procedures

Introduction

The Assistant Administrator, Office of Research and Development (ORD), Environmental Protection Agency (EPA), initiated a regulation review study in early 1979. The purpose of the study was to review ORD policies, procedures, and operations as they relate to ORD Research and Demonstration Assistance Regulations, 40 CFR Part 40. These regulations establish policies and procedures by which ORD processes, evaluates, makes award decisions, and administers research and development grants and cooperative agreements. 40 CFR Part 40 Regulations have been "interim" since May 15, 1973, and do not reflect needed changes in those areas, or ORD implementation of the Federal Grant and Cooperative Agreement Act of 1977 (Pub. L. 95-224). Under this act, grants and cooperative agreements are defined. They are assistance award instruments used by Federal funding agencies. A cooperative agreement is differentiated from a grant by the amount of Federal involvement in the project. When the Federal involvement is substantial, a cooperative agreement is the appropriate award instrument. The definition of "substantial" will be integral to the development of future EPA assistance initiatives at the laboratory level. Finally, the analysis of previous internal EPA assessments of ORD operations, an EPA science advisory board review as well as a study by the National Academy of Sciences, indicated a need for revised ORD grant award and review processes.

The Assistant Administrator, ORD, convened a special grant procedure review group in May, 1979 to address these issues. The group, which includes both ORD and Office of Planning and Management staff, presented its recommendations in August, 1979.

These recommendations are summarized in this announcement.

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A. Solicitation of Proposals

1. *The Present System.* ORD currently provides assistance for mission related research and development projects through 15 major laboratories located at sites throughout the United States. ORD's annual *Program Guide* outlines the preapplication/preproposal process. The *ORD Program Guide* is an official publication which describes ORD research interests and available funds and is distributed to colleges, universities and other interested parties in the research community. Initial application contracts with EPA are usually addressed to the laboratory funding the type of research in which a research may be interested, in areas indicated by the *Guide.* The Grants Administration Division (GAD), Office of Planning and Management, EPA, Washington, D.C., receives all applications and conducts a legal and administrative review before routing them to the cognizant or appropriate laboratory for scientific merit review.

ORD laboratories conduct a technical review of proposals and make a funding decision. Funding recommendations are forwarded to GAD for final review and award. The laboratory staff notifies the applicant, in case of rejection of a proposal. Cooperative agreements are processed in the same manner as grants. ORD relies on individual contacts and periodic publications in the *Commerce Business Daily,* the Federal Register, and the *Catalog of Federal Domestic Assistance* to generate additional proposals.

2. *Proposed Changes.* ORD desires to expand their preapplication/preproposal system to encourage applications from an increased number of experienced researchers, especially those who have not previously received substantial EPA extramural research funding assistance, including a greater number of handicapped, minority, and female researchers. Beginning in FY 1980, ORD proposes a revision of the *ORD Program Guide* to reflect the above, as well as to encourage informal preproposal contacts with the laboratories or a central point at EPA Headquarters (HQ) in Washington, D.C. The Office of the Assistant Administrator, Research and Development (OAARD), is developing a new administrative unit to manage the solicitation process, a new technical peer review system, and the ORD grant program. ORD laboratories will continue to administer and manage cooperative agreements.

ORD HQ and the ORD laboratories will issue proposal solicitations as a second means of expanding the application process. They will issue solicitations on a periodic basis to encourage a greater number of applications for research funding assistance. Solicitations will reflect ORD research needs for both grants and cooperative agreements. The solicitation process will include "flyers", announcements in the Federal Register, the *Commerce Business Daily,* and other

media relevant to the scientific community.

B. Review and Evaluation of Applications for Funding Assistance

1. *Present System of ORD Review and Evaluation.* ORD currently utilizes an ad hoc system of proposal review. Under 40 CFR Part 40, ORD laboratories must obtain at least one in-house (EPA) review and two external reviews of all applications for research funding assistance. Each laboratory conducts its own review process, usually by mail. Laboratories utilize a decision memo between the ORD laboratory scientist responsible for the review and the laboratory decision official, usually the laboratory or division director, to resolve questions. Laboratories return approved research applications to the EPA, Grants Administration Division in Washington, D.C., for final processing and execution and issuance of the award instrument.

2. *Proposed Centralized Peer Review.* The new administrative unit (referenced earlier) will administer the proposed centralized peer review progress. ORD will convene peer reviewers on a periodic (probably quarterly), or as needed, basis for proposals deemed relevant.

Review areas will be by ORD research discipline. ORD research interests cut across a number of disciplines. ORD has not completed the final form of discipline titles to meaningfully represent research interests to the scientific community; however, the following listing represents these concerns. It is subject to further definition and change:

(a) Analytical Chemistry Methods Development
(b) Anticipatory Research
(c) Atmospheric Chemistry
(d) Chemical and Biochemical Studies
(e) Economic Methodology Development and Social Science Research
(f) Environmental Pollution Characterization
(g) Environmental Control Technology: Industrial Sources
(h) Environmental Control Technology: Municipal Sources
(i) Environmental Modeling
(j) Environmental Transport of Pollutants
(k) Epidemiology
(l) Freshwater Ecology
(m) Health Effects of Air Pollutants
(n) Health Effects of Water and Solid Waste Pollutants
(o) Marine Biology
(p) Neurotoxicology and Toxicology
(q) Physical, Chemical, and Biological measurement and analysis
(r) Pollution Source Characterization
(s) Terrestrial Biology, Social Sciences, and Subsurface Processes

The proposed, new review system will include the use of site visit and ad hoc (mail) review in special cases. Requests for funding increases or continuation of already funded projects will be subject to re-review through the new process.

3. *Call for Nomination of Reviewers.* Interested, qualified persons who wish to serve as reviewers of applications for research funding assistance in one of the areas indicated in B2 (above), or who wish to nominate such persons for ORD consideration, should submit names directly to Richard E. Marland, RD-675, Office of Research and Development, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460. Handicapped, minority, and female scientists who have not previously served EPA in this capacity are especially sought. Each nomination should include a current copy of the nominee's professional vitae, a complete listing of publications, and any other pertinent information that would indicate expertise.

Appointments will be on an annual basis, to a maximum of three years.

Reviewers participating in the scientific review of proposals may be reimbursed in an amount to be established by EPA. Reviewer selection will include consideration of their expertise, experience and standing in the research community, and their discipline as well as a cross section of factors such as geographic location, professional affiliation, university representation, and other social or distributional variables to ensure not only the highest quality scientific expertise, but also equitable and fair representation of the scientific community at large. Review meetings may be held in Washington, D.C. or at selected sites in the United States. Reviewers will include practicing scientists from ORD's laboratories.

4. *Evaluation of Applications.* Peer review of applications for research funding assistance will result in a ranking of applications according to scientific merit. The same reviewers may evaluate cooperative agreement applications. Portions of review sessions will be conducted in accordance with 5 U.S.C. 552b(c) (4) and (6) Government in the Sunshine Act.

5. *Availability of Reviewer Comments.* Applicants may request copies of unedited review comments (with reviewer names deleted) from ORD.

6. *Funding of Applications.* The Assistant Administrator for Research and Development, or his designee, will make the decision to fund or reject a grant application following consideration of the peer evaluation ranking, ORD research needs and priorities, and available resources. Laboratory decision officials will make the decision to fund or reject cooperative agreement applications on the same basis. Applications may be deferred pending the receipt of additional information, if necessary. Otherwise satisfactory applications that are not immediately funded or rejected following review may be held up to six months for possible funding.

7. *Reporting Requirements.* Grant projects will require annual and final reports upon completion of the project. ORD will determine final and other reporting requirements, at the time of the award. ORD may request some grant and cooperative agreement awardees to present project results at periodic seminars which ORD will conduct. ORD is also considering the publication of research results in referred scientific journals or other acceptable publications as an alternative to current project results reporting requirements.

8. *Project Management and Evaluation.* ORD is changing project officer responsilities in the management of both grants and cooperative agreements. ORD is also developing project evaluation procedures.

9. *Implementation.* ORD will implement the new peer review process, if adopted, to begin with fiscal year 1980 applications. The first peer review meeting should be held in early 1980. Subsequent review sessions will be held quarterly, or as needed. Review of selected project continuation or funding increase requests for already awarded projects will also begin in fiscal year 1980.

10. *Applications for Funding Assistance.* Qualified research personnel who wish to apply for research funding assistance under these new procedures may request application information or copies of the *fiscal year 1980 ORD Program Guide* from the Grants Administration Division, Environmental Protection Agency, Washington, D.C. 20460 (202/755-2417). Send requests to be placed on a mailing list for future program announcements, solicitations, or releases to this same address.

September 28, 1979.

Stephen J. Gage,

Assistant Administrator, Office of Research and Development.

[FR Doc. 79-30635 Filed 10-2-79; 8:45 am]

BILLING CODE 6560-01-M

40 CFR Parts 51 and 52

[FRL 1332-3]

Approval and Promulgation of Implementation Plans; Prevention of Significant Deterioration; Public Hearing; Correction

AGENCY: Environmental Protection Agency.

ACTION: Correction of notice of public hearing.

SUMMARY: On July 20, 1979, EPA proposed to amend, among other provisions, the grandfather sections of its regulations for the prevention of significant air quality deterioration (PSD). See 44 FR 42722. Recently, the agency announced that it will hold a public hearing on that proposal on October 9, 1979, in Eastport, Maine. The notice of hearing appears at 44 FR 55395 (September 26, 1979) (FR Doc. 79-29905). EPA here corrects a typographical error in that notice.

DATES: *Public hearing.* EPA will hold the public hearing on October 9, 1979, at 7:30 p.m. (local time).

Rebuttal and Supplementary Information. The deadline for submitting material that rebuts or supplements any presentation at the hearing is November 8, 1979.

ADDRESSES: *Public hearing.* EPA will hold the public hearing at the Municipal Auditorium, Shead Memorial High School, High Street, Eastport, Maine.

Rebuttal and Supplementary Information. Such information should be sent (in duplicate, if possible) to the Central Docket Section (A-130), Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, Attention: Docket No. A-79-23.

FOR FURTHER INFORMATION CONTACT: Peter H. Wyckoff, Attorney, Office of General Counsel, 401 M Street, SW., Washington, D.C. 20460. 202-755-0766.

SUPPLEMENTARY INFORMATION: EPA recently announced that it will hold a hearing on its proposal to amend certain provisions of its PSD regulations. The proposal appears at 44 FR 42722 (July 20, 1979). The notice of hearing appears at 44 FR 55395 (September 26, 1979) (FR Doc. 79-29905).

In describing the nature of the hearing, the notice states: "There will be cross-examination and no requirement that any speaker be under oath." That statement is incorrect. There will be *no* cross-examination at the hearing. The omission of the word "no" before "cross-examination" in the quoted statement was a typographical error.

(Secs. 101(b)(1), 110, 114, 160-69, 301(a) and 307(d) of the Clean Air Act, as amended (42 U.S.C. 7401(b)(1), 7410, 7414, 7470-79, 7601(a) and 7607(d).)

Dated: September 27, 1979.

David G. Hawkins,

Assistant Administrator for Air, Noise, and Radiation.

[FR Doc. 79-30651 Filed 10-2-79; 8:45 am]

BILLING CODE 6560-01-M

40 CFR Part 122

[FRL 1332-1]

Draft Application Forms for National Pollutant Discharge Elimination System Permits

AGENCY: Environmental Protection Agency.

ACTION: Notice of Extension of Comment Period.

SUMMARY: The Agency is today extending the period for commenting upon proposed National Pollutant Discharge Elimination System (NPDES) application requirements and related rules for hazardous substances which were published in 44 FR 50780 on August 29, 1979. The comment period is extended until October 29, 1979.

The Agency is also proposing two minor changes from the requirements proposed in the August 29 notice and is soliciting comments on the changes.

DATE: Comment period is extended to October 29, 1979.

ADDRESS: Comments should be addressed to: Edward A. Kramer (A-1), Permits Division (EN-336), Environmental Protection Agency, 401 M Street SW., Washington, D.dC. 20460 (202) 755-0750.

FOR FURTHER INFORMATION CONTACT: Dov Weitman, Office of Water Enforcement (EN-336), Environmental Protection Agency, Washington, D.C. 20460, (202) 755-2598.

SUPPLEMENTAL INFORMATION: On August 29, 1979, the Agency published a notice in the Federal Register (44 FR 50780) proposing to amend the application requirements which it had proposed on June 14, 1979 (44 FR 34346). The June 14 proposal required many NPDES applicants to report discharges of toxic, conventional and certain other pollutants. The August 29 proposal adds a requirement to report discharges of certain substances which have been designated by the Administrator as hazardous under section 311 of the Clean Water Act. The August 29 notice also proposes a rule concerning the use of indicator parameters to control discharges of hazardous substances. (The June 14 proposal contains a similar provision for indicators of toxic pollutants.)

The Agency has received a request to extend the 30-day comment period set forth in the August 29 notice. The Agency concurs with this request. Therefore, the comment period is extended from September 28, 1979 to October 29, 1979. (The comment period for the June 14 proposal, however, closed on September 12 and is not reopened by this notice.)

In addition, the Agency now proposes two changes to Table I ("hazardous substances to be reported") on page 50781 of the August 29 notice. First, the listing of vinylidene chloride will be dropped, since it is already required to be reported as a toxic pollutant under the name 1,1, dichloroethylene. Second, 2,4,5 TP will be marked with an asterisk, since a test method has been promulgated for this pesticide under the name Silvex. Comments on these proposed modifications of the list are solicited.

Dated: September 27, 1979.

Joan Z. Bernstein,

Acting Assistant Administrator for Enforcement.

[FR Doc. 79-30632 Filed 10-2-79; 8:45 am]

BILLING CODE 6560-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA 5701]

National Flood Insurance Program; Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the nation. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. R. Gregg Chappell, National Flood

Insurance Program, (202) 426-1460 or Toll Free Line (800) 424-8872 (In Alaska and Hawaii call Toll Free Line 800 424-9080), Room 5150, 451 7th Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for selected locations in the nation, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a)).

These elevations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minumum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or Regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Proposed Base (100-Year) Flood Elevations

State	City/town/county	Source of flooding	Location	Depth in feet above ground. *Elevation in feet (NGVD)
Arkansas	Harrison (City) Boone County	Dry Jordan Creek	Central Avenue—50 feet upstream from centerline	*1,052
			East Prospect Avenue—50 feet upstream from centerline	*1,056
			Vine Road—50 feet upstream from centerline	*1,076
			North Spruce Street (low water crossing)—50 feet upstream from centerline.	*1,091
			U.S. Highway 65 (Business)—50 feet upstream from centerline	*1,110
			Lovers Lane (low water crossing)—50 feet upstream from centerline	*1,129
		Crooked Creek	U.S. Highway 65—100 feet upstream from centerline	*1,045
			U.S. Highway 65—(Business) (Vine Street)—100 feet upstream from centerline.	*1,052
			Wilson Avenue—100 feet upstream from centerline	*1,062

Maps available at: City Hall, 114 South Spring Street, Harrison, Arkansas.

Send comments to: Honorable William W. Gregg, Mayor, City of Harrison, City Hall, Harrison, Arkansas 72601.

State	City/town/county	Source of flooding	Location	Depth in feet above ground. *Elevation in feet (NGVD)
California	Antioch (City) Contra Costa County	Los Mendanos Wasteway	State Highway 4—80 feet upstream from centerline	*53
			Delta Fair Boulevard—40 feet upstream from centerline	*70
			East Bay Municipal Utility District Aqueduct—90 feet downstream from centerline.	*73
			East Bay Municipal Utility District Aqueduct—100 feet upstream from centerline.	*100
		West Antioch Creek	200 feet northwest of the intersection of Gatter Drive and Contra Loma Boulevard.	*3
			Sixth Street—30 feet upstream from centerline	*14
			Southern Pacific Railroad—60 feet downstream from centerline	*22
			Southern Pacific Railroad—60 feet upstream from centerline	*28
			L Street—30 feet upstream from centerline	*33
			Fitzuren Road—120 feet upstream from centerline	*37
			Putnam Street—45 feet upstream from centerline	*46
			Paso Corto Road—35 feet downstream from centerline	*102
			Paso Corto Road—30 feet upstream from centerline	*107
		West Antioch Creek	Corporate limits—30 feet downstream from centerline	*192
		Middle Branch West Antioch Creek	Longview Road—120 feet downstream from centerline	*59
			Longview Road—30 feet upstream from centerline	*66
			Meadow Brook Road—90 feet upstream from centerline	*71
		Markley Creek	Corporate limits (first crossing) at centerline	*24
			Southern Pacific Railroad—20 feet downstream from centerline	*33
			Southern Pacific Railroad—30 feet upstream from centerline	*42
			Buchanan Road—90 feet downstream from centerline	*65
			Buchanan Road—30 feet upstream from centerline	*71
			Gentrytown Drive—35 feet upstream from centerline	*82
			Contra Costa Canal—30 feet upstream from centerline	*114
			Corporate limits—30 feet downstream from centerline	*152
		East Antioch Creek	Wilburn Avenue—60 feet upstream from centerline	*8
			Hillcrest Avenue—30 feet upstream from centerline	*19
			East 18th Street—90 feet downstream from centerline	*11
			East 18th Street—30 feet upstream from centerline	*21
		West Branch East Antioch Creek	South Lake Drive—30 feet upstream from centerline	*11
		West Branch East Antioch Creek	18th Street—30 feet upstream from centerline	*17
			Southern Pacific Railroad—60 feet upstream from centerline	*33
			East Tregallas Road—85 feet upstream from centerline	*38
			Corporate limits at centerline	*111
		Hillcrest Branch East Antioch Creek	Southern Pacific Railroad—60 feet downstream from centerline	*26
			Southern Pacific Railroad—60 feet upstream from centerline	*31
		San Joaquin River	1200 feet northwest of the intersection of Fulton Shipyard Road with Atchison, Topeka and Santa Fe Railway.	*7

Maps are available at Department of Development Services, City Hall, Antioch, California.

Send comments to: Honorable Vern Roberts, Mayor; City of Antioch, City Hall, P.O. Box 130; Antioch, California 94509.

State	City/town/county	Source of flooding	Location	Depth in feet above ground. *Elevation in feet (NGVD)
California	La Mirada (City) Los Angeles County	La Mirada Creek	La Mirada Boulevard—at centerline	*139
			Imperial Highway—50 feet downstream from centerline	*152
			Imperial highway—50 feet upstream from centerline	*162
			Ocaso Avenue—at centerline	*170

Maps available at: City Hall, 13700 La Mirada Boulevard, La Mirada, California.

Send comments to: Honorable David Peters, Mayor, City of La Mirada, City Hall, 13700 La Mirada Boulevard, La Mirada, California 90638.

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	Depth in feet above ground. *Elevation in feet (NGVD)
California	Los Altos (City) Santa Clara County.	Stevens Creek	Most downstream Corporate Limits—50 feet upstream of crossing	*257
		Adobe Creek	Yerba Buena Avenue—75 feet upstream from centerline	*140
			Foothill Expressway (Fremont Avenue)—60 feet downstream from centerline.	*146
			Foothill Expressway (Fremont Avenue)—50 feet upstream from centerline.	*154
			Edith Avenue—40 feet upstream from centerline	*175
			Burke Road—10 feet upstream from centerline	*192
			Milverton Road—at centerline	*218
		Hale Creek	Sheet Flow Area—along South Springer Road centerline between Arboleda Drive and Rosita Avenue.	#1
			Ponding Area—50 feet south of the Hale Creek Crossing of Sunshine Drive.	*132
			Rosita Avenue—200 feet upstream from centerline	*157
			Covington Road—80 feet downstream from centerline	*171
			Covington Road—120 feet upstream from centerline	*176
			Foothill Expressway (Fremont Avenue)—at centerline	*187
		Permanente Creek	Confluence with Hale Creek	*112
			Ponding Area—450 feet north along Eastwood Place from its intersection with Covington Road.	166
		Permanente Diversion	Sheet Flow Area—300 feet west of the intersection of West Rose Circle and Covington Road.	#1
			Sheet Flow Area—Suffolk Way	#2
			Ponding Area—200 feet north of the intersection of West Rose Circle and Covington Road.	*164
			Grant Road—100 feet upstream from centerline	*175
			Permanente Diversion Structure—100 feet downstream from centerline.	*186
			Permanente Diversion Structure—25 feet upstream from centerline	*191
			Portland Avenue—10 feet downstream from centerline	*196
			Portland Avenue—100 feet upstream from centerline	*201

Maps available at: City Engineer's Office, City Hall, 1 North San Antonio Road, Los Altos, California.

Send comments to: Mr. George Sanregret, Chief Administrative Officer, City of Los Altos, City Hall, 1 North San Antonio Road, Los Altos, California 94027.

California	Milpitas (City) Santa Clara County	San Francisco Bay	200 feet West on Dixon Landing Road from intersection with State Highway 17.	*7
		Lower Penitencia Creek	Intersection of Heath Street and Redwood Avenue	*10
			500 feet North along Main Street from intersection of Main Street and Railroad Avenue.	*13
			Intersection of Windsor Street and Calaveras Boulevard	#1
			200 feet South of intersection of Serra Way and Abbott Avenue	*16
			Intersection of Sylvia Avenue and Palmer Street	*17
			Intersection of Capital Avenue and Moonlight Way	*26
			600 feet North of intersection of Hammond Way and East Curtis Avenue.	*24
			600 feet North of confluence of Lower Penitencia Creek and East Penitencia Creek.	*33
			175 feet West of intersection of Sylvia Avenue and Palmer Street	#2
			800 feet Southwest along Wrigley Road from intersection of Wrigley Road and East Calaveras Boulevard.	*20
			600 feet Northeast along East Carlos Street from intersection of East Carlos Street and South Main Street.	*17
		East Penitencia Creek	400 feet Southeast of confluence of Lower Penitencia Creek and East Penitencia Creek.	*33
		Berryessa Creek	400 feet Southeast of intersection of Montague Expressway and Piper Drive.	*49
			Intersection of Montague Expressway and Gladding Court	#1
			600 feet South of intersection of Montague Expressway and Watson Court.	#2
		Ponding	Intersection of Hillview Drive and Jacklin Road	*24
			1,500 feet East along Montague Expressway along (Northbound Lane) intersection of Montague Expressway and South Main Street.	*35
			Intersection of Interstate 680 and Yosemite Drive	*46

Maps available at: Office of the City Engineer, City Hall, 455 East Calaveras Boulvard, Milpitas, California.

Send comments to: Honorable Peter McHugh, Mayor, City of Milpitas, City Hall, 455 East Calaveras Boulevard, Milpitas, California 95035.

California	Modesto (City) Stanislaus	Tuolumne River	Carpenter Road—1700 feet downstream from centerline at corporate limits.	*60
			Western Pacific Railroad—100 feet upstream from centerline	*67
			3000 feet upstream from third upstream corporate limits	*69
			1100 feet downstream from most upstream corporate limits	*72
		Dry Creek	Confluence with Tuolumne River	*67
			La Loma Avenue—100 feet upstream from centerline	*70
			El Vista Avenue—at centerline	*76
			Most upstream corporate limits	*87

Maps are available at: The Department of Building Inspection, City Hall, 801 11th Street, Modesto, California.

Send Comments to: Honorable Peggy Mensinger, Mayor, City of Modesto, City Hall, P.O. 642, Modesto, CA 95353.

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	Depth in feet above ground. *Elevation in feet (NGVD)
California	Mountain View (City) Santa Clara County.	Adobe Creek	At the intersection of Del Medio Avenue with Del Medio Court	*39
		Hale Creek	At the intersection of Rose Avenue with South Springer Road	#1
		Permanente Creek	Marilyn Drive—at centerline	*118
			Miramonte Avenue—200 feet downstream from centerline	*135
			At the intersection of Miramonte Avenue with Park Drive	#1
			Approximately 500 feet South along Isabelle Avenue from the intersection of Marilyn Drive with Isabelle Avenue.	#1
			At the intersection of Sierra Vista Avenue with Colony Street	#1
			Approximately 250 feet West along East Charleston Road from the intersection of Alta Avenue with East Charleston Road.	#1
			At the intersection of Leghorn Street with Rengstorff Avenue	#2
			At the intersection of Telford Avenue with Spring Street	#2
		Stevens Creek	At the intersection of Sterlin Road with Jackson Street	#1
			At the intersection of Pioneer Way with Evelyn Avenue	#1
			At the intersection of Burgoyne Street with Monticeto Avenue	#1
		Stevens Creek	At the intersection of Moorpark Way with Evelyn Avenue	#1
			At the intersection of Calderon Avenue with Evelyn Avenue	#2
		Ponding	At the intersection of Linda Vista Avenue with San Leandro Avenue	*30
			Approximately 500 feet Northeast along Terra Bella Avenue from the intersection of Middlefield Parkway with Terra Bella Avenue.	*38
			At the intersection of Fordham Court with Fordham Way	*126
			Along Cuesta Drive between Peartree Lane and Fordham Way	*142
		Sheet Flow	At the intersection of South Drive with Hospital Drive	#1

Maps available at: City Hall, 540 Castro Street, Mountain View, California.

Send comments to: Honorable Lesli C. Nichols, Mayor, City of Mountain View, City Hall, 540 Castro Street, Mountain View, California 94041.

California	Pittsburg (City) Contra Costa County.	Kirker Creek	School Driveway—at centerline	*48
			Bliss Road (abandoned)—at centerline	*67
			Davis Avenue (abandoned)—at centerline	*78
			Hospital Drive (abandoned)—at centerline	*108
			Yosemite Drive—100 feet downstream from centerline	*119
			Yosemite Drive—150 feet upstream from centerline	*127
			Buchanan Road—at centerline	*168
		Lawlor Creek	Leland Road—100 feet upstream from centerline	*133
			Corporate Limits—at centerline	*150
		Suisan Bay (New York Slough)	Along New York Slough Shoreline	*8

Maps available at: Office of the City Engineer, City Hall, 2020 Railroad Avenue, Pittsburg, California.

Send comments to: Honorable Joseph Detorres, Mayor, City of Pittsburg, City Hall, 2020 Railroad Avenue, Pittsburg, California 94565.

California	Santa Clara (City) Santa Clara County.	Ponding	1,500 feet North of Mountain View Alviso Road and 200 feet East of Calabazas Creek.	*2
			Intersection of Oakwood Drive and De La Cruz Boulevard	*20
			Intersection of Aldo Avenue and Victor Street	*21
			Intersection of Augustine Drive and Octavius Drive	*31
			Crossing of Bay-Shore Freeway Road and Southern Pacific Railroad	*33
			Intersection of Chromite Drive and Bowers Avenue	*50
			Intersection of Pasetta Drive and Los Padres Boulevard	*52
			Intersection of Palmas Drive and Arroyo Drive	*76
			Intersection of Barcelis Avenue and Layton Court	*90
			Intersection of Withrow Place and Howell Avenue	*109
		Sheet Flow	Intersection of Agate Drive and Agate Court	#1
			Intersection of Laurelwood Road and De La Cruz Boulevard	#1
			Intersection of Kifer Road and Bowers Avenue	#1
			Intersection of Monroe Street and San Tomas Expressway	#1
			Intersection of Wallace Street and Foley Avenue	#1
			Intersection of Homestead Road and Woodhamis Avenue	#1
		Sheet Flow	Intersection of El Camino Real and Halford Avenue	#1
			Intersection of Coolidge Drive and Hoover Drive	#2

Maps available at: Office of the City Engineer, City Hall, 1500 Warburton Avenue, Santa Clara, California.

Send comments to: Honorable William A. Gissler, Mayor, City of Santa Clara, City Hall, 1500 Warburton Avenue, Santa Clara, California 95050.

California	Stanislaus (County) Unincorporated Areas.	Stanislaus River	State Highway 120 Bridge—at centerline	*104
			Orange Blossom Road—100 feet upstream from centerline	*131
			Sonora Road Knights Ferry Bridge—100 feet upstream from centerline.	*177
		Tuolumne River at Modesto	Carpenter Road—at centerline	*61
			U.S. Highway 99—100 feet upstream from centerline	*66
			Mitchell Road—100 feet downstream from centerline	*72
		Dry Creek at Modesto	Modesto and Empire Traction Company Railroad Bridge—at centerline.	*87
			Claus Road Bridge—100 feet upstream from centerline	*90
		Tuolumne River at Waterford	Southern Pacific Railroad Bridge—at centerline	*88
			City of Waterford Corporate Limits—second crossing—100 feet upstream from centerline.	*88

Maps available at: Public Works Department, County Office, 1100 H. Street, Modesto, California.

Send comments to: Mr. Gardner Hutchins, Acting Administrative Officer, Stanislaus County, County Office, 1100 H. Street, Modesto, California 95353, Attn: Mr. R. G. Barhite, Director of Public Works.

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	Depth in feet above ground. *Elevation in feet (NGVD)
California	Yolo County Unincorpated Areas	Lamb Valley Slough	Fremont Street—at centerline	*187
			Winters Canal—75 feet downstream from centerline	*207
			Winters Canal—25 feet upstream from centerline	*212
		South Fork Willow Slough	County Road 89—at centerline	*148
			County road 88B—100 feet upstream from centerline	*158
			At confluence with Lamb Valley Slough	*171
		Dry Creek	State Highway 128—100 feet downstream from centerline	*135
			State Highway 128—100 feet upstream from centerline	*142
		Shallow Flooding	At the intersection of Tutt Street and Rudolph Street	#1
			100 feet northwest of County Road 88B and South Fork Willow Slough.	#1

Maps available at Department of Public Works, 292 West Beamer, Woodland, California.

Send comments to: Ms. Betsy Marchand, Chairperson, Board of Supervisors, Yolo County, Yolo County Courthouse, Room 207, Woodland, California 95695.

State	City/town/county	Source of flooding	Location	Depth in feet above ground. *Elevation in feet (NGVD)
Connecticut	Westport (Town) Fairfield County	Saugatuck River	Dam at Lee Pond—175 feet downstream from centerline	*18
			Dam at Lee Pond—50 feet upstream from centerline	*25
			Weston Road—at centerline	*36
			At upstream Corporate Limits	*45
		West Branch Saugatuck River	Dam (Downstream Crossing)—100 feet downstream from centerline	*31
			Dam (Downstream Crossing)—100 feet upstream from centerline	*38
			Newton Turnpike—at centerline	*89
		Aspetuck River	Weston Road—at centerline	*36
			North Avenue—at centerline	*88
			At upstream Corporate Limits	*120
		Stony Brook	Unnamed Road (at football field)—at centerline	*13
			State Street West—100 feet upstream from centerline	*29
		Dead Mans Brook	Myrtle Avenue—75 feet upstream from centerline	*14
			Evergreen Avenue—100 feet downstream from centerline	*28
			Evergreen Avenue—75 feet upstream from centerline	*34
			Roseville Road—50 feet upstream from centerline	*135
			Merritt Parkway—at centerline	*200
		Muddy Brook	Sherwood Island Connector—100 feet upstream from centerline	*14
			Morningside Drive South—50 feet upstream from centerline	*29
			High Point Road—50 feet upstream from centerline	*68
		Sasco Creek	Dam at Buckley Pond—125 feet upstream from centerline	*20
			At upstream Corporate Limits	*61
		Long Island Sound	Intersection of Minard Drive and Covelee Drive	*11

Maps available at: Town Engineer's Office, Town Hall, 110 Myrtle Avenue, Westport, Connecticut.

Send comments to: Ms. Jacqueline P. Heneage, First Selectman, Town of Westport, Town Hall, 110 Myrtle Avenue, Westport, Connecticut 06880.

State	City/town/county	Source of flooding	Location	Depth in feet above ground. *Elevation in feet (NGVD)
Florida	Callaway (City) Bay County	Callaway Bayou Tributary	Most upstream old dam—70 feet down—stream from centerline	*10
			Most upstream old dam—120 feet upstream from centerline	*17
			Cherry Street—50 feet downstream from centerline	*17
			Cherry Street—100 feet upstream from centerline	*22
		Callaway Bayou	200 feet South along Viola Avenue from its intersection with Minneola Street.	*9
		East Bay	Intersection of Ivy Road and Kimbrel Avenue	*9
		Lake Martin	200 feet North of the intersection of Arlington Drive and State Route 22.	*10

Maps available at City Hall, 5708 Cherry Street, Callaway, Florida.

Send comments to: Honorable Warren R. Lee, Mayor, City of Callaway, City Hall, 5708 Cherry Street, Callaway, Florida 32401.

State	City/town/county	Source of flooding	Location	Depth in feet above ground. *Elevation in feet (NGVD)
Florida	Longboat Key (Town) Manatee County and Sarasota County.	Gulf of Mexico	Intersection of Gulf of Mexico Drive and Cedar Street	*10
			Intersection of Gulf of Mexico Drive and Bay View Drive	*10
			Intersection of Gulf of Mexico Drive and Edlee Lane	*10
			Intersection of Habor Road and Old Compass Road	*10
			Intersection of Companion Way and Gulf of Mexico Drive	*10
			Intersection of Gulf of Mexico Drive and Sution Place	*11
			Intersection of Buttonwood Drive and Gulf of Mexico Drive	*11
			Intersection of Gulf of Mexico Drive and Shell Ridge Drive	*11
			Intersection of Bogey Land and Bowsprit Lane	*11
			Intersection of Hoffman Lane and Gulf of Mexico Drive	*11

Maps are available at: City Hall, 501 Bay Isle Road, Longboat Key, Florida.

Send comments to: Honorable James Kennedy McCall, Mayor, Town of Longboat Key, Town Hall, 501 Bay Isle Road, Longboat Key, Florida 33548.

State	City/town/county	Source of flooding	Location	Depth in feet above ground. *Elevation in feet (NGVD)
Florida	Parker (City) Bay County	St. Andrew Bay	100 feet Northwest along West Cooper Drive from its intersection with Blackshear Drive.	*9
			Intersection of West Street and Loftin Street	*9
		Lake Martin	Intersection of Live Oak Street and Home Street	*10

Maps available at: City Hall, 1001 West Park Street, Parker, Florida.

Send comments to: Honorable Earl Gilbert, Mayor, City of Parker, City Hall, P.O. Box 10745, Parker, Florida 32401.

State	City/town/county	Source of flooding	Location	Depth in feet above ground. *Elevation in feet (NGVD)
Georgia	Kennesaw (City) Cobb County	Noonday Creek	U.S. Highway 41—at centerline	*964
			Confluence of Tributary No. 8—150 feet upstream of confluence	*965

Maps available at: City Hall, 2529 Park Street, Kennesaw, Georgia.

Send comments to: Honorable Clyde McDonald, Mayor, City of Kennesaw, City Hall, 2529 Park Street, Kennesaw, Georgia 30144.

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	Depth in feet above ground. *Elevation in feet (NGVD)
Georgia	Powder Springs (City) Cobb County.	Noses Creek	Most downstream corporate limits	*903
			Most upstream corporate limits	*904
		Powder Springs Creek	Most downstream corporate limits	*905
			Brownsville Road—50 feet upstream from centerline	*908
		Wildhorse Creek	Macedonia Road—100 feet upstream from centerline	*909
			Most upstream corporate limits	*918
		Lost Mountain Creek	Forest Hills Road—100 feet downstream from centerline	*917
			Forest Hills Road—100 feet upstream from centerline	*921
Maps available at: City Hall, 4488 Pine View Drive, Powder Springs, Georgia. Send comments to: Honorable John O. Rogers, Mayor, City of Powder Springs, City Hall, P.O. Box 46, Powder Springs, Georgia 30073.				
Idaho	Swan Valley (City) Bonneville County.	Snake River	U.S. Highway 26 Bridge—100 feet upstream from centerline	*5,248
			Confluence with Rainey Creek—200 feet downstream	*5,258
		Rainey Creek	U.S. Highway 26—60 feet upstream from centerline	*5,264
			State Highway 31—at centerline	*5,269
			Rainey Creek Road—60 feet downstream from centerline	*5,290
Maps available at: The home of Mayor Elizabeth Weeks, Swan Valley, Idaho. Send comments to: Honorable Elizabeth Weeks, Mayor, City of Swan Valley, Swan Valley, Idaho 83449.				
Kentucky	Daviess County unincorporated areas.	Ohio River	Confluence with Cowhide Slough 4	*386
			Confluence with Yellow Creek 69	*390
		Panther Creek	State Highway 1554 at Curdsville—at centerline	*384
			State Highway 56 (Glenn Bridge)—at centerline	*385
			Hayden Bridge Road—at centerline	*385
			State Highway 81 (Calhoun Bridge)—at centerline	*390
		North Fork Panther Creek	U.S. Highway 231—50 feet upstream from centerline	*391
			Old Lietchfield Road—50 feet upstream from centerline	*402
			State Highway 54—150 feet upstream from centerline	*409
			Shorts Station Road—at centerline	*412
		Pup Creek	State Highway 405—100 feet upstream from centerline	*391
			Confluence with Roberts Ditch 75	*399
		Persimmon Ditch	Confluence with Tributary of Persimmon Ditch	*402
		Ohio River Tributary	Owensboro Corporate limits, most upstream crossing—200 feet upstream.	*398
		Devins Ditch	State Highway 212—30 feet upstream from centerline	*397
		Carter Ditch	State Highway 212—at centerline	*398
		Scherm Ditch	State Highway 212—at centerline	*398
		Tamarack Ditch	Arlington Drive—at centerline	*397
		Geotz Ditch	Todd Bridge Road—30 feet upstream from centerline	*393
			Sheet Flow Area—400 feet north of crossing of State Highway 212	#2
		Harsh Ditch	Veach Road; first crossing—at centerline	*394
		West Tributary of Harsh Ditch	Louisville and Nashville Railroad—at centerline	*394
		Horse Fork	State Highway 212, most downstream crossing—50 feet upstream from centerline.	*394
			Old Hartford Road—50 feet upstream from centerline	*400
Maps are available at: Daviess County Courthouse, Daviess County, Owensboro, Kentucky. Send comments to: Honorable William Froehlick, County Judge Executive, Daviess County Courthouse, Owensboro, Kentucky 42301.				
Kentucky	Fulton (City) Fulton County	Harris Fork Creek	West State Line Street—50 feet upstream of centerline	*359
			4th Street—at centerline	*361
		Harris Fork Creek Lateral A	Fairview Avenue 30 feet upstream of centerline	*366
Maps available at: City Hall, 101 Nelson Tripp Place, Fulton, Kentucky. Send comments to: Mr. Kenneth Turner, Acting Mayor, City of Fulton, City Hall, P.O. Box 305, Fulton, Kentucky 42041.				
Kentucky	Owensboro (City) Daviess County	Ohio River	U.S. Highway 231—at centerline	*389
		Persimmon Ditch	Ewing Road—150 feet upstream from centerline	*389
			At confluence with tributary of Persimmon Ditch	*402
		Tributary of Ohio River	Ewing Road—350 feet upstream from centerline	*391
			Drainage Divide—upstream side	*404
		Tamarack Ditch	First upstream corporate limits	*397
			Area from the intersection of Winchester Drive and Tamarack Road north along Tamarack Road for 500 feet.	#2
		Goetz Ditch	300 feet upstream of first corporate limits	*394
			Area in vicinity of the intersection of South Griffith Avenue and Lewis Lane extending northwest across Tamarack Road for 800 feet.	#2
		Harsh Drive	First upstream storm sewer, at upstream side	*395
			Area 900 feet southwest of intersection of U.S. Highway 231 and Parkway Drive; bounded by Owensboro corporate limits.	#1
		West Tributary of Harsh Ditch	Allen Street—at centerline	*395
			Area from Park Avenue 3000 feet northeast to Wildwood Drive	#1
		Horse Fork	Most downstream corporate limits—25 feet upstream	*394
			Old Hartford Road—at centerline	*400
			300 feet downstream of most upstream corporate limits	*403
		Tributary to Persimmon Ditch	Area 950 feet northeast of the intersection of Persimmon Ditch and State Route 60 (Main Street) in northwestern Owensboro.	#2
		Devins Ditch	Area from Owensboro corporate limits southwest of Carter Road east for 4700 feet to Conway Avenue.	#2
		Scherm Ditch	Area along and north of Scherm Road, from the intersection of Scherm Road and Mayfair Drive southwest to Owensboro corporate limits.	#2
Maps are available at: City Hall, 101 East 4th Street, Owensboro, Kentucky. Send comments to: Honorable Jack Fisher, Mayor, City of Owensboro, City Hall, P.O. Box 847, Owensboro, Kentucky.				

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	Depth in feet above ground. *Elevation in feet (NGVD)
Louisiana	Gonzales (Town) Ascension Parish.	Bayou Francois	Kansas City Southern Railroad—75 feet upstream from centerline	*8
			State Highway 44 (Burnside Avenue)—50 feet upstream from centerline.	*10
		Bayou Boyle	Interstate Highway 10—25 feet upstream from centerline	*10
		Bayou Boyle Central	State Highway 44 (South Burnside Avenue)—25 feet upstream from centerline.	*10
		Bayou Boyle North	State Highway 30—50 feet upstream from centerline	*10
		Bayou Narcisse	U.S. Highway 61—60 feet upstream from centerline	*11
		New River	Kansas City Southern Railroad—50 feet upstream from centerline	*10
			North Marchand Avenue—25 feet upstream from centerline	*12
Maps available at: Town Hall, 120 South Erma Boulevard, Gonzales, Lousiana.				
Send comments to: Honorable Nelson P. Roth Sr., Mayor, Town of Gonzales, Town Hall, 120 South Erma Boulevard, Gonzales, Louisiana 70737.				
Maine	Manchester (Town) Kennebec County.	Cobbosseecontee Stream	Downstream Corporate Limits	*152
			Outlet Dam—25 feet upstream from centerline	*169
			Pond Road Bridge—50 feet upstream from centerline	*170
		Cobbosseecontee Lake	Western end of Cyrs Road (approximately 1800 feet west from its intersection with Pond Road).	*170
Maps available at: Town Office, Route 17, Manchester, Maine.				
Send comments to: Mr. Ober Vaughn, Chairman, Board of Selectmen, Town of Manchester, Town Office, Manchester, Maine 04351				
Massachusetts	Deerfield (Town) Franklin County	Connecticut River	Downstream corporate limits	*132
			Boston and Maine Railroad—70 feet upstream from centerline	*138
		Deerfield River	Interstate Highway 91 southbound—at centerline	*157
			Stillwater Bridge—550 feet upstream from centerline	*160
		Bloody Brook	Whately Road (first crossing)—30 feet upstream from centerline	*189
			Whately Road (second crossing)—at centerline	*193
			Pleasant Street—50 feet upstream from centerline	*206
			Jackson Road—30 feet upstream from centerline	*214
		Sugarloaf Brook	River Road (first crossing)—at centerline	*139
Maps available at: The Office of the Town Clerk, Town Hall, 17 Park Avenue, South Deerfield, Massachusetts.				
Send comments to: Ms. Elizabeth Kirkwood, Chairman, Board of Selectmen, Town of Deerfield, Town Hall, 17 Park Avenue, South Deerfield, Massachusetts 01373.				
Massachusetts	Northfield (Town) Franklin County	Connecticut River	Confluence with Tributary B—at centerline	*204
			Confluence with Millers Brook—at centerline	*207
			New Route 10 Bridge—100 feet upstream from centerline	*208
			Schell Bridge—at centerline	*209
		Bennett Brook	Confluence with Connecticut River—at centerline	*207
			Old Route 10 Culvert—80 feet downstream from centerline	*210
			Old Route 10 Culvert—100 feet upstream from centerline	*219
			Boston and Maine Railroad Culvert—180 feet downstream from centerline.	*257
			Boston and Maine Railroad Culvert—150 feet upstream from centerline.	*272
			Mount Hermon Station Road Culvert—50 feet downstream from centerline.	*319
			Mount Hermon Station Road Culvert—50 feet upstream from centerline.	*342
		Fourmile Brook	Pine Meadow Road—at centerline	*205
			Central Vermont Railroad Culvert—at centerline	*205
			Breached Dam—40 feet downstream from centerline	*262
			Breached Dam—50 feet upstream from centerline	*275
			Main Street (State Route 63)—20 feet upstream from centerline	*326
			Fourmile Brook Road Bridge—30 feet upstream from centerline	*342
		Fourmile Brook	Private Drive Bridge—40 feet upstream from centerline	*424
		Lousiana Brook	Dirt Road Bridge—50 feet upstream from centerline	*210
			Upstream limit of Detailed Study—at centerline	*222
		Mill Brook	Confluence with Connecticut River—at centerline	*209
			Dam downstream from State Route 63 Bridge—100 feet downstream from centerline.	*258
			Dam downstream from State Route 63 Bridge—50 feet upstream from centerline.	*274
			Private Road Bridge—50 feet upstream from centerline	*287
			Birnam Road Bridge—100 feet downstream from centerline	*297
			Birnam Road Bridge—100 feet upstream from centerline	*303
			Sturbridge Road Bridge—50 feet upstream from centerline	*319
			Warwicke Avenue Bridge—50 feet upstream from centerline	*330
			Most upstream Driveway Bridge off Warwicke Avenue—80 feet upstream from centerline.	*432
			Most upstream Warwicke Avenue Bridge—50 feet upstream from centerline.	*561
			Upstream limit of Detailed Study—at centerline	*601
		Millers Brook	Confluence with Connecticut River—at centerline	*207
			Central Vermont Railroad Culvert—100 feet upstream from centerline.	*207
			Dam upstream from Central Vermont Railroad Culvert—50 feet downstream from centerline.	*208
			Dam upstream from Central Vermont Railroad Culvert—30 feet upstream from centerline.	*225
			Driveway Bridge—100 feet downstream from centerline	*271
			Driveway Bridge—100 feet upstream from centerline	*278

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	Depth in feet above ground. *Elevation in feet (NGVD)
			Foot Bridge upstream from Beersphur Road Culvert—50 feet upstream from centerline.	*300
			Old Wendall Road Culvert—70 feet downstream from centerline	*336
			Old Wendall Road Culvert—70 feet upstream from centerline	*341
			Driveway Bridge upstream from Old Wendall upstream from Old Road Culvert—50 feet downstream from centerline.	*349
			Driveway Bridge Wendall Road Culvert—50 feet upstream from centerline.	*356
			Maple Street (Gulf Road) Culvert—40 feet downstream from centerline.	*423
			Maple Street (Gulf Road) Culvert—100 feet upstream from centerline	*427
		Pauchang Brook	State Route 63 Bridge—50 feet upstream from centerline	*210
		Pine Meadow Brook	Pine Meadow Road Bridge—30 feet upstream from centerline	*205
			Central Vermont Railroad Culvert—100 feet downstream from centerline.	*218
			Central Vermont Railroad Culvert—80 feet upstream from centerline	*227
		Roaring Brook	Main Street Culvert—100 feet upstream from centerline	*210
			Beers Plain Road Bridge—40 feet downstream from centerline	*252
			Beers Plain Road Bridge—40 feet upsteam from centerline	*256
			State Road Bridge—30 feet upstream from centerline	*266
			Farm Culvert—60 feet upstream from centerline	*269
		Tributary B	Pine Meadow Road Bridge—40 feet upstream from centerline	*204

Maps available at: Town Hall, Main Street, Northfield, Massachusetts.
Send comments to: Ms. Carolyn B. Parenteau, Chairman, Board of Selectmen, Town of Northfield, Town Hall, Main Street, Northfield, Massachusetts 01360.

State	City/town/county	Source of flooding	Location	Depth in feet above ground. *Elevation in feet (NGVD)
Nevada	Las Vegas (City) Clark County	Las Vegas Wash	Monroe Avenue	#1
			Stewart Avenue—50 feet downstream from centerline	*1740
			Stewart Avenue—40 feet upstream from centerline	*1746
			Washington Avenue—50 feet upstream from centerline	*1774
			Owens Avenue—at centerline	*1801
		Las Vegas Creek	Lamb Boulevard—25 feet upstream from centerline	*1703
			Mojave Road—50 feet upstream from centerline	*1819
			21st Street—50 feet upstream from centerline	*1849
			Bruce Street—70 feet upstream from centerline	*1870
			Fantasy Lane—50 feet upstream from centerline	*1896

Maps available at: Engineering Design Building, 400 East Stewart, Las Vegas, Nevada.
Send comments to: Honorable William H. Briare, Mayor, City of Las Vegas, City Hall, 400 East Stewart, Las Vegas, Nevada 89101.

State	City/town/county	Source of flooding	Location	Depth in feet above ground. *Elevation in feet (NGVD)
New Hampshire	Derry (Town) Rockingham County	Beaver Brook	Interstate Highway 93—75 feet upstream from centerline	*236
			Boston and Maine Railroad—50 feet upstream from centerline	*244
			East Derry Road—50 feet upstream from centerline	*251
			Lower Beaver Lake Dam—100 feet downstream from centerline	*285
		Shields Brook	Boston and Maine Railroad (first crossing)—50 feet upstream from centerline.	*264
			Folsom Road—40 feet upstream from centerline	*276
			Boston and Maine Railroad (second crossing)—75 feet upstream from centerline.	*291
			Street A—50 feet upstream from centerline	*307
			Brewster Road—10 feet upstream from centerline	*352
			Scobie Pond Road—50 feet upstream from centerline	*359
			Londonberry Turnpike—75 feet upstream from centerline	*379
		Homes Brook	Florence Street—10 feet upstream from centerline	*241
			West Broadway—20 feet upstream from centerline	*247
			Maple Street—10 feet upstream from centerline	*253
		Tributary O	Unnamed Road—10 feet upstream from centerline	*239
		Tributary E	Chester Road—10 feet upstream from centerline	*293
			Tsienneto Road—10 feet upstream from centerline	*294
		Tributary F	Beaver Lake Road—20 feet upstream from centerline	*296
			Back Chester Road—20 feet upstream from centerline	*326
		Tributary G	Rockingham Road—25 feet upstream from centerline	*265
			Sunset Avenue (second crossing)—25 feet upstream from centerline	*280
			Windham Road (second crossing)—60 feet downstream from centerline.	*302
			Windham Road (second crossing)—10 feet upstream from centerline	*314
		Drew Brook	Colletts Grove Road (first crossing)—50 feet upstream from centerline	*208
			Drew Road—75 feet upstream from centerline	*211
		Taylor Brook (Including Ballard Pond).	North Shore Road—20 feet upstream from centerline	*214
			Island Pond Road (first crossing)—50 feet upstream from centerline	*222
			Lower Ballard Pond Dam—20 feet downstream from centerline	*242
			Lower Ballard Pond Dam—10 feet upstream from centerline	*255
			Upper Ballard Pond Dam—10 feet upstream from centerline	*258
			Island Pond Road (third crossing)—20 feet upstream from centerline	*263
		Tributary H	Abandoned Railroad Bed—50 feet upstream from centerline	*224
			Hampstead Road—40 feet upstream from centerline	*266
		Cunningham Brook	Abandoned Railroad Bed—25 feet upstream from centerline	*219
			Hampstead Road—25 feet downstream from centerline	*296
			Hampstead Road—20 feet upstream from centerline	*300
		Adams Pond	Adams Pond Dam, upstream face	*327
		Beaver Lake	300 feet northwest of intersection of Beaver Lake Avenue and Pond Road.	*290

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	Depth in feet above ground. *Elevation in feet (NGVD)
		Lower Beaver Lake	Lower Beaver Lake Dam upstream face	*269
		Island Pond	300 feet northeast of intersection of Stickney Road and Escumbuit Avenue.	*207
Maps available at: The Office of the Building Inspector, Town Offices, 49 East Broadway, Derry, New Hampshire.				
Send comments to: Mr. Donald Bentley, Chairman, Board of Selectmen, Town of Derry, Town Offices, 49 East Broadway, Derry, New Hampshire 03303.				
New Hampshire	Londonderry (City) Rockingham County.	Beaver Brook	Downstream Corporate Limits	*177
			State Route 128—60 feet upstream from centerline	*197
			Rankins Dam—10 feet downstream from centerline	*198
			Rankins Dam—100 feet upstream from centerline	*207
			Kendall Pond Road Bridge—200 Feet upstream from centerline	*219
			Interstate 93 Southbound—100 feet downstream from centerline	*232
		Black Brook	Mammoth Road (State Route 125)—70 feet downstream from centerline.	*233
			Mammoth Road (State Route 128)—100 feet upstream from centerline.	*242
			Young Road—at centerline	*262
			First Dam upstream from Adams Road—50 feet upstream from centerline.	*304
			Second Dam upstream from Adams Road—50 feet downstream from centerline.	*307
			Second Dam upstream from Adams Road—50 feet upstream from centerline.	*314
			Pillsbury Road—at centerline	*325
		Tributary J	South Road—at centerline	*221
			State Route 128 (Mammoth Road)—at centerline	*223
		Tributary C	Capitol Hill Drive (first crossing)—100 feet downstream from centerline.	*234
			Capitol Hill Drive (first crossing)—at centerline	*242
			Capitol Hill Drive (second crossing)—60 feet downstream from centerline.	*247
			Capitol Hill Drive (second crossing)—at centerline	*256
			Nashua Road (State Route 102)—50 feet downstream from centerline	*269
			Nashua Road (State Route 102)—135 feet upstream from centerline	*279
			Pillsbury Road—65 feet downstream from centerline	*305
		Tributary D	Downstream Corporate Limits	*246
			Nashua Road Culvert (State Route 102)—at downstream face	*272
			Nashua Road Culvert (State Route 102)—at upstream face	*282
			Londonderry Road—50 feet upstream from centerline	*290
			Ash Street Extension—at downstream side	*320
		Shields Brook	Coteville Road—30 feet upstream from centerline	*301
			Rockingham Road (State Route 28)—75 feet downstream from centerline.	*308
			Rockingham Road (State Route 28)—65 feet upstream from centerline.	*313
			Sub-Station Access Road (first crossing)—at centerline	*333
			Scobie Pond Road—75 feet downstream from centerline	*352
		Upper Beaver Brook	Rockingham Road (State Route 28)—125 feet downstream from centerline.	*314
			Rockingham Road (State Route 28)—160 feet upstream from centerline.	*319
			Boston and Maine Railroad (first crossing)—100 feet upstream from centerline.	*332
		Cohas Brook	Downstream Corporate Limits	*227
			Auburn Road—350 feet downstream from centerline	*260
		Little Cohas Brook	Industrial Drive—100 feet upstream from centerline	*193
			Boston and Maine Railroad (first crossing)—25 feet upstream from centerline.	*232
			Boston and Maine Railroad (second crossing)—120 feet upstream from centerline.	*254
			Litchfield Road—80 feet downstream from centerline	*307
		Tributary E	Stokes Road—at centerline	*266
			Boston and Maine Railroad (first crossing)—160 feet downstream from centerline.	*266
			Boston and Maine Railroad (first crossing)—160 feet upstream from centerline.	*271
			Boston and Maine Railroad (second crossing)—150 feet upstream from centerline.	*277
			Clark Road—at centerline	*281
		Nesenkeag Brook	West Road—at centerline	*183
			Elwood Road—85 feet upstream from centerline	*229
			Dam Hill Road—75 feet upstream from centerline	*238
			High Range Road—30 feet upstream from centerline	*272
			Nashua Road (State Route 102) (first crossing)—at centerline	*274
			Parmenter Road—80 feet upstream from centerline	*278
			Nashua Road (State Route 102) (second crossing)—75 feet upstream from centerline.	*290
		Tributary H	Wiley Hill Road—at centerline	*236
Maps available at: Town Office, 268 Mammoth Road, Londonderry, New Hampshire.				
Send comments to: Mr. Norman Russell, Chairman, Board of Selectmen, Town of Londonderry, Town Office, 268 Mammoth Road, Londonderry, New Hampshire 03053.				

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	Depth in feet above ground. *Elevation in feet (NGVD)
New Jersey	South Plainfield (Borough) Middlesex County.	Bound Brook	Clinton Avenue—100 feet upstream from centerline	*65
			Hamilton Boulevard—150 feet upstream from centerline	*69
			Belmont Avenue—50 feet upstream from centerline	*71
			Woodbrook Road—50 feet upstream from centerline	*73
		Cedar Brook	Plainfield Avenue—75 feet upstream from centerline	*66
			Cedarbrook Avenue—80 feet upstream from centerline	*68
			Dirt Road—25 feet upstream from centerline	*71
		Stream 14-14-2-2	Walnut Street—45 feet upstream from centerline	*62
			Baker Avenue—80 feet upstream from centerline	*72
		Stream 14-14-2-3	Clinton Avenue—100 feet upstream from centerline	*66
			New Brunswick Avenue—at centerline	*71
Maps available at: Office of the Borough Engineer, Municipal Building, 2480 Plainfield Avenue, South Plainfield, New Jersey.				
Send comments to: Honorable Richard J. Kennedy, Mayor, Borough of South Plainfield, Municipal Building, 2480 Plainfield Avenue, South Plainfield, New Jersey 07080.				
New York	Lindley (Town) Steuben County	Tioga River	Presho Lindley Road—100 feet upstream from centerline	*962
			Confluence with Church Creek	*978
			Lindley Lawrenceville Road—(County Road 116) at centerline	*992
		Glendening Creek	U.S. Highway 15 (southbound)—20 feet upstream from centerline	*973
			Confluence with north and south branches Blendening Creek	*1006
		Tannery Creek	County Road 731—10 feet upstream from centerline	*988
		Church Creek	County Road 120—10 feet upstream from centerline	*1005
			Church Creek Road (County Road 106)—at centerline	*1068
		Morgan Creek	U.S. Highway 15—50 feet upstream from centerline	*1008
		Cowanesque River	U.S. Highway 15—50 feet upstream from centerline	*993
Maps available at: Town Hall, 575 State Road, Lindley, New York.				
Send comments to: Mr. Elroy Young, Supervisor, Town of Lindley, Town Hall, 575 State Road, Lindley, New York 14858.				
North Dakota	Barnes (Township) Cass County	Sheyenne River	(Unnamed) Road—2450 feet upstream from centerline	*908
			Most upstream corporate limits 2550 feet downstream from centerline	*910
Maps available at: The farm of Mr. James Lee, Fargo, North Dakota.				
Send comments to: Mr. James Lee, Chairman of the Township Supervisors, Township of Barnes, Township Hall, Rural Route 2, Fargo, North Dakota 58412.				
North Dakota	Berlin (Township) Cass County	Sheyenne River	2400 feet south of the Southern Corporate Limits of the City of Argusville.	*889
			1 mile north of the Township of Berlin Corporate Limits	*891
Maps available at: The home of Mr. Mel Gangness, Chairman of the Township Supervisors, Township of Berlin, Township Hall, Harwood, North Dakota.				
Send comments to: Mr. Mel Gangness, Chairman of the Township Supervisors, Township of Berlin, Township Hall, Harwood, North Dakota.				
North Dakota	Harwood (Township) Cass County	Red River of the North	Most downstream Corporate Limits	*883
			Most upstream Corporate Limits—2000 feet downstream	*890
		Sheyenne River	Interstate Highway 29—4000 feet upstream from centerline	*891
Maps available at: The home of Mr. Doug Warnecke, Township Clerk, Township of Harwood, Township Hall, Harwood, North Dakota.				
Send comments to: Mr. Wayne Freeland, Chairman, Township Board of Supervisors, Township of Harwood, Township Hall, Harwood, North Dakota 58042.				
North Dakota	Mapleton (Township) Cass County.	Sheyenne River	At Burlington Northern Railroad crossing into the extraterritorial limits of the City of West Fargo.	*901
			At Township of Mapleton Southern Corporate Limits	*910
Maps available at: The Home of Mr. Ray Utke, Mapleton, North Dakota.				
Send comments to: Mr. Bernard Lisburg, Township Supervisor, Township of Mapleton, Rural Route No. 1, Fargo, North Dakota 58102.				
North Dakota	Neche (City) Pembina County	Pembina River	Dam—at centerline	*833
Maps available at: City Hall, Neche, North Dakota.				
Send comments to: Honorable Leland DeMars, Mayor, City of Neche, City Hall, Neche, North Dakota 58265.				
North Dakota	Noble (Township) Cass County	Red River of the North	Most downstream Corporate Limits	*874
			Most upstream Corporate Limits	*878
Maps available at: Office of Mr. Alden Rensvold, Township Clerk, Township of Noble, Township Hall, Gardner, North Dakota.				
Send comments to: Mr. Harlan Swenson, Chairman of the Township Supervisors, Township of Noble, Township Hall, Gardner, North Dakota 58036.				
North Dakota	Raymond (Township) Cass County.	Maple River	Burlington Northern Railroad—1500 feet upstream from centerline	*894
			Federal Aid Secondary Highway 641—200 feet upstream from centerlin.	*901
Maps available at: The home of Mr. Charles Bowman, Harwood, North Dakota.				
Send comments to: Mr. Harry A. Johnson, Township Supervisor, Township of Raymond, Township Hall, Harwood, North Dakota 58042.				
North Dakota	Reed (Township) Cass County	Red River of the North	At most upstream City of Fargo extraterritorial limits	*891
		Sheyenne River	At Township of Reed Northern Corporate Limits	*892
			Burlington Northern Railroad—800 feet from centerline	*894
			At most downstream City of West Fargo extraterritorial limits	*899
Maps available at: Township Hall, Rural Route 2, Fargo, North Dakota.				
Send comments to: Mr. Robert Beightol, Township Supervisor, Township of Reed, Rural Route 2, Fargo, North Dakota 58412.				

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	Depth in feet above ground. *Elevation in feet (NGVD)
North Dakota	Wiser (Township) Cass County	Red River of the North	Most downstream Corporate Limits	*878
			Most upstream Corporate Limits	*883
Maps available at: Office of Mr. Earl Madson, Township Clerk, Township of Wiser, Township Hall, Argusville, North Dakota.				
Send comments to: Mr. Morris Nedrebo, Chairman of the Township Supervisors, Township of Wiser, Township Hall, Argusville, North Dakota 58005.				
Ohio	Clinton (Village) Summit County	Tuscarawas River	Downstream corporate limits	*949
			North Street Bridge—150 feet upstream from centerline	*949
Maps available at: Village Hall, 2749 North Street, Clinton, Ohio.				
Send comments to: Honorable Leroy Seebach, Mayor, Village of Clinton, Village Hall, 2749 North Street, Clinton, Ohio 44216.				
Oklahoma	Wewoka (City) Seminole County	Wewoka Creek	Downstream Corporate Limits	*785
			Alternate State Highway 56—at centerline	*787
		Sandy Creek	Downstream Corporate limits	*795
			U.S. Highway 270—100 feet upstream from centerline	*802
			State Highway 59—50 feet downstream from centerline	*812
Maps available at: City Hall, 123 South Mekusuke Avenue, Wewoka, Oklahoma.				
Send comments to: Honorable Edward Turk, Mayor, City of Wewoka, City Hall, P.O. Box 538, Wewoka, Oklahoma 74884.				
Oregon	Lincoln (County) Unincorporated Areas.	Pacific Ocean Near Yachats	Area 1,800 feet North from the City of Yachats Northern corporate limits.	*32
			Area 1,800 to 4,600 feet North of City of Yachats corporate limits; West of U.S. Highway 101.	*26
			Area 4,600 to 8,600 feet North of City of Yachats corporate limits; West of U.S. Highway 101.	*20
			Area 8,600 to 10,600 feet North of City of Yachats corporate limits; West of U.S. Highway 101.	24
			Area 10,600 to 16, 300 feet North of City of Yachats corporate limits; West of U.S. Highway 101	*28
			Area 16,700 to 21,500 feet North of City of Yachats corporate limits; West of U.S. Highway 101.	*20
			Area 21,500 to 22,100 feet North of City of Yachats corporate limits; West of U.S. Highway 101.	*26
			Area 22,100 to 24,100 feet North of City of Yachats corporate limits; West of U.S. Highway 101.	*23
			Area from the Northern City of Yachats corporate limits North for 1,000 feet.	#1
		Pacific Ocean near Yachats	Area from 1,600 feet North of City of Yachats corporate limits, along and West of U.S. Highway 101, North to Blodgett Road.	#1
			Area from 1,000 feet North of the intersection of Blodgett Road and U.S. Highway 101 along and West of U.S. Highway 101 to 350 feet North of the intersection of U.S. Highway 101 and Dick's Fork Road.	#1
			Area from 800 feet North of the intersection of U.S. Highway 101 and Dick's Fork Road along U.S. Highway 101 to 1,150 feet North of the intersection of U.S. Highway 101 and Center Street.	#1
		Pacific Ocean at Wakonda Beach	Area 1,000 to 1,600 feet North of Center Street; West of U.S. Highway 101.	*28
			Area 1,600 to 2,100 feet North of Center Steet; West of U.S. Highway 101.	*21
			Area 2,100 to 2,800 feet North of Center Street; West of U.S. Highway 101.	*23
			Area 2,800 to 5,450 feet North of Center Street; West of U.S. Highway 101.	*30
			Area 5,450 to 9,500 feet North of Center Steet; West U.S. Highway 101.	*28
			Area 9,500 feet North of Center Street to 1,700 feet North of Seabrook Road; West of U.S. Highway 101.	*29
			Area 1,700 feet North of Seabrook Road to 2,500 feet North of East end of Seabrook Road; West of U.S. Highway 101.	*32
			Area 2,500 to 4,000 feet North of Seabrook Road; West of U.S. Highway 101.	*20
			Area 1,000 to 9,400 feet North of the intersection of U.S. Highway 101 and Center Street along and West of U.S. Highway 101.	#1
			Area 500 to 2,800 feet North of Seabrook Road; along and West of U.S. Highway 101.	#1
		Pacific Ocean at Waldport	Area along Southern edge of Pacific Way extending South and along Alsea Bay Drive and along Eastern City of Waldport corporate limits to a point 5,300 feet South of Pacific Way.	*11
			Area 2,300 to 3,800 feet South of the intersection of Pacific Way and Oceania Drive.	*25
			Area 2,300 feet South of intersection of Pacific Way and Oceania Drive, North to this intersection.	*28
			Area West of intersection of Pacific Way and Oceania Drive extending North for 400 feet.	*29
			Area 2,300 to 3,400 feet North of Pacific Way	*31
			Area 3,400 to 5,400 feet North of Pacific Way	*28
			Area 5,400 to 6,500 feet North of Pacific Way	*27
			Area 6,500 to 7,500 feet North of Pacific Way	*31
			Area 2,300 feet South of Pacific Way on Oceania Drive and extending West of Oceania Drive to an area 4,200 feet South of Pacific Way.	#1
			Small areas on Oceania Drive 1,800 and 600 feet South of Pacific Way	#1
			Area on South edge of Pacific Way to 6,700 feet North of Pacific Way.	#1

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	Depth in feet above ground. *Elevation in feet (NGVD)
		Pacific Ocean at Holly Beach	Area 7,500 to 10,200 feet North of Pacific Way; West of U.S. Highway 101.	*29
			Area 10,200 to 15,800 feet North of Pacific Way; West of U.S. Highway 101.	*28
			Area 15,800 to 18,200 feet North of Pacific Way; West of Highway 101.	*29
			2 small areas 9,500 feet North of Pacific Way	#1
			Area 200 feet upstream of confluence of Fox Creek	#1
			Area 300 feet Northeast of confluence of Fox Creek	#1
			Small area 300 feet upstream of confluence of Collins Creek	#1
		Pacific Ocean at Holiday Beach	Area 300 to 3,000 feet North of intersection of U.S. Highway 101 and B Street; West of U.S. Highway 101.	*36
			Area 3,000 to 4,100 feet North of intersection of U.S. Highway 101 and B Street; West of U.S. Highway 101.	*30
			Area 4,100 to 6,250 feet North of intersection of U.S. Highway 101	*37
			Area 6,250 to 6,700 feet North of intersection of U.S. Highway 101 and B Street; West of U.S. Highway 101.	*30
			Area 6,700 to 9,200 feet North of intersection of U.S. Highway 101 and B Street; West of U.S. Highway 101.	*40
			Area 600 to 1,700 feet North of intersection of B Street and U.S. Highway 101 and West of U.S. Highway 101.	#1
			Area 2,800 feet North of intersection of U.S. Highway 101 and B Street on U.S. Highway 101.	#1
		Pacific Ocean at Holiday Beach	Two small areas West of U.S. Highway 101—3,900 and 4,600 feet North of intersection of B Street and U.S. Highway 101.	#1
			Area on Moore Creek North of Thiel Creek Road West of U.S. Highway 101.	#1
		Pacific Ocean at South Beach	Area at confluence of Grant Creek	*31
			Area 100 to 1,900 feet North of Grant Creek confluence	*40
			Area 1,900 to 2,450 feet North Grant Creek confluence	*31
			Area 2,450 to 3,900 feet North of Grant Creek confluence	*30
			Area 3,900 to 5,300 feet North of Grant Creek confluence	*19
			Area 5,300 to 6,500 feet North of Grant Creek confluence	*31
			Area on Grant Creek North of Marine View Drive; West of U.S. Highway 101.	#1
			Area 700 to 2,800 feet North of Henderson Creek and West of U.S. Highway 101.	#1
		Pacific Ocean at Newport	Area 3,400 to 3,800 feet South of City of Newport Northern corporate limits.	*34
		Pacific Ocean at Gleneden Beach	Area 550 to 2,250 feet South of Raymond Street and West of U.S. Highway 101.	*30
			Area 100 to 550 feet South of Raymond Street and West of U.S. Highway 101.	*26
			Area 4,000 feet North to 100 feet South of Raymond Street and West of U.S. Highway 101.	*29
			Area 4,000 to 6,100 feet North of Raymond Street and West of U.S. Highway 101.	*31
			Area 250 feet South of Raymond Street and West of U.S. Highway 101.	#1
			Areas 300, 850, 1,400, 2,000, and 3,200 feet North of Raymond Street.	#1
		Pacific Ocean at Siletz Spit	Area 6,100 to 6,300 feet North of Raymond Street and West of Salishan Drive.	*26
			Area 6,300 to 7,100 feet North of Raymond Street and West of Salishan Drive.	*30
			Area 7,100 to 7,900 feet North of Raymond Street and West of Salishan Drive.	*33
			Area 7,900 to 8,400 feet North of Raymond Street and West of Salishan Drive.	*30
			Area 8,400 to 9,900 feet North of Raymond Street and West of Salishan Drive.	*31
			Area 9,900 to 12,000 feet North of Raymond Street and West of Salishan Drive.	*30
			Area 12,000 to 14,100 feet North of Raymond Street and West of Salishan Drive.	*31
			Area 16,600 to 14,100 feet North of Raymond Street and West of Salishan Drive.	*29
			Area 19,700 to 16,600 feet North of Raymond Street West and South of Lincoln City corporate limits.	*30
			Areas 7,300 and 8,000 feet North of Raymond Street, West and on Salishan Drive.	#1
			Area along Salishan Drive	#1
		Pacific Ocean at Roads End	Area from Lincoln City corporate limits to 1,500 feet North of corporate limits.	*34
			Area 1,500 feet North of Lincoln City corporate limits to 2,400 feet North of corporate limits.	*36
			Area 2,400 feet North of Lincoln City corporate limits to 3,800 feet North of corporate limits.	*34
			Area 3,800 feet North of Lincoln City corporate limits to 7,400 feet North of corporate limits.	*38
		Pacific Ocean at Roads End	Area along Logan Road from 400 feet North of the intersection of 61St Street and Logan Road to 74th Street.	#1
		Devils Lake	At East Devils Lake Road crossing Devils Lake	*14
		Salmon River	Old Coast Highway Bridge—at centerline	*19
			Fish Hatchery—250 feet upstream from centerline	*26
			Confluence with Willis Creek	*27
			750 feet upstream of confluence with Curl Creek	*35

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	Depth in feet above ground. *Elevation in feet (NGVD)
			350 feet upstream of confluence with Panther Creek	*50
			100 feet upstream of confluence with Bear Creek	*80
			50 feet upstream of North Bank Road Bridge	*130
			50 feet upstream of Private Bridge	*150
			75 feet upstream of Salmon River Highway Bridge	*182
			550 feet upstream of Hideaway Road Bridge	*205
			300 feet upstream of confluence with Alder Brook	*218
			250 feet upstream of confluence with Treat River	*230
			Treat River Road Bridge—at centerline	*233
			Van Duzer State Park—at upstream limit of Detailed Study	*306 306
		Schooner Creek	Lincoln City Eastern corporate limits—3,060 feet above Mouth	*10
			First Private Bridge upstream from Mouth—430 feet upstream of centerline.	*20
			Siletz Bay-Schooner Creek Road Bridge—100 feet upstream of centerline.	*37
			Second Private Bridge upstream from Mouth—60 feet upstream of centerline.	*59
			Third Private Bridge upstream from Mouth—120 feet upstream of centerline.	*84
			Fourth Private Bridge upstream from Mouth—at centerline	*102
			Fourth Private Bridge upstream from Mouth—960 feet upstream of centerline.	*109
		Drift Creek	U.S. Highway 101—at centerline	*10
			250 feet upstream of Siletz Bay-Schooner Creek Road Bridge	*18
		Siletz River (Siletz Bay)	Area South of Lincoln City corporate limits, East of Salishan Drive	*10
			Area Southeast of Lincoln City corporate limits and West of U.S. Highway 101.	*12
			Area from 2,700 to 4,000 feet Northeast of the intersection of U.S. Highway 101 and Immonen Road, along U.S. Highway 101.	*11
Siletz River (Siletz Bay)			Area along Southeastern corner of Lincoln City corporate limits and U.S. Highway 101.	*11
		Siletz River	U.S. Highway 101 (Siletz River Bridge)—2,000 feet upstream of centerline.	*10
			500 feet upstream of confluence with Anderson Creek	*21
			700 feet upstream of confluence with Skunk Creek	*23
			19,800 feet upstream of confluence with Skunk Creek	*27
			900 feet upstream of confluence with Cedar Creek	*52
			250 feet upstream of confluence with Hough Creek	*55
			600 feet upstream of confluence with Tangerman Creek	*93
			200 feet upstream of City of Siletz most downstream corporate limits	*94
			Siletz Highway Bridge 3,400 feet upstream of centerline	*101
			400 feet upstream of confluence with Dewey Creek	*113
			Gaither Street Bridge 1,600 feet upstream of centerline	*122
			400 feet upstream of most upstream City of Siletz corporate limits	*124
			1,900 feet upstream of confluence with Baker Creek	*148
		Siletz River	Sam Creek Road; 1,100 feet upstream of centerline	*155
			400 feet upstream of confluence with Rock Creek	*178
			Orton Bridge—600 feet upstream of centerline	*185
			600 feet upstream of confluence with Mill Creek	*188
		Yaquina River	1,500 feet upstream of Coquille Point	*10
			2,000 feet upstream of confluence with Pooles Slough	*11
			Confluence with Nute Slough	*12
			2,000 feet upstream of City of Toledo most downstream corporate limits.	*13
			2,600 feet upstream of confluence with Elk Creek	*20
			Bear Creek Road Bridge—700 feet upstream of centerline	*91
			At confluence with Little Creek	*93
			Southern Pacific Railroad Bridge: 500 feet upstream	*103
		Depot Creek (Backwater from Yaquina River).	Depot Creek Tidegate	*13
			Along Oregon State Highway 229	*13
		Olalla Creek	First Private Road upstream of intersection of Corvallis-Newport Highway and Toledo Frontage Road—575 feet upstream of centerline.	*15
			Second Private Road upstream of intersection of Corvallis-Newport Highway and Toledo Frontage Road—at centerline.	*20
			Fourth Private road upstream of intersection of Corvallis-Newport Highway and Toledo Frontage Road—75 feet upstream of centerline.	*26
			Sixth Private Road upstream of intersection of Corvallis-Newport Highway and Toledo Frontage Road—at centerline.	*32
			Ninth Private Road upstream of intersection of Corvallis-Newport Highway and Toledo Frontage Road—at centerline.	*48
			Tenth Private Road upstream of intersection of Corvallis-Newport Highway and Toledo Frontage Road—925 feet upstream of centerline.	*55
		West Olalla Creek	Corvallis-Newport Highway—200 feet upstream of centerline	*15
			First Private Road upstream from Mouth—1,500 feet upstream of centerline.	*19
			Second Private Road upstream from Mouth—at centerline	*31
			Second Private road upstream from Mouth—1,500 feet upstream of centerline.	*41
		Alsea River (Alsea Bay)	Area at Northern City of Waldport corporate limits and South of Bayview Road.	*10
			4,000 feet upstream of confluence with Little Darkey Creek	*11
			Alsea Highway Bridge (Route 34)—at centerline	*13
			Confluence with Squaw Creek	*20
			Confluence with Barclay Creek	*36
			Private Bridge—at centerline	*45
			Confluence with Scott Creek	*55
			Thissel Road Bridge—400 feet upstream of centerline	*78

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	Depth in feet above ground. *Elevation in feet (NGVD)
			Confluence with Grass Creek	*82
			200 feet upstream of Five Rivers Road Bridge	*105
			Confluence with Butler Creek	*129
			Confluence with Wolf Creek	*141
			Confluence with Minoti Creek	*143
			250 feet upstream of confluence with Cow Creek	*147
			Confluence with Fall Creek	*163
			5,800 feet upstream of confluence with Fall Creek	*170
		Yachats River	U.S. Highway Bridge 101—at centerline	*9
			300 feet upstream of confluence with Barkley Creek	*14
			500 feet upstream of confluence with Salmon Creek	*15
			5,000 feet upstream of confluence with Salmon Creek	*20
		Big Creek	80 feet upstream of the most downstream City of Newport corporate limits.	*24
			At most upstream City of Newport corporate limits	*26
Maps available at: Lincoln County Courthouse, 225 West Olive Street, Newport, Oregon.				
Send comments to: Mr. Albert Strand, Chairman, Board of Commissioners, Lincoln County, Lincoln County Courthouse, 225 West Olive Street, Room 201, Newport, Oregon 927365.				
Oregon	Sheridan (City) Yamhill County	South Yamhill River	Downstream corporate limits—50 feet upstream	*188
			Bridge Street Bridge—10 feet upstream from centerline	*193
			Upstream corporate limits—35 feet downstream	*196
Maps are available at: City Hall, 139 Northwest Yamhill, Sheridan, Oregon.				
Send comments to: Honorable Ralph Matlack, Mayor, City of Sheridan, City Hall, 139 Northwest Yamhill, Sheridan 97378.				
South Dakota	Madison (City) Lake County	Park Creek	Garfield Avenue South—at centerline	*1,663
			First Street Northeast—20 feet upstream from centerline	*1,668
			Fifth Street Northwest—40 feet upstream from centerline	*1,679
		Park Creek Tributary	Union Avenue North—at centerline	*1,681
			Olive Avenue North—40 feet upstream from centerline	*1,687
		Silver Creek	Washington Avenue South—20 feet upstream from centerline	*1,662
			Union Avenue South—at centerline	*1667
Maps available at City Hall, 116 West Center, Madison, South Dakota.				
Send comments to: Honorable Robert O. Olson, Mayor, City of Madison, 116 West Center, Madison, South Dakota 57042.				
South Dakota	Pennington County Unincorporated Areas.	Box Elder Creek (at Blackhawk)	Chicago and North Western Railway	
			20 feet upstream from centerline	*3447
			State Highway 79—20 feet upstream from centerline	*3461
		Spring Creek (in Hill City)	Most downstream Hill City corporate limits	*4949
		Spring Creek (at Hill City)	Poplar Street—at centerline	*4995
			Burlington Northern Railroad—40 feet upstream from centerline	*5010
		Rapid Creek (East of Rapid City)	County Road 255—at centerline	*2969
			County Road 236—800 feet upstream from centerline	*2985
			County Road 212—50 feet upstream from centerline	*3005
			County Road 210—at centerline	*3025
			County Road 209—at centerline	*3059
			Jolly Lane (County Road 274—East 39th Street) at centerline	*3094
			Valley Drive—200 feet upstream from centerline	*3120
			Rapid City corporate limits—100 feet downstream from centerline	*3140
			Area surrounding intersection of Valley Drive and East St. Patrick Street.	#1
		Rapid Creek (East of Rapid City) Overflow.	Most downstream flooding	*3062
			Most upstream flooding—at overflow from Rapid Creek	*3098
		Unnamed Tributary	Jolly Lane (County Road 274—East 39th Street)—at centerline	*3097
			Chicago, Milwaukee, St. Paul, and Pacific Railroad—5 feet upstream from centerline.	*3108
			East 53rd Street—20 feet upstream from centerline	*3129
			Twilight Drive—30 feet upstream from centerline	*3138
			Interstate Highway 90 Access Road—75 feet upstream from centerline.	*3159
		Rapid Creek (In Rapid City)	Downstream limit of flooding affecting Pennington County	*3407
			Upstream limit of flooding affecting Pennington County	*3450
		Rapid Creek (In Dark Canyon)	Dark Canyon Road (County Road 2334), most downstream crossing—50 feet upstream from centerline.	*3457
			Dark Canyon Road, next upstream crossing—10 feet upstream from centerline.	*3477
			Dark Canyon Road—next upstream crossing—at centerline	*3502
			Dark Canyon Road, next upstream crossing—at centerline	*3525
			Dark Canyon Approach Road—at centerline	*3579
		Rapid Creek (Hisega to Pactola)	Private Access Road—at centerline	*3995
			Hisega Road, most upstream crossing—at centerline	*4040
			Thunderhead Falls Road, most upstream crossing—at centerline	*4171
			Private Access Road—at centerline	*4182
			Siphon Hill Road (County Road 2326), most downstream crossing—30 feet upstream from centerline.	*4214
			Norris Peak Road (County Road 2327)—at centerline	*4280
			State Highway 44—most upstream crossing—at centerline	*4290
			Siphon Hill Road (County Road 2326), most upstream crossing—50 feet upstream from centerline.	*4307
			Footbridge—at centerline	*4318
		Deer Creek	Confluence with Rapid Creek	*4313
			Road approximately 625 feet upstream of confluence with Rapid Creek—at centerline.	*4322
			Upstream Limit of Detailed Study, 25 feet upstream from Unnamed Road—at centerline.	*4368
		Cleghorn Canyon	Harris Approach Road—at centerline	*3419
			Cleghorn Canyon Road (County Road 247), most downstream cross-	*3456

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	Depth in feet above ground. *Elevation in feet (NGVD)
			Cleghorn Canyon Road (County Road 247), next upstream crossing—15 feet upstream from centerline.	*3502
			Cleghorn Canyon Road (County Road 247), most upstream crossing—5 feet upstream from centerline.	*3531
		Red Rock Canyon	Rapid City corporate limits—at centerline	*3422
Maps available at: Pennington County Courthouse, St. Joseph Street, Pennington, South Dakota.				
Send comments to: Mr. Warner Hickey, Chairman, Board of Commissioners, Pennington County, Pennington County Courthouse, Rapid City, South Dakota 57701.				
South Dakota	Valley Spring (City) Minnehaha County.	Beaver Creek	Valley Drive—200 feet upstream from centerline	*1361
			U.S. Highway 16—50 feet upstream from centerline	*1366
Maps available at: City Hall, Broadway Street, Valley Spring, South Dakota.				
Send comments to: Honorable Tom Long, Mayor, City of Valley Spring, City Hall, P.O. Box 118, Valley Spring, South Dakota 57068, Attn: Betty Mattlie, Municipal Finance Officer.				
Washington	Lacey (City) Thurston County	Woodland Creek	Draham Street northeast—50 feet upstream from centerline	*88
			Private Road—200 feet upstream from centerline	*85
		Chambers Lake	Areas adjacent to shoreline	*196
		Hicks Lake	Areas adjacent to shoreline	*157
		Long Lake	Areas adjacent to shoreline	*153
Maps available at: City Hall, 420 College Way, Southeast, Lacey, Washington.				
Send comments to: Honorable Caren Fraser, Mayor, City of Lacey, City Hall, P.O. Drawer B, Lacey, Washington 98503.				
Washington	Port Angeles (City) Clallam County.	Ennis Creek	Chicago, Milwaukee, St. Paul, and Pacific Railroad Bridge—140 feet upstream from centerline.	*12
			Confluence with White Creek	*26
			Corporate Limits	*52
		White Creek	Confluence with Ennis Creek	*26
			First Street Culvert—175 feet upstream from centerline	*95
			Power Line Road—at centerline	*320
		Peabody Creek	Peabody Street Culvert—140 feet upstream from centerline	*51
			Fifth Street Culvert—185 feet upstream from centerline	*76
			Eighth Street Culvert—220 feet upstream from centerline	*130
			Lauridsen Boulevard—40 feet upstream from centerline	*168
			Park Avenue Culvert—125 feet upstream from centerline	*216
		Valley Creek	Eighth Street—30 feet upstream from centerline	*47
			U.S. Highway 101—100 feet upstream from centerline	*127
		Turnwater Creek	Marine Drive—at centerline	*14
			Upstream Corporate Limits	*129
		Dry Creek	Corporate Limits (First crossing)—25 feet upstream from centerline	*200
			Corporate Limits (second crossing)	*258
		Pacific Ocean	1,500 feet North of the intersection of 18th Street with McDonald Street.	*11
			At the intersection of Marine Drive with K Street	*11
		Pacific Ocean	At the intersection of Lincoln Street with Railroad Avenue	*11
			1,000 feet North of the intersection of 4th Street with M Street	*12
			500 feet Northwest of the Marine Drive Bridge over the lagoon	*13
			500 feet North of the Marine Drive Bridge over the lagoon	*14
			1,700 feet Northeast along Chicago, Milwaukee, St. Paul, and Pacific Railroad from its crossing the lagoon.	*15
Maps available at: City Hall, 140 West Front Street, Port Angeles, Washington.				
Send comments to: Honorable Sam Haguewood, Mayor, City of Port Angeles, City Hall, P.O. Box 711, Port Angeles, Washington 98362.				
Washington	Spokane (City) Spokane County	Spokane River	Fort George Wright Road—at centerline	*1687
			Maple Street—at centerline	*1734
			Division Street—at centerline	*1872
			Spokane Dam (Upriver Dam)—300 feet downstream from centerline	*1890
			Spokane Dam (Upriver Dam)—200 feet upstream from centerline	*1911
		Hangman Creek	Sunset Boulevard—at centerline	*1739
			U.S. Highway 195 (Inland Empire Way)—150 feet upstream from centerline.	*1761
			Confluence with Marshall Creek	*1798
Maps available at: City Hall, West 711 Spokane Falls Boulevard, Spokane, Washington.				
Send comments to: Honorable Ron Bair, Mayor, City of Spokane, City Hall, West 711 Spokane Falls Boulevard, Spokane, Washington 99201.				
Washington	Turnwater (City) Thurston County	Deschutes River	Olympia Brewery Dam—20 feet upstream from centerline	*93
			E Street bridge—at centerline	*97
			Downstream corporate limits—200 feet upstream	*102
		Outlet of Black Lake	Confluence with Percival Creek	*85
			Burlington Northern Railroad—120 feet upstream from centerline	*115
		Capitol Lake	Grant Street—at centerline	*11
		Trosper Lake	Along shoreline	*158
Maps available at: City Hall, Second and Bates Streets, Turnwater, Washington.				
Send comments to: Honorable Wes Barclift, Mayor, City of Turnwater, City Hall, Second and Bates Streets, Turnwater, Washington 98502.				

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

Issued: September 18, 1979.

Gloria M. Jiminez,

Federal Insurance Administrator.

FR Doc. 79-30117 Filed 10-2-79; 8:45 am]

BILLING CODE 6718-03-M

Notices

Federal Register
Vol. 44, No. 193
Wednesday, October 3, 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.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Committee on Ratemaking and Economic Regulation; Remedial Order Procedures of the Department of Energy; Tentative Recommendations

AGENCY: Administrative Conference of the United States, Committee on Ratemaking and Economic Regulation.

ACTION: Request for comments.

SUMMARY: The Administrative Conference Committee on Ratemaking and Economic Regulation has reached agreement in principle on tentative recommendations relating to remedial order procedures of the Department of Energy. The tentative recommendations would propose that the Department of Energy Organization Act be amended so as to (1) abolish review by the Federal Energy Regulatory Commission of remedial orders issued by the Office of Hearings and Appeals, (2) establish by statute a set of procedures to be followed by the Office of Hearings and Appeals in deciding remedial orders cases, and (3) abolish district court review of final remedial orders and provide for judicial review directly in the Temporary Emergency Court of Appeals. The Committee will meet October 24, 1979, to consider comments on its tentative recommendations and to decide on final recommendations to be proposed to the Assembly of the Administrative Conference in Plenary Session on December 13–14, 1979.

DATE: Comments are due October 22, 1979.

ADDRESS: Address comments to William C. Bush, Administrative Conference of the United States, 2120 L Street NW, Suite 500, Washington, DC 20037.

All comments received will be available for public inspection at the above address from 9:00 a.m. to 5:30 p.m., Monday through Friday, excluding holidays.

FOR FURTHER INFORMATION CONTACT: William C. Bush, (202) 254–7065. Administrative Conference of the United States, 2120 L Street NW, Suite 500, Washington, DC 20037.

DOCUMENT AVAILABLE: The Administrative Conference has not received the consultant's final report on this project. However, copies of the consultant's initial draft report are available on request to the contact person noted above. Ask for: Aman, "Institutionalizing the Energy Crisis: Some Structural and Procedural Lessons" (draft of July 18, 1979).

SUPPLEMENTARY INFORMATION: On September 19, 1979, the Administrative Conference Committee on Ratemaking and Economic Regulation met to consider a draft report and proposed recommendations, submitted by Conference consultant Professor Alfred C. Aman of Cornell Law School, on remedial order procedures of the Department of Energy.

The Committee agreed with the consultant that both the administrative and the judicial procedures for handling remedial orders include unnecessary duplication of decision making actions. The Committee agreed in principle on tentative recommendations proposing that review of remedial orders by the Federal Energy Regulatory Commission and by district courts be abolished. The Committee also agreed that the procedural standards for handling remedial orders by the Office of Hearings and Appeals should be specified by statute, and that these standards should be similar to the present requirements of section 503 of the Department of Energy Organization Act.

TENTATIVE RECOMMENDATIONS:

1. *Agency for administrative review.* Review by the Federal Energy Regulatory Commission of remedial orders issued by the Secretary under section 503 of the Department of Energy Organization Act is unnecessarily duplicative of the present procedures of the Office of Hearings and Appeals, and should be abolished. Congress should amend section 503 to provide that final administrative review of the Secretary's remedial orders occur in the Office of Hearings and Appeals. In order to assure the separation of prosecutorial and judicial functions within the Department regarding remedial order actions, Congress should amend the Department of Energy Organization Act so as to guarantee the continuation, in enforcement proceedings, of the present organizational independence of the Office of Hearings and Appeals.

2. *Administrative procedures.* Although remedial order cases need not be fully subject to the adjudicatory provisions of the Administrative Procedures Act, Congress should, by statute, specify minimum procedural standards to be used by the Office of Hearings and Appeals. In particular, the procedures applicable at present to the Federal Energy Regulatory Commission under section 503(c) of the Department of Energy Organization Act should be made applicable to the Office of Hearings and Appeals.

3. *Judicial review.* At present, final remedial orders of the Department of Energy are appealable to the United States district courts and, following district court review, to the Temporary Emergency Court of Appeals. Appellate review of administrative action by the district courts is inappropriate in any case, is unnecessarily duplicative of review by the Temporary Emergency Court of Appeals, and results in prolonged delays in arriving at authoritative judicial determinations of legal issues arising in connection with remedial order cases. Congress should amend the Department of Energy Organization Act to provide that final remedial orders of the Office of Hearings and Appeals be appealable directly to the Temporary Emergency Court of Appeals (and thereafter by writ of certiorari to the Supreme Court).

RELATED ISSUES FOR COMMENT:

Although the Committee has tentatively agreed to limit its recommendations to the above proposals, the Committee invites additional comments addressing the following related issues.

1. Should the presiding officer in a remedial order proceeding at the Department of Energy be an administrative law judge? If so, and if review by the Federal Energy Regulatory Commission be abolished, what should be the form of final agency action on a remedial order? For example, should the administrative law judge's decision be reviewable by the Office of Hearing and Appeals, by the Economic Regulatory Administration, by the Secretary of Energy, or by some other entity?

2. Should remedial order proceedings be subject to the full adjudicatory procedural requirements of the Administrative Procedure Act, rather than to the somewhat different requirements of the Department of Energy Organization Act (as incorporated in tentative recommendation No. 2 above)?

3. Should judicial review of remedial orders take place in the circuit courts of appeals, rather than in the Temporary Emergency Court of Appeals? If so, what should be the rules of venue?

4. Should judicial review of final remedial orders (whether in the Temporary Emergency Court of Appeals or in the circuit courts of appeals) be subject to the provisions of section 706(2) of the Administrative Procedure Act, rather than to the more limited provisions of section 211(d)(1) of the Economic Stabilization Act of 1970?

5. Under section 504 of the Department of Energy Organization Act, decisions of the Secretary (at present, delegated to the Office of Hearings and Appeals) denying requests for adjustments are appealable to the Federal Energy Regulatory Commission and then to federal district courts and then to the Temporary Emergency Court of Appeals. Are these multiple layers of review either unnecessary to achieve decisional fairness, or unnecessarily burdensome to applicants for adjustments, so that section 504 should be amended to provide that adjustment decisions of the Office of Hearings and Appeals constitute final agency actions which are directly appealable to the Temporary Emergency Court of Appeals (or to a circuit court of appeals)? If so, what additional procedural requirements should be specified by statute so as to assure the fair and efficient of handling requests for adjustments by the Office of Hearings and Appeals and the courts? (Recommendations related to the policy-making aspects of the adjustments program will be considered by the Committee at a later time as part of an on-going project to study Department of Energy procedures. However, since the adjustments and remedial orders programs are subject to very similar basic procedures for agency action and judicial review, the Committee may wish at this time to propose recommendations in this area.)

Richard K. Berg,

Executive Secretary.

September 28, 1979.

[FR Doc. 79-30676 Filed 10-2-79; 8:45 am]

BILLING CODE 6110-01-M

DEPARTMENT OF AGRICULTURE

Forest Service

Caribou National Forest Grazing Advisory Board Committee; Meeting

The Caribou National Forest Grazing Advisory Board Committee will meet at *9:00 a.m., November 5, 1979,* in the *Conference Room of the Trail Cafe at Soda Springs, Idaho.*

The purpose of this meeting is to secure recommendations for use of the range betterment funds and grazing allotment plans.

The meeting will be open to the public. Persons who wish to attend should notify Frank G. Beitia, Caribou Supervisor's Office, telephone 208-236-6705. Written statements will be filed with the Board before or after the meeting.

The Board has established the following rule for public participation: Non-livestock owners are asked to withhold comments until the close of business.

Dated: September 25, 1979.

Frank G. Beitia,

Acting Forest Supervisor.

[FR Doc. 79-30538 Filed 10-2-79; 8:45 am]

BILLING CODE 3410-11-M

Soil Conservation Service

Eighteen Mile Creek Watershed, S.C.; Deauthorization of Federal Funding

Pursuant to the Watershed Protection and Flood Prevention Act, Pub. L. 83-566, and the Soil Conservation Service Guidelines (7 CFR Part 622), the Soil Conservation Service gives notice of the deauthorization of Federal funding for the Eighteen Mile Creek Watershed project, Pickens and Anderson Counties, South Carolina, effective on September 17, 1979.

Dated: September 26, 1979.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program, Pub. L. 83-566 (16 U.S.C. 1001-1008))

Joseph W. Haas,

Assistant Administrator for Water Resources, Soil Conservation Service.

[FR Doc. 79-30539 Filed 10-2-79; 8:45 am]

BILLING CODE 3410-16-M

Riverside-Black Bayou Watershed, Miss.; Intent To Prepare an Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is being prepared for the Riverside-Black Bayou Watershed, Washington and Bolivar Counties, Mississippi.

The environmental assessment of this federally-assisted action indicates that the project may cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Chester F. Bellard, State Conservationist, has determined that the preparation and review of an environmental impact statement is needed for this project.

The project concerns a plan for flood prevention, drainage, and reducing erosion and sedimentation. The planned works of improvement include land treatment and 247 miles of channel improvement with appurtenant grade stabilization structures for agricultural water management.

A draft environmental impact statement will be prepared and circulated for review by agencies and the public. The Soil Conservation Service invites participation of agencies and individuals with expertise or interest in the preparation of the draft environmental impact statement. The draft environmental impact statement will be developed by Mr. Chester F. Bellard, State Conservationist, Soil Conservation Service, Suite 1321, Federal Building, 100 West Capitol Street, Jackson, Mississippi 39205, telephone number (601) 960-5179.

Dated: September 26, 1979.

(Catalog of Federal Domestic Assistance Program No. 10.904, Flood Control Act, Pub. L. 78-534, 58 Stat. 905)

Joseph W. Haas,

Assistant Administrator for Water Resources Soil Conservation Service.

[FR Doc. 79-30541 Filed 10-2-79; 8:45 am]

BILLING CODE 3410-16-M

Wilson Creek Watershed, S.C.; Deauthorization of Federal Funding

Pursuant to the Watershed Protection and Flood Prevention Act, Pub. L. 83-566, and the Soil Conservation Service Guidelines (7 CFR Part 622), the Soil Conservation Service gives notice of the deauthorization of Federal funding for the Wilson Creek Watershed project, Greenwood County, South Carolina, effective on September 17, 1979.

Dated: September 26, 1979.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection

and Flood Prevention Program, Pub. L. 83–566, (16 U.S.C. 1001–1008)]

Joseph W. Haas,

Assistant Administrator for Water Resources, Soil Conservation Service.

[FR Doc. 79-30540 Filed 10-2-79; 8:45 am]

BILLING CODE 3410-16-M

Science and Education Administration

Notice To Establish Eligibility for Funding for Animal Health and Disease Research

In anticipation of receiving funds in Fiscal Year 1980 under the provisions of sections 1429–1439 of Pub. L. 95–113 (7 U.S.C. 3191–3201) relating to Animal Health and Disease Research, the Science and Education Administration announces that it will accept statements of eligibility for these funds.

Section 1433 of Pub. L. 95–113 authorizes funds to be distributed among the States on a formula basis for the support of animal health and disease research programs conducted by eligible institutions in the States. Section 1434 authorizes funds to be allocated to eligible institutions on a discretionary basis to support research on specific national or regional animal health or disease problems. It is anticipated that for Fiscal Year 1980 5.76 million dollars will be distributed under section 1433. No funds will be distributed under section 1434.

Any college or university having an accredited college of veterinary medicine or a department of veterinary science or animal pathology, or a similar unit conducting animal health and disease research in a State agricultural experiment station is eligible for funding, provided the institution has a demonstrable capacity for conducting animal health and disease reseach.

The capacity to conduct animal health and disease research will be determined on the basis of the following criteria:

1. One or more faculty of professorial rank currently conducting food animal health and disease research.

2. Ongoing programs in livestock, poultry, or other food animal health and disease research. Such programs should involve studies on infectious, noninfectious, parasitic, and chemical factors that reduce the efficiency of production or endanger the suitability for human food of livestock, poultry, and other food animals or their products.

Colleges of Veterinary Medicine, State agricultural experiment stations, and other institutions that established eligibility in Fiscal Year 1979 are not required to submit new statements of eligibility in response to this Notice. Such institutions will be notified individually and requested to certify their continued eligibility status.

Other institutions desiring to establish eligibility under section 1433 for Fiscal Year 1980 must submit a statement of eligibility to the Director of Science and Education, U.S. Department of Agriculture, Washington, D.C., on or before November 2, 1979. Statements must include evidence of the institution's capacity to perform animal health and disease research. Such evidence should address the above criteria and include, where available, a summary of each research project which was conducted by the institution on animal health and disease problems of food animals in Fiscal Year 1978.

The summaries should include the following information:

1. Project title
2. Research objectives
3. Research approach
4. Total expenditures on the project
5. Full-time equivalents of professional rank staff devoted to the project.

Questions regarding this program should be directed to: *Dr. Earl J. Splitter, Group Leader, Animal Sciences, SEA/CR, U.S. Department of Agriculture, Washington, D.C. 20250. Telephone Number: (202) 447–5007.*

Dated: September 28, 1979.

Ralph J. McCracker,

Associate Director, Science and Education.

[FR Doc. 79-30563 Filed 10-2-79; 8:45 am]

BILLING CODE 3410-22-M

CIVIL AERONAUTICS BOARD

[Docket No. 36719; 79-9-169]

Amarillo-Albuquerque Proceeding; Order To Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order to Show Cause (79–9–169) Amarillo-Albuquerque Subpart Q Proceeding, Docket 36719.

SUMMARY: The Board is proposing to award nonstop air route authority between Amarillo and Albuquerque to Texas International Airlines under the expedited procedures of Subpart Q of its Procedural Regulations. The application involves the removal of a certificate restriction in the market. The tentative findings and conclusions will become final if no objections are filed.

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

DATES: Objections: All interested persons having objections to the Board issuing an order making final the tentative findings and conclusions shall file, by October 29, 1979, a statement of objections together with a summary of the testimony, statistical data, and other material expected to be relied upon to support the stated objections. Such filings should be served upon all parties listed below.

ADDRESSES: Objections to the issuance of a final order should be filed in Docket 36719, which we have entitled the *Amarillo-Albuquerque Subpart Q Proceeding.* They should be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

In addition, copies of such filings should be served on Texas International Airlines; Air Midwest; American Airlines; Braniff Airways; Continental Air Lines; Delta Air Lines; Frontier Airlines; Hughes Airwest; National Airlines; Ozark Air Lines; Republic Airlines; Southwest Airlines; Trans World Airlines; USAir; Western Air Lines; Air Central; Aspen Airways; Crown Aviation; Permian Airways; Ross Aviation; Zia Airlines; the City of Amarillo; the City of Albuquerque; Texas Aeronautics Commission; New Mexico Aviation Department; Manager, Amarillo International Airport; and Manager, Albuquerque International Airport.

FOR FURTHER INFORMATION CONTACT: Anne W. Stockvis, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, (202) 673–5198.

SUPPLEMENTARY INFORMATION: The complete text of Order 79–9–169 is available from our Distribution Section, Room 516, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 79–9–169 to that address.

By the Civil Aeronautics Board: September 27, 1979.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 79-30585 Filed 10-2-79; 8:45 am]

BILLING CODE 6320-01-M

[Docket No. 36720; Order 79-9-180]

Chicago-Nashville Show Cause Proceeding; Order to Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order to Show Cause (Order 79–9–180) Chicago-Nashville Show Cause Proceeding, Docket 36720.

SUMMARY: The Board is proposing to grant the applications of Republic Airlines in Docket 36354 and USAir in Docket 36430 and that of any other applicant whose fitness can be established by officially noticeable data, as well as for authority to operate

nonstop air service in the Nashville-Chicago (O'Hare)/Chicago (Midway)/ Rockford markets.

DATES: All interested persons having objections to the Board issuing an order making final the tentative findings and conclusions shall file by November 1, 1979, a statement of objections together with a summary of testimony, statistical data, and other material expected to be relief upon to support the stated objections. Such filings shall be served upon all parties listed below.

ADDRESSES: Objections to issuance of a final order should be filed in the Dockets Section, Civil Aeronautics Board, Washington, D.C. 20428, in Docket 36720, which we have entitled the *Chicago-Nashville Show-Cause Proceeding.*

In addition, copies of such filings should be served on American Airlines, Braniff Airways, Delta Air Lines, Ozark Airlines, Piedmont Airlines, USAir, Republic Airlines, Air Kentucky, Tennessee Airways, the Mayor of Chicago, Illinois, the Mayor of Rockford, Illinois, the Managers of Chicago O'Hare Field, Chicago Midway Airport and Greater Rockford Airport, the Mayor of Nashville, Tennessee, the Metropolitan Nashville Airport Authority, the Illinois Division of Aeronautics and the Tennessee Department of Transportation.

FOR FURTHER INFORMATION CONTACT: Joseph Bolognesi, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428; (202) 673-5057.

SUPPLEMENTARY INFORMATION: The complete text of Order 79-9-180 is available from our Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 79-9-180 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 79-30584 Filed 10-2-79; 8:45 am]

BILLING CODE 6320-01-M

[Docket No. 36595)

Competitive Marketing of Air Transportation; Assignment of Proceeding

This proceeding is hereby assigned to Administrative Law Judge William H. Dapper. Future Communications should be addressed to Judge Dapper.

Dated at Washington, D.C, September 28, 1979.

Joseph J. Saunders,

Chief Administative Law Judge.

[FR Doc. 79-30582 Filed 10-2-79; 8:45 am]

BILLING CODE 6320-01-M

[Docket No. 36718; Order 79-9-167]

Los Angeles-San Diego/Kansas City Show Cause Proceeding

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order 79-9-167, Los Angeles-San Diego/Kansas City Show-Cause Proceeding, Docket 36718.

SUMMARY: The Board is proposing to grant Los Angeles-Kansas City and Los Angeles-San Diego authority to Braniff Airways and USAir (formerly Allegheny Airlines), Los Angeles-Kansas City authority to Western Air Lines and any of the authority in issue to any other fit, willing and able applicant whose fitness can be established by officially noticeable data. The complete text of this order is available as noted below.

DATES: Objections: All interested persons having objections to the Board issuing the proposed authority shall file, and serve upon all persons listed below, no later than October 31, 1979, a statement of objection, together with a summary of the testimony, statistical data, and other material expected to be relied upon to support the stated objections.

Additional Data: All existing and would-be applicants who have not filed (a) illustrative service proposals, (b) environmental evaluations, and (c) an estimate of fuel to be consumed in the first year are directed to do so no later than October 16, 1979.

ADDRESSES: Objections or Additional Data should be filed in Docket 36718, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

FOR FURTHER INFORMATION CONTACT: Mary Catherine Terry, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673-5384.

SUPPLEMENTARY INFORMATION: Objections should be served upon the following persons: Braniff Airways, USAir (formerly Allegheny Airlines), Western Air Lines, the Governors of California and Missouri, the Mayors of Los Angeles, Kansas City and San Diego, the Director of Aviation of the Kansas City International Airport, the Aviation Section of the Missouri Department of Transportation, the Aeronautics Subcommittee of the California Transportation Commission, the General Manager of the Los Angeles Department of Airports, the Airport Manager of the Port of San Diego, the Department of Transportation of the Federal Aviation Administration and the California Public Utilities Commission.

The complete text of Order 79-9-167 is available from our Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 79-9-167 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: September 27, 1979.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 79-30587 Filed 10-2-79; 8:45 am]

BILLING CODE 6320-01-M

[Docket No. 35283; Order 79-9-1847]

Range Lake Helicopters Ltd.; Order to Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order to Show Cause: ORDER 79-9-184, Ranger Lake Helicopters Limited, Docket 35283.

SUMMARY: The Board proposes to approve the following application: Applicant: Ranger Lake Helicopters Limited. Application date: April 9, 1979. Docket 35283. Authority sought: Foreign air carrier permit authorizing small aircraft charters between points in Canada and points in the United States.

OBJECTIONS: All interested persons having objections to the Board's tentative findings and conclusions that this authority should be granted, as described in the order cited above, shall, no later than October 23, 1979, file a statement of such objections with the Civil Aeronautics Board (20 copies) and mail copies to the applicant, the Department of Transportation, the Department of State, and the Ambassador of Canada in Washington, D.C. A statement of objections must cite the docket number and must include a summary of testimony, statistical data, or other such supporting evidence.

If no objections are filed, the Secretary of the Board will enter an order which will, subject to disapproval by the President, make final the Board's tentative findings and conclusions and issue the proposed permit or certificate.

ADDRESSES FOR OBJECTIONS:

Docket 35283, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

Richard Pearce, President, Ranger Lake Helicopters Limited, P.O. Box 995, Sault Saint Marie, Ontario, Canada P6A 5N5.

TO GET A COPY OF THE COMPLETE ORDER: Request it from the C.A.B. Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the Washington metropolitan area may send a postcard request.

FOR FURTHER INFORMATION CONTACT: Nancy L. Pitzer, Regulatory Affairs Division, Bureau of International Aviation, Civil Aeronautics Board—202-673-5104.

By the Civil Aeronautics Board: September 27, 1979.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 79-30583 Filed 10-2-79; 8:45 am]

BILLING CODE 6320-01-M

[Docket No. 36188; Order 79-9-168]

Trans World Airlines Proceeding

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order 79-9-168 *(Trans World Airlines Subpart Q Proceeding,* Docket 36188).

SUMMARY: The Board is issuing Order 79-9-168 to show cause why it should not make final the tentative findings with respect to TWA's application for Pittsburgh-Houston certificate authority filed under our expedited procedures (Subpart Q). Specifically, the Board tentatively finds that it is consistent with the public convenience and necessity to award TWA the authority it seeks. Furthermore, the tentative findings and conclusions will become final if no objections are filed. The complete text of this order is available as noted below.

DATES: Objections: All interested persons having objections to the Board issuing the proposed authority shall file and serve upon all persons listed below, no later than October 31, 1979, a statement of objections, together with a summary of testimony, statistical data, and other material expected to be relief upon to support the stated objections.

ADDRESSES: Objections should be filed in Docket 36188, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

FOR FURTHER INFORMATION CONTACT: Sherry Kinland, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428 (202)673-5333.

SUPPLEMENTARY INFORMATION: Objections should be served upon all persons listed in the service list of Docket 36188.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 79-30586 Filed 10-2-79; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

Bureau of the Census

Census Advisory Committee of the American Marketing Association; Public Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that the Census Advisory Committee of the American Marketing Association will convene on October 30, 1979, at 9:15 a.m. The Committee will meet in Room 2424, Federal Building 3 at the Bureau of the Census in Suitland, Maryland.

The Census Advisory Committee of the American Marketing Association was established in 1946 to advise the Director, Bureau of the Census, regarding the statistics that will help in marketing the Nation's products and services and on ways to make the statistics the most useful to users.

The Committee is composed of 15 members appointed by the President of the American Marketing Association.

The agenda for the meeting, which is scheduled to adjourn at 4:00 p.m., is: (1) Introductory remarks by the Director, Bureau of the Census, including staff changes and Bureau organization, major budget program developments, and other topics of current interest; (2) election of chairperson-elect; (3) status of adjustment of 1980 census count; (4) update on advertising and promotional efforts for the 1980 census; (5) mid-decade census; (6) redesign of the Current Population Survey; (7) Center for Human Factors Research; (8) Bureau's energy related surveys; (9) general discussion and Committee recommendations; and (10) plans and date for the next meeting.

The meeting will be open to the public and a brief period will be set aside for public comment and questions. Extensive questions or statements must be submitted in writing to the Committee Control Officer at least 3 days prior to the meeting.

Persons planning to attend and wishing additional information concerning this meeting or who wish to submit written statements may contact Mr. Tyler R. Sturdevant, Chief, Business Division, Bureau of the Census, Room 2633, Federal Building 3, Suitland, Maryland. (Mail Address: Washington, D.C. 20233]. Telephone (301) 763-7564.

Dated: September 28, 1979.

Vincent P. Barbara,

Director, Bureau of the Census.

[FR Doc. 79-30599 Filed 10-2-79; 8:45 am]

BILLING CODE 3510-07-M

COMMODITY FUTURES TRADING COMMISSION

Proposed Futures Contract; Notice of Availability

The Commodity Futures Trading Commission ("Commission") is making available and requesting public comment on an Italian Lira futures contract submitted by the Chicago Mercantile Exchange. Copies of this proposed contract will be available at the Commission's offices in Washington, New York, Chicago, Minneapolis, Kansas City and San Francisco. The Commission will also furnish copies upon request made to the Executive Secretariat.

Any person interested in expressing views on the terms and conditions of this proposed contract should send comments by November 2, 1979 to Ms. Jane Stuckey, Executive Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C., 20581. (202) 254-6314. Copies of all comments will be available for inspection at the Commission's Washington office.

Issued in Washington on September 27, 1979.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 79-30559 Filed 10-2-79; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF DEFENSE

Department of the Army

Privacy Act of 1974; Deletion/Addition of System Notices

AGENCY: Department of the Army.

ACTION: Notice of deletions/addition of system notices.

SUMMARY: The Army has consolidated information now contained in 8 system notices into a single comprehensive system notice to be added to the Army's inventory as A0708.02cDAPC, Officer Personnel Management Information System (OPMIS). The OPMIS system notice will result in deleting 8 system notices now describing segments of the total officer personnel management system. The intended effect of this action provides a service to Army officer personnel and facilitates internal

administration of the Privacy Act. Notices being deleted and the consolidated notice being added are printed below.

DATES: Effective October 3, 1979.

ADDRESS: Any comments, including written data, views or arguments concerning this action should be addressed to the System Manager identified in the added system notice.

FOR FURTHER INFORMATION CONTACT: Mr. Cyrus H. Fraker, The Adjutant General Center (DAAG-AMR-R), Department of the Army, 1000 Independence Avenue, SW, Washington, DC 20314; telephone 202/693-0973.

SUPPLEMENTARY INFORMATION: Department of the Army systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a) have been published in the Federal Register as follows:

FR Doc. 77-28225 (43 FR 50396) September 28, 1977
FR Doc. 78-23953 (43 FR 38070) August 25, 1978
FR Doc. 78-22562 (43 FR 40272) September 11, 1978
FR Doc. 78-26732 (43 FR 42026) September 19, 1978
FR Doc. 78-25819 (43 FR 42374) September 20, 1978
FR Doc. 78-26699 (43 FR 43059) September 22, 1978
FR Doc. 78-26996 (43 FR 43539) September 26, 1978
FR Doc. 78-29130 (43 FR 47604) October 16, 1978
FR Doc. 78-29211 (43 FR 48894) October 19, 1978
FR Doc. 78-29982 (43 FR 49557) October 24, 1978
FR Doc. 78-31795 (43 FR 52512) November 13, 1978
FR Doc. 78-34586 (43 FR 58111) December 12, 1978
FR Doc. 78-35523 (43 FR 59869) December 22, 1978
FR Doc. 79-5788 (44 FR 11105) February 27, 1979
FR Doc. 79-6621 (44 FR 12231) March 6, 1979
FR Doc. 79-8787 (44 FR 17767) March 23, 1979
FR Doc. 79-11350 (44 FR 22140) April 13, 1979
FR Doc. 79-13252 (44 FR 24904) April 27, 1979
FR Doc. 79-15909 (44 FR 29700) May 22, 1979
FR Doc. 79-19958 (44 FR 37645) June 28, 1979
FR Doc. 79-21771 (44 FR 41277) July 16, 1979
FR Doc. 79-22112 (44 FR 41905) July 18, 1979
FR Doc. 79-23622 (44 FR 44920) July 31, 1979
FR Doc. 79-24309 (44 FR 46313) August 7, 1979

The system of records being added is not deemed to be within the purview of the provisions of 5 U.S.C. 552a(o) of the Privacy Act which requires submission of an altered system report pursuant to Office of Management and Budget guidance set forth in the Federal Register (40 FR 45877) on October 3, 1975.

Dated: September 26, 1979.

H. E. Lofdahl,

Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.

Deletions

A0225.11dDAPC

System name:

225.11 Officer Master File (OMF) (42 FR 50441), September 28, 1977.

Reason:

Information is incorporated in system notice A0708.02cDAPC, Officer Personnel Management Information System (OPMIS), appearing as an added system in this Federal Register.

A0703.10aDAPC

System name:

703.10 Officer Accession Suspense Information System (42 FR 50521), September 28, 1977.

Reason:

Information is incorporated in system notice A0708.02cDAPC, Officer Personnel Management Information System (OPMIS), appearing as an added system in this Federal Register.

A0708.10aDAPC

System name:

708.10 Officer Evaluation Report Administrative Tracking File (42 FR 50535), September 28, 1977.

Reason:

Information is incorporated in system notice A0708.02cDAPC, Officer Personnel Management Information System (OPMIS), appearing as an added system in this Federal Register.

A0714.02bDAPC

System name:

714.02 Assignments and Training Selection for ROTC Graduates (42 FR 50548), September 28, 1977.

Reason:

Information is incorporated in system notice A0708.02cDAPC, Officer Personnel Management Information System (OPMIS), appearing as an added system in this Federal Register.

A0714.02cDAPC

System name:

714.02 Aviation Officer Personnel Management System (42 FR 50549), September 28, 1977.

Reason:

Information is incorporated in system notice A0708.02cDAPC, Officer Personnel Management Information System (OPMIS), appearing as an added system in this Federal Register.

A0714.02eDAPC

System name:

714.02 Officer Personnel Utilization System, Asset File (42 FR 50550), September 28, 1977.

Reason:

Information is incorporated in system notice A0708.02cDAPC, Officer Personnel Management Information System (OPMIS), appearing as an added system in this Federal Register.

A0714.06bDAPC

System name:

714.06 Reserve Officer Training Corps (ROTC) Instructor File (42 FR 50551), September 28, 1977.

Reason:

Information is incorporated in system notice A0708.02cDAPC, Officer Personnel Management Information System (OPMIS), appearing as an added system in this Federal Register.

A1013.02bDAPC

System name:

1013.02 Officer Partially Funded Civil School File (42 FR 50621), September 28, 1977.

Reason:

Information is incorporated in system notice A0708.02cDAPC, Officer Personnel Management Information System (OPMIS), appearing as an added system in this Federal Register.

Addition

A0708.02cDAPC

SYSTEM NAME:

708.02 Officer Personnel Management Information System (OPMIS)

SYSTEM LOCATION:

United States Army Military Personnel Center (MILPERCEN), 200 Stovall Street, Alexandria, VA 22332.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals projected for entrance into the Army officer corps; Army officer and warrant officer personnel projected to enter on active duty, on active duty, separated, or in a retired status; individuals, civilian and military, who serve as senior rating officials on the

officer evaluation reports (OERs) of Army officers.

CATEGORIES OF RECORDS IN THE SYSTEM:

a. Officer Master File (OMF) contains name, social security number (SSN), grade and date of rank, appointment and service agreement, service data and date, promotion, assignment, qualification, specialty, efficiency, education and training, occupation, language, career pattern, awards and badges, physical location, separation, retirement, date and place of birth, race, religion, ethnic group, dependents, sex, citizenship, marital status, and mailing address.

b. Officer Accession Suspense Information System (OASIS) contains selected information from the OMF, the date of entry on active duty, temporary duty (TDY) data, and permanent change of station (PCS) data.

c. Officer Evaluation Reporting System (OERS) contains selected information from the OMF; selection board status; OER suspense indicator for action being taken to obtain missing or erroneous OER; selected information for each of the last ten OERs; and the name, SSN, and rating history of each individual, military and civilian, who has served as the senior rating official for an active duty Army officer.

d. Assignments and Training Selection for ROTC Graduates contains selected information from the OMF, the cadet's preference statement for specialty (branch), duty and initial training; Reserve Forces duty or delay selection, Regular Army selection, and branch selection.

e. Officer Personnel Utilization System (OPUS) contains selected information from the OMF, projected assignment information for accessions and officers or warrant officers who are being reassigned.

f. Reserve Officer Training Corps (ROTC) Instructor File contains selected information from the OMF and the following information pertaining to ROTC instructors: ROTC detachment, duty station, date assigned to ROTC detachment, date projected to be reassigned.

g. Officer Fully Funded Civil School File contains selected information from the OMF and the following information concerning officer and warrant officer personal participating or who have participated in the Army sponsored degree completion program: school attended, start and completion dates, degree level and discipline, and Army Education Requirements Board (AERB) positions.

h. Officer Partially Funded Civil School File contains the same type information maintained in the Fully Funded Civil School File for officer and warrant officer personnel participating or who have participated in the Army partially sponsored degree completion program.

i. Army Education Requirements Board (AERB) File contains selected information from the OMF for officer and warrant officer personnel who are serving or are projected to serve in an AERB approved position requiring graduate level education.

j. Distribution Management File contains selected information from the OMF and summary manner of performance data for MILPERCEN managed officers.

k. USMA Potential Instructor File contains selected information from the OMF and the following information pertaining to previous, current, and potential instructors for the United States Military Academy (USMA) teaching staff: academic department and projected availability for USMA instructor duty.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5 U.S.C., Section 301; Title 10 U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Department of the Army (DA): Records are used for personnel management, strength accounting, manpower management, accessioning and determining basic entry specialty (Branch) and initial duty assignments; tracking OER; monitoring actions to obtain missing, late, or erroneous OER; tracking the rating history of senior rating officials; posting of the senior rating official's rating history on individual OER; producing reports on Active Duty officers, who have served as senior rating officials, for inclusion in their Official Military Personnel File; managing instructor population at ROTC detachments and USMA; tracking information relative to the Army Degree Completion Civil School Program; transmitting necessary assignment instructions.

Department of Defense: Records are used for interdepartmental actions and personnel management.

Social Security Administration: Used to verify SSNs.

General Services Administration: Used to publish US Army Registers as authorized by Title 10 U.S.C., Section 122.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored on computer magnetic tapes and disks.

RETRIEVABILITY:

Normal access is by SSN, name, or other individual identifying characteristics.

SAFEGUARDS:

Physical security devices, guards, computer hardware and software safeguard features, and personnel clearances. Magnetic tape is maintained in an area accessible only to authorized personnel. Automated media protected by authorized password for system, controlled access to operator rooms, and controlled output distribution.

RETENTION AND DISPOSAL:

Records are retained on the active OMF file for 4 months after separation. Historical OMF records are retained dating back to FY 1970. Accessions in OASIS are retained on active file until effective date of accession and are then placed on a history file for a period of 6 months. Records in the ROTC Graduate Assignment and Training Selection File are retained for approximately 400 days after the file is created (approximately December each year). Historic files for the OER system will be kept for the life of the system. All other records are retained for active duty and/or those entering active duty only until the individual is released from active duty and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, United States Army Military Personnel Center, 200 Stovall Street, Alexandria, VA 22332.

NOTIFICATION PROCEDURE:

Information may be obtained from: United States Army Military Personnel Center (DAPC-MSO-S)
200 Stovall Street
Alexandria, VA 22332
Telephone: Area Code 202/325-9305.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: United States Army Military Personnel Center (DAPC-MSO-S), 200 Stovall Street, Alexandria, VA 22332.

Written requests for information should contain the full name of the individual; social security number; whether awaiting active duty, active, retired, or separated; return address; and must identify the specific category of record involved; blanket requests against this consolidated system will not

be accepted. If separated, date of separation, and if awaiting active duty, the date thereof.

Visits are limited to United States Army Military Personnel Center, 200 Stovall Street, Alexandria, VA 22332. For personal visits, the individual should be able to provide acceptable identification, and give verbal information that could be verified with his/her record.

CONTESTING RECORD PROCEDURES:

The Army's rules for contesting contents and appealing initial determinations may be obtained from MILPERCEN (DAPC-MSO-S), 200 Stovall Street, Alexandria, VA 22332.

RECORD SOURCE CATEGORIES:

Information is obtained in document and computer readable form from other DA Staff and commands, other Federal agencies and departments, and individuals.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 30419 Filed 10-2-79; 8:45 am]

BILLING CODE 3710-08-M

Fort McPherson, Ga.; Filing of Environmental Impact Statement

The Army, on September 27, 1979, provided the Environmental Protection Agency a Draft Environmental Impact Statement (DEIS) concerning the on-going missions at Fort McPherson, Georgia. The alternatives of maintaining, discontinuing, or changing missions at Fort McPherson are analyzed. Copies of the statement have been forwarded to concerned Federal, State, and local agencies. Interested organizations or individuals may obtain copies for the cost of reproduction from the Directorate Facilities Engineering, Environmental Office, Fort McPherson, GA 30330.

In the Washington area, copies may be seen during normal duty hours, in the Environmental Office, Office of Assistant Chief of Engineers, Room 1E676, Pentagon, Washington, DC 20310, telephone: (202) 694-3434.

Bruce A. Hildebrand,

Deputy for Environment, Safety and Occupational Health, OASA (IL&FM).

[FR Doc. 79-30619 Filed 10-2-79; 8:45 am]

BILLING CODE 3710-08-M

Department of the Navy

Academic Advisory Board to the Superintendent, U.S. Naval Academy, a Subcommittee of the Secretary of the Navy's Advisory Board on Education and Training; Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Academic Advisory Board to the Superintendent, United States Naval Academy, a subcommittee of the Secretary of the Navy's Advisory Board on Education and Training, will meet on November 9, 1979, at conference room 301, Rickover Hall, United States Naval Academy, Annapolis, Maryland. The meeting will commence at 8:30 a.m. and terminate at 3:00 p.m.

The purpose of the meeting is to advise and assist the Superintendent of the Naval Academy concerning the education of midshipmen. To accomplish this objective, the Board will review academic policies and practices of the Naval Academy and will submit their proposals to the Superintendent to aid him in improving educational standards and in solving Academy problems.

For further information concerning this meeting contact: Major Donald W. Nelson, USAF, Military Secretary to the Academic Advisory Board, Division of English and History, United States Naval Academy, Annapolis, MD 21402. Telephone number (301) 267-2170.

Dated: September 27, 1979.

P. B. Walker,

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

[FR Doc. 79-30557 Filed 10-2-79; 8:45 am]

BILLING CODE 3810-71-M

DEPARTMENT OF ENERGY

Office of Assistant Secretary for International Affairs

Proposed Subsequent Arrangement; Peaceful Uses of Atomic Energy

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160), notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement Between the Government of the United States of America and the European Atomic Community (EURATOM) Concerning the Peaceful Uses of Atomic Energy.

The subsequent arrangement to be carried out under the above mentioned agreement involves the sale of 20,000 metric tons of depleted uranium (.3% U-235) from DOE stockpiles for enrichment in France and for subsequent use in the European Community civil nuclear power program. Material to be delivered in FY 80, 81 and 82.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of the nuclear material will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice (October 18, 1979).

For the Department of Energy.

Dated: September 28, 1979.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 79-30622 Filed 10-2-79; 8:45 am]

BILLING CODE 6450-01-M

National Petroleum Council

Coordinating Subcommittee, the Refinery Capability Task Group, and the Oil Supply, Demand and Logistics Task Group of the Committee on Refinery Flexibility; Meetings

Notice is hereby given that the Coordinating Subcommittee of the National Petroleum Council's Committee on Refinery Flexibility will meet on Monday, October 22, 1979 starting at 10 a.m. Meetings are also scheduled for the Refinery Capability Task Group and the Oil Supply, Demand and Logistics Task Group on October 10 and October 11, 1979, respectively. All sessions will be held in the Conference Room of the National Petroleum Council, Suite 601, 1625 K Street, NW., Washington, D.C.

The National Petroleum Council provides technical advice and information to the Secretary of Energy on matters relating to oil and gas or the oil and gas industries. Accordingly, the Committee on Refinery Flexibility has been requested by the Secretary to undertake an analysis of the factors affecting crude oil quality and availability and the ability of the refining industry to process such crudes into marketable products. This analysis will be based on information and data to be gathered by the Oil Supply, Demand, and Logistics Task Group and the Refinery Capability Task Group, whose efforts will be coordinated by the Coordinating Subcommittee. The tentative agenda of the Task Group session is as follows:

The meeting for the Coordinating Subcommittee will be held on October

22, 1979, beginning at 10:00 a.m. The agenda includes the following:

1. Review the progress of the Refinery Capability Task Group.
2. Review the progress of the Oil Supply, Demand and Logistics Task Group.
3. Review the draft interim report.
4. Discuss the outline for the final phase of the study.
5. Discuss the schedule for completion of the study.
6. Discuss any other matters pertinent to the overall assignment of the Coordinating Subcommittee.

The Refinery Capability Task Group will meet on Wednesday, October 10, 1979, beginning at 9:30 a.m. The agenda is as follows:

1. Review and approve Summary Minutes of the September 21, 1979 Task Group Meeting.
2. Review Discussion Draft for Executive Summary of Part II of the Refinery Capability Survey.
3. Review Discussion Draft for Executive Summary of Part III of Refinery Survey.
4. Discuss any other matters pertinent to the overall assignment of the Task Group.

The Oil Supply, Demand and Logistics Task Group is scheduled to meet on both Thursday, October 11 and Friday, October 12, 1979 beginning at 9:00 a.m. Discussion topics include:

1. Review draft sections of the Task Group's interim report.
2. Discuss the outline for the final phase of the study.
3. Discuss the schedule for completion of the study.
4. Discussion on any other matters pertinent to the overall assignment of the Oil Supply, Demand, and Logistics Task Group.

All meetings are open to the public. The Chairmen of the Subcommittee and Task Groups are empowered to conduct the meetings in a fashion that will, in their judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Task Group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Mr. Marshall Nichols, National Petroleum Council, (202) 393-6100, prior to the meeting, and provision will be made for their appearance on the agenda. Transcripts of the Coordinating Subcommittee meeting will be available for public review at the Freedom of Information public Reading Room, Room GA-152, Department of Energy, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C., on September 21, 1979.

Alvin L. Alm,

Assistant Secretary, Policy and Evaluation.

[FR Doc. 79-30555 Filed 10-2-79; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

Action Taken on Consent Orders

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of agreements.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives Notice that Consent Orders were entered into between the ERA and the firms listed below during the month of August 1979. The Consent Orders represent agreements between the DOE and the firms regarding the Posting requirement pursuant to 10 CFR 212.129 of the Federal Energy guidelines. These Consent Orders are concerned exclusively with the consenting firm's current compliance with the Mandatory Petroleum Allocation and Price Regulations and do not address the possible noncompliance with these regulations prior to the date of the audit. These Consent Orders require consenting firms to come into compliance with legal requirements by posting the maximum lawful selling price for each grade of gasoline sold. All consenting firms are retailers of gasoline as defined in 10 CFR 212.31 of the Federal Energy guidelines.

For further information regarding these Consent Orders, please contact James C. Easterday, District Manager of Enforcement, 1655 Peachtree Street, NE, Atlanta Georgia, 30309, telephone number (404) 881-2661.

Firm name and address	Violation	Product	Period covered	Beneficiaries of posting information
Smoke Rise Chevron, Stone Mountain, GA	Failure to Post pursuant to 10 CFR 212.129.	Motor Gas	Current	Consumers/End Users.
Cloverleaf Amoco, N. Miami Beach, FL	do	do	do	Do.
Northcrest Standard, Doraville, GA	do	do	do	Do.
Denny's, St. Petersburg, FL	do	do	do	Do.
Ricemine Chevron, Tuscaloosa, AL	do	do	do	Do.
Lakewood Gulf, Huntsville, AL	do	do	do	Do.
Flint's Pinson, AL	do	do	do	Do.
Medical Center Texaco, Jackson, MS	do	do	do	Do.
ASC Limited Partnership, Myrtle Beach, SC	do	do	do	Do.
Moon's Exxon, Greenville, SC	do	do	do	Do.
John N. Messere, Richmond, VA	do	do	do	Do.
John R. Preston, Jr., Richmond, VA	do	do	do	Do.
William C. Fulcrod, Richmond, VA	do	do	do	Do.
Chae M. Chong, Richmond, Va	do	do	do	Do.
John P. Mitchell, Savannah, GA	do	do	do	Do.
Millard Strickland, Richmond Hill, GA	do	do	do	Do.
Gene Gordon, Savannah, GA	do	do	do	Do.
Floyd Pittman, Savannah, GA	do	do	do	Do.
Lamar Braddy, Savannah, GA	do	do	do	Do.
66 Service Center, Birmingham, AL	do	do	do	Do.
Phillips 66 Service Center, Birmingham, AL	do	do	do	Do.
Briarwood Texaco, Jackson, MS	do	do	do	Do.
Broad St. Texaco, Winston-Salem, NC	do	do	do	Do.
Jonestown Mobil, Winston-Salem, NC	do	do	do	Do.
Jonestown Shell, Winston-Salem, NC	do	do	do	Do.
Walker's Gulf Service, Chapel Hill, NC	do	do	do	Do.
Charles Buckingham, Verona, MS	do	do	do	Do.
Williams Service Station, Verona, MS	do	do	do	Do.
George Newman Union 76, Columbus, MS	do	do	do	Do.
Lewis' Airbase Gulf, Columbus, MS	do	do	do	Do.
82/55 Phillips, Winona, MS	do	do	do	Do.
Delta Banday Gulf, Greenwood, MS	do	do	do	Do.
Andy's Quick Stop, Tupelo, MS	do	do	do	Do.
Jerry Thorpe, Winona, MS	do	do	do	Do.
William Box Gulf, Winona, MS	do	do	do	Do.
Holiday Inn Gulf, Starkville, MS	do	do	do	Do.
White's Cross Roads Station, Clarksdale, MS	do	do	do	Do.
Walter W. Richardson, Grenada, MS	do	do	do	Do.
Pete Mack, Jr., Gainesville, FL	do	do	do	Do.
Big Bend Mid Continent Truck Stop, Inc., Lloyd, FL	do	do	do	Do.
Vernon Stayer, Lake Placid, FL	do	do	do	Do.
Green Springs Texaco, Homewood, AL	do	do	do	Do.
John G. Fhellman, Rivera Beach, FL	do	do	do	Do.
Gary Manhart, Daytona Beach, FL	do	do	do	Do.
John P. Locklar, Falmouth, VA	do	do	do	Do.
Horne's Mt. Brook Chevron, Mountain Brook, AL	do	do	do	Do.
John Shegas, Leesburg, FL	do	do	do	Do.
Crestline Texaco Service Ctr., Mountain Brook, AL	do	do	do	Do.
Alberta Shell, Tuscaloosa, AL	do	do	do	Do.
Valley Ave. Chevron, Homewood, AL	do	do	do	Do.
Joseph D. Davis, Richmond, VA	do	do	do	Do.
Scaff's Inc., Lake City, FL	do	do	do	Do.

Issued in Atlanta, Georgia, on the 20th day of September 1979.

James C. Easterday,

District Manager of Enforcement.

[FR Doc. 79-30552 Filed 10-2-79; 8:45 am]

BILLING CODE 6450-01-M

Action Taken on Consent Orders

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of Settlements.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives Notice that Consent Orders were entered into between the Office of Enforcement, ERA, and the firms listed below during the month of July 1979. The Consent Orders represent resolutions of outstanding compliance investigations or proceedings by the DOE and the firms which involve a sum of less than $500,000 in the aggregate, excluding any penalties and interest. For Consent Orders involving sums of $500,000 or more, Notice will be separately published in the Federal Register. These Consent Orders are concerned exclusively with payment of the refunded amounts to injured parties for alleged overcharges made by the specified companies during the time periods indicated below, through direct refunds or rollbacks of prices.

For further information regarding these Consent Orders, please contact James C. Easterday, District Manager of Enforcement, Southeast District, Economic Regulatory Administration, 1655 Peachtree Street, NE, Atlanta, Georgia 30309, telephone number (404) 881-2661.

Firm name and address	Settlement amount	Product	Period covered	Recipients of settlements
Cumberland Lake Shell, Somerset, Kentucky	$238,687.75	Gasoline, Middle Distillates	11/1/73-6/30/77	Floyd's Shell, Bunch's Shell, Uptown's Shell, Carthal Wilson's Shell, Sewell's Shell, Correll's Shell, Cox's Shell, Croley's Shell, Dicken's Shell, Jamestown Shell, Anderson's Shell, Davis' Shell, 127 Shell, Sandidge Shell, Tucker's Shell, Tradeway Shell, Tradewind Shell, Valley View Shell, Veach's Shell, Scottles, Whitley City Shell, Hinkle Construction Co., Strunk Construction Co., Somerset Refinery Co., Morrow's Shell, Latham Trucking Co., Parkway Shell, Casey County Ready Mix, Casey County Store Co., Eldridge Truck Line, Somerset Stone Co.

For unidentified customers rollback in the amount of $69,384.98 plus interest is to be effected.
ERA agreed that the total overcharges be reduced by $27,922.14 for bad debts.

Fine Petroleum Co., Inc., Norfolk, Virginia	$25,000.00	Gasoline, Middle Distillates	11/1/73-2/29/76	(1)

[1] $25,000 settlement represents compromise amount for which a check was submitted to the U.S. Department of Energy for handling pursuant to 10 CFR Part 205, Subpart V—Special Procedures for Distribution of Refunds.

Issued in Atlanta, Georgia, on the 17th day of September 1979.

James C. Easterday,

District Manager for Enforcement.

[FR Doc. 79-30553 Filed 10-2-79; 8:45 am]

BILLING CODE 6450-01-M

Action Taken on Consent Orders

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of Agreements.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives Notice that Consent Orders were entered into between the ERA and the firms listed below during the month of August, 1979. The Consent Orders represent agreements between the DOE and the firms which involve a reduction of the selling prices for gasoline to be in compliance with the Federal Energy pricing regulations. These Consent Orders are concerned exclusively with the consenting firm's current compliance with the Mandatory Petroleum Allocation and Price Regulations and do not address the possible non-compliance with these regulations prior to the date of the audit. These Consent Orders require consenting firms to come into compliance with legal requirements by reducing selling prices to established lawful level for each grade of gasoline sold, to properly post maximum lawful selling prices, and to properly maintain required records. All consenting firms are retailers of gasoline as defined in 10 CFR 212.31 of the Federal Energy guidelines.

For further information regarding these Consent Orders, please contact James C. Easterday, District Manager of Enforcement, 1655 Peachtree Street, NE, Atlanta, Georgia 30309, telephone number 404-881-2661.

Firm name and address	Reduction in ASP to Achieve MLSP	Product	Period covered	Beneficiaries of price reductions
Morris Chevron, Prattville, AZ	Firm agreed to sell at MLSP or below.	Motor Gas	Current	Consumers/End Users.
Bates' Shell Service, Birmingham, AL	do	do	do	Do.
Greene's Tiny Mart, Inc., Gastonia, NC	do	do	do	Do.
Arin St. Gulf, Montgomery, AL	do	do	do	Do.
Joe Guidry's St. Oil Station, Ft. Walton Beach, FL	.090	do	do	Do.
S. J. Gabertavage, Opelika, AL	.026	do	do	Do.
Harrington's Gulf Service, Ft. Walton Beach, FL	.020	do	do	Do.
Destin Gulf Service, Destin, FL	.020	do	do	Do.
Blake's Exxon, Tupelo, MS	.0335	do	do	Do.
Van's Fiesta Exxon, Pensacola, FL	.031	do	do	Do.
Paddock's Standard, Gulfbreeze, FL	.010	do	do	Do.
17th Street Exxon, Virginia Beach, VA	.018	do	do	Do.
Wayne Richey, Bessemer, AL	.034	do	do	Do.
T. E. Mears-TEM, Inc., Oak Hall, VA	.027	do	do	Do.
W. M. Mann's Exxon, Onley, VA	.028	do	do	Do.
Charles R. Chambless, Columbus, GA	.0556	do	do	Do.
Governor's House Standard, Montgomery, AL	.025	do	do	Do.
Central Park Shell, Birmingham, AL	.024	do	do	Do.
Five Points West Gulf, Birmingham, AL	.050	do	do	Do.
Westlake Exxon, Bessemer, AL	.011	do	do	Do.
Rich's Skylake Shell, Memphis, TN	.027	do	do	Do.
Archer's Phillips 66, Memphis, TN	.004	do	do	Do.
Poplar Perkins Shell, Memphis, TN	.007	do	do	Do.
Forest Hills Exxon, Wilmington, NC	.008	do	do	Do.
K & J Hughes Gulf, Wilmington, NC	.008	do	do	Do.
Bob's Holiday Gulf, Wilmington, NC	.018	do	do	Do.
Tunnel Road American, Asheville, NC	.013	do	do	Do.
Phillips Chevron, Spartanburg, SC	.005	do	do	Do.

Firm name and address	Reduction in ASP to Achieve MLSP	Product	Period covered	Beneficiaries of price reductions
Bill Terry's Texaco, Greenville, SC	.013	do	do	Do.
Richard A. Neely, Richmond, VA	.001	do	do	Do.
Willie E. Smith, Savannah, GA	.006	do	do	Do.
Floyd Pittman, Savannah, GA	.013	do	do	Do.
Turner Williams Service Sta., Rome, GA	.022	do	do	Do.
Steve Pittman, Richmond, VA	.023	do	do	Do.
Francisco Vaz, Savannah, GA	.059	do	do	Do.
Murshel Youngblood, Columbus, GA	.0044	do	do	Do.
Airport Texaco, Mobile, AL	.026	do	do	Do.
Wilson's Amoco, Norfolk, VA	.001	do	do	Do.
Gardendale Standard, Gardendale, AL	.030	do	do	Do.
Old Shell 66, Mobile, AL	.045	do	do	Do.
Carlisle's American, Petersburg, VA	.073	do	do	Do.
Goodman Chevron, Tuscaloosa, AL	.035	do	do	Do.
Gardendale Gulf, Gardendale, AL	.015	do	do	Do.
Green Springs Standard, Birmingham, AL	.039	do	do	Do.
Hub City Chevron, Hattiesburg, MS	.023	do	do	Do.
Sims Chevron Service, Mobile, AL	.041	do	do	Do.
Bobby Hall Standard, Meridian, MS	.066	do	do	Do.
Market St. Exxon, Wilmington, NC	.038	do	do	Do.
Sam Gilchrist, Charleston, SC	.028	do	do	Do.
Parker Shell, Alabaster, AL	.024	do	do	Do.
Kenneth E. Ellison, Clanton, AL	.026	do	do	Do.
Oxford Interstate Chevron, Oxford, AL	035	do	do	Do.
Critt Campbell, Clarksville, TN	.3035	do	do	Do.
Dean's Gulf, Greensboro, NC	.008	do	do	Do.
Reynalda Manor Texaco, Winston-Salem, NC	.003	do	do	Do.
Village Texaco Service, Chapel Hill, NC	.003	do	do	Do.
Jim's Arco #2, Virginia Beach, VA	.009	do	do	Do.
Bayside Exxon, Virginia Beach, VA	.020	do	do	Do.
Art Allard Texaco, Virginia Beach, VA	.034	do	do	Do.
Chincoteague Gulf, Chincoteague, VA	.027	do	do	Do.
Shim's Lee Hall 76, Newport News, VA	.017	do	do	Do.
Brenner's American Station, Chesapeake, VA	.005	do	do	Do.
Main St. Chevron, Columbus, MS	.010	do	do	Do.
Samo Plaza 76, Melbourne, FL	.009	do	do	Do.
Holiday Exxon Serv. Ctr., Charlottesville, VA	.008	do	do	Do.
5th Street Exxon, Lynchburg, VA	.018	do	do	Do.
Gilbert Northside Texaco, Charlottesville, VA	.003	do	do	Do.
James A. Gilroy, Leesburg, FL	.013	do	do	Do.
Uriel J. Winfree, Richmond, VA	.049	do	do	Do.
Alex Gago, Ft. Lauderdale, FL	.0065	do	do	Do.
Cape View Exxon, Norfolk, VA	.018	do	do	Do.
Grenada Exxon, Grenada, MS	.006	do	do	Do.
Durbin's Union 76, Chesapeake, VA	.069	do	do	Do.
Frank's Truck Ctr., Chesapeake, VA	.011	do	do	Do.
Hwy 98 Exxon, Panama City, FL	.0175	do	do	Do.
West Side Gulf, Panama City, FL	.010	do	do	Do.
Western Blvd. Exxon, Raleigh, NC	.028	do	do	Do.
Smittles Chevron, Ft. Walton Beach, FL	.035	do	do	Do.
De Hoya's Exxon, Ocala, FL	.027	do	do	Do.
John Marlow, Lakeland, FL	.057	do	do	Do.
Adams & Sons Texaco, Bartow, FL	.031	do	do	Do.
Douglas Carter, Lake Wales, FL	.0305	do	do	Do.
Interstate Texaco, Inc., Tallahassee, FL	.0233	do	do	Do.
Unglaub & Cloud Corp., Tallahassee, FL	.001	do	do	Do.
Keene Amoco, Largo, FL	.003	do	do	Do.
Amos C. Rakestran, Jr., Atlanta, GA	.007	do	do	Do.
Stadium Chevron, Tampa, FL	.005	do	do	Do.
Jack Oretsky Chevron, N. Miami Beach, FL	.035	do	do	Do.
Sunny Isle Texaco, N. Miami Beach, FL	.022	do	do	Do.
North Miami Beach Exxon, N. Miami Beach, FL	.037	do	do	Do.
Gary's Chevron, Miami, FL	.030	do	do	Do.
Ocean Amoco, N. Miami Beach, FL	.061	do	do	Do.
Reschar's Skyway Amoco, St. Petersburg, FL	.002	do	do	Do.
Heinzen Shell Service, St. Petersburg, FL	.010	do	do	Do.
Horace McCrary, Atlanta, GA	.0301	do	do	Do.
Ponce de Leon Minit Car Wash, Atlanta, GA	.009	do	do	Do.
Stephens Van Terminal, Inc., Miami, FL	.102	do	do	Do.
Alberta Texaco, Tuscaloosa, AL	.006	do	do	Do.
Drake Avenue Chevron, Huntsville, AL	.017	do	do	Do.
Kincer Standard, Madison, AL	.028	do	do	Do.
Red's Freeway Gulf Service, Cullman, AL	.030	do	do	Do.
Airport Road Chevron, Huntsville, AL	.012	do	do	Do.
McGee Texaco, Decatur, AL	.007	do	do	Do.
Bayberry Shell, Newport News, VA	.011	do	do	Do.
Bayberry Exxon, Newport News, VA	.018	do	do	Do.

Issued in Atlanta, Georgia, on the 20th day of September 1979.

James C. Easterday,

District Manager of Enforcement.

[FR Doc. 79-30554 Filed 10-2-79; 8:45 am]

BILLING CODE 6450-01-M

Action Taken on Consent Orders

AGENCY: Economic Regulatory Administration.

ACTION: Notice of Settlements.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives Notice that Consent Orders were entered into between the Office of Enforcement, ERA, and the firms listed below during the month of September 1979. The Consent Orders represent resolutions of outstanding compliance investigations or proceedings by the DOE and the firms which involve a sum of less than $500,000 in the aggregate, excluding any penalties and interest. For Consent Orders involving sums of $500,000 or more, Notice will be separately published in the Federal Register. These Consent Orders are concerned exclusively with payment of the refunded amounts to injured parties for alleged overcharges made by the specified companies during the time periods indicated below, through direct refunds or rollbacks of prices.

For further information regarding these Consent Orders, please contact James C. Easterday, District Manager of Enforcement, Southeast District, Economic Regulatory Administration, 1655 Peachtree Street, NE, Atlanta, Georgia, 30309, telephone number (404) 881-2661.

Firm name and address	Settlement amount	Product	Period covered	Recipients of settlements
James W. Harris Production Corp., Jackson, MS.	$150,000	Crude Oil	Sept. 1, 1973-Jan. 31, 1977.	Amerada Hess Corp.
Spartan Petroleum Company; Incorporated, Spartanburg, SC.	28,000	Motor Gasoline	Nov. 1, 1973-Apr. 30, 1974.	Resellers/end users.

Issued in Atlanta, Georgia, on the 20th day of September, 1979.

James C. Easterday,

District Manager of Enforcement.

[FR Doc. 79-30550 Filed 10-2-79; 8:45 am]

BILLING CODE 6450-01-M

Action Taken on Consent Orders

AGENCY: Economic Regulatory Administration.

ACTION: Notice of Settlements.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives Notice that Consent Orders were entered into between the Office of Enforcement, ERA, and the firms listed below during the month of August 1979. The Consent Orders represent resolutions of outstanding compliance investigations or proceedings by the DOE and the firms which involve a sum of less than $500,000 in the aggregate, excluding any penalties and interest. For Consent Orders involving sums of $500,000 or more, Notice will be separately published in the Federal Register. These Consent Orders are concerned exclusively with payment of the refunded amounts to injured parties for alleged overcharges made by the specified companies during the time periods indicated below, through direct refunds or rollbacks of prices.

For further information regarding these Consent Orders, please contact James C. Easterday, District Manager of Enforcement, Southeast District, Economic Regulatory Administration, 1655 Peachtree Street, NE, Atlanta, Georgia 30309, telephone number (404) 881-2661.

Firm name and address	Settlement amount	Product	Period covered	Recipients of settlement
Tri-Gas & Oil Co., Inc., Federalsburg, Maryland.	$61,215.86	Middle distillates	November 1, 1973-April 30, 1974.	Unidentified customers.
For unidentified customers compromise rollback in the amount of $61,215.86 is to be effected.				
Addie Fuel & Drum Co., Gloverville, S.C.	N/A allocation case.	Motor gas	May 1979-August 1979.	Boylston Brothers, Inc.

Issued in Atlanta, Georgia, on the 20th day of September 1979.

James C. Easterday,

District Manager of Enforcement.

[FR Doc. 79-30551 Filed 10-2-79; 8:45 am]

BILLING CODE 6450-01-M

Edwards Producing Company, Inc.; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives notice of a proposed Remedial Order which was issued to Edwards Producing Company, Inc., 1755 Lelia Drive, Suite 301, Jackson, Mississippi, 39216. This Proposed Remedial Order charges Edwards Producing Company, Inc. with pricing violations in the amount of $125,567.47 connected with the sale of crude oil during the period September 1, 1973 through December 31, 1977 in the State of Mississippi.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from James C. Easterday, District Manager of Enforcement, 1655 Peachetree Street, N.E., Atlanta, Georgia, 30309, Phone: (404) 881-2661. On or before October 18, 1979, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 M Street, NW., Washington, D.C., 20461, in accordance with 10 CFR 205.193.

Issued in Atlanta, Georgia, on the 20th day of September, 1979.

James C. Easterday

District Manager of Enforcement, Southeast District.

[FR Doc. 79-30547 Filed 10-2-79; 8:45 am]

BILLING CODE 6450-01-M

General Development Utilities, Inc.; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives notice of a Proposed Remedial Order which was issued to General Development Utilities, Inc., 1111 South Bayshore Drive, Miami, Florida 33131. This Proposed Remedial Order charges General Development Utilities, Inc. with pricing violations in the amount of $376,292.05 connected with the sale of propane during the period November 1, 1973 through December 31, 1976 in the State of Florida.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from James C. Easterday, District manager of Enforcement, 1655 Peachtree Street, NE., Atlanta, Georgia, 30309, Phone: (404) 881-2661. On or before October 18, 1979, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 M Street, NW., Washington, D.C., 20461 in accordance with 10 CFR 205.193.

Issued in Atlanta, Georgia, on the 20th day of September, 1979.

James C. Easterday,

District Manager of Enforcement, Southeast District.

[FR Doc. 79-30548 Filed 10-2-79; 8:45 am]

BILLING CODE 6450-01-M

Memphis Aero Corp.; Proposed Supplemental Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives notice of a Proposed Supplemental Remedial Order which was issued to Memphis Aero Corporation, Memphis International Airport, Memphis, Tennessee, 38116. This Proposed Supplemental Remedial Order charges Memphis Aero Corporation with pricing violations in the amount of $755,301.48 connected with the sale of aviation gasoline during the period November 1, 1973 through August 31, 1976 in the State of Tennessee.

A copy of the Proposed Supplemental Remedial Order, with confidential information deleted, may be obtained from James C. Easterday, District Manager of Enforcement, 1655 Peachtree Street, N.E., Atlanta, Georgia, 30309, Phone: (404) 881-2661. On or before October 18, 1979, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 M Street, NW., Washington, D.C., 20461, in accordance with 10 CFR 205.193.

Issued in Atlanta, Georgia, on the 20th day of September, 1979.

James C. Easterday,

District Manager of Enforcement, Southeast District.

[FR Doc. 79-30549 Filed 10-02-79; 8:45 am]

BILLING CODE 6450-01-M

Otis Ainsworth; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives notice of a Proposed Remedial Order which was issued to Otis Ainsworth, 807 West 15th Street, Laurel, Mississippi 39440. This Proposed Remedial Order charges Otis Ainsworth with pricing violations in the amount of $506,818 connected with the sale of crude oil during the period November 1, 1973 through December 31, 1977 in the State of Mississippi.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from James C. Easterday, District Manager of Enforcement, 1655 Peachtree Street, N.E., Atlantia, Georgia 30309, Telephone: (404) 881-2661. On or before October 18, 1979, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 M Street, N.W., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Atlanta, Georgia on the 20th day of September, 1979.

James C. Easterday,

District Manager of Enforcement, Southeast District.

[FR Doc. 79-30546 Filed 10-2-79; 8:45 am]

BILLING CODE 6450-01-M

Garner C. Clark; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Garner C. Clark, 727 Fair Foundation Building, Tyler, Texas 75701. This Proposed Remedial Order charges Clark with pricing violations in the amount of $108,055.77 caused by Clark's having made sales of crude oil at prices in excess of those permitted under the Cost of Living Council price rule in 6 CFR 50.353 and the Federal Energy Administration (now the DOE) price rule in 10 CFR 212.73. ERA maintained that the overcharges were the result of Clark's characterization of certain "old" crude oil as "new" and "released" crude oil without regard to cumulative deficiencies, and its characterization of certain crude oil as "stripper well" crude oil even though the average daily production for the applicable periods exceeded ten barrels of crude oil per well per day allowed by 6 CFR 150.54(s) and 10 CFR 210.32 and 212.54.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from Wayne I. Tucker, District Manager, Southwest District Enforcement, Department of Energy, Economic Regulatory Administration, P.O. Box 35228, Dallas, Texas 75235, or by calling (214) 767-7745. On or before October 18, 1979, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 M Street, NW., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Dallas, Texas, on the 24th day of September, 1979.

Herbert F. Buchanan,

Deputy District Manager, Southwest District Enforcement.

[FR Doc. 79-30624 Filed 10-2-79; 8:45 am]

BILLING CODE 6450-01-M

Office of Hearings and Appeals

Issuance of Proposed Decisions and Orders; August 27 Through August 31, 1979

Notice is hereby given that during the period August 27 through August 31,

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 procedure 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.

Melvin Goldstein,

Director, Office of Hearings and Appeals.

September 28, 1979.

List of Cases Involving the Standby Petroleum Product Allocation Regulations for Motor Gasoline

[Week of August 27 through August 31, 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
Aetna Life & Casualty	DEE-7289	Hartford, CT.
Hughes Tool Co	DEE-7382	Houston, TX.
Village Mobil	DEE-4744	Medway, MA.
Todisco Amoco	DEE-4644	E. Boston, MA.
Jim's Exxon	DEE-3700	Waltham, MA.
Mike's Conoco	DEE-4470	Rapid City, SD.
Amerada Hess Corp	DEE-7736	Washington, DC.

List of Cases Involving the Standby Petroleum Product Allocation Regulations for Motor Gasoline

[Week of August 27 through August 31, 1979]

The following firms filed Applications for Exception from the provisions of Standby Regulation Activation Order No. 1. The exception request, 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
Anderson's Exxon	DEE-2848	Baltimore, MD.
Arnie's Arco	DEE-3003	Boulder City, NV.
Bill's Pershing Mobil	DEE-3349	Derby, CT.
Dillon Falls Store	DEE-7261	Zanesville, OH.
Eddie & Mike's Sunoco	DEE-6467	Braintree, MA.
A&J Mini Market	DEE-5193	Keyport, N.J.
Foley Oil, Inc	DEE-2591	Bair, NE.
Ingram Creek Service	DEE-4547	Patterson, CA.
Lantz Texaco	DEE-4589	Tucson, AZ.
Mankin's Corner	DEE-3829	Pahrump, NV.
Page Motors, Inc	DEE-4210	Bohemia, NY.
Vahid S. Jacob	DEE-7343	Bellingham, MA.
Trinity Arco	DEE-4660	Providence, RI.
Williamson Exxon	DEE-3016	Duncanville, TX.
Bayer's Exxon	DEE-6208	Havelock, NC.
Dave's Exxon	DEE-3778	Spartanburg, SC.
East End Arco	DEE-6130	Wilkes-Barre, PA.
Hank's Arco	DEE-3787	Phoenix, AZ.
L & G Servicenter	DEE-4706	Great Barrington, MA.
Maramatha Exxon	DEE-7344	Providence, RI.
Svetomir Kojic	DEE-4899	Phoenix, AZ.
Tara's Shell	DEE-3955	New Haven, CT.
Andrew Pica's Shell	DEE-4936	Monterey Park, CA.
Highlands Texaco	DEE-5360	S. Braintree, MA.
Hull's Exxon	DEE-6228	Nashville, TN.
Littons Amoco	DEE-5777	Hagerstown, MD.
Morgan & Hunt Oil Co	DEE-3773	Rome, GA.
Westown Chevron	DEE-4637	Phoenix, AZ.

First Minute Markets, Inc., Rocky Mount, Va., Motor Gasoline, DEE-6162

First Minute Markets, Inc. (Markets) filed an Application for Exception from the provisions of 10 CFR 211.9. The exception request, if granted, would result in the issuance of an order assigning Markets a new, lower-priced supplier in place of Webb Oil Corporation, its present base period supplier. On August 27, 1979, the DOE issued a Proposed Decision and Order which determined that the exception request be denied.

Henry Engineering, Inc., Midland, Tex., Crude Oil, DEE-2176

Henry Engineering, 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 Robert Riley Lease located in Gaines County, Texas, at upper tier ceiling prices. On August 27, 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 exception request.

Highway Oil Company, Topeka, Kans., Gasohol, DEE-6872

The Highway Oil Company filed an Application for Exception from the provisions of 10 CFR, Part 211, Subpart F. The exception request, if granted, would permit the firm to receive an increase in its allocation of unleaded motor gasoline for the express purpose of blending gasohol. On August 31, 1979, the DOE issued a Proposed Decision and Order in which it determined that the exception request be granted in part.

L&M Operating Company, Carroll County, Ohio, Crude Oil, DEE-4439

L&M Operating Company filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The L&M request, if granted, would permit L&M to retroactively certify the crude oil produced from the Watkins #3 Well during calendar year 1978 as stripper well crude oil. On August 31, 1979, the DOE tentatively determined that the L&M request should be denied.

[FR Doc. 79-30621 Filed 10-2-79; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1332-6]

State Requiring Underground Injection Control Program State Petition for Inclusion on the List

AGENCY: Environmental Protection Agency.

ACTION: Notice.

Pursuant to: (1) Section 1422(a) of the Safe Drinking Water Act, Pub. L. 95-523 as amended by Pub. L. 95-190 and; (2) the Federal Register Notice 44 FR 25288, June 19, 1979, "List of States Requiring State Underground Injection Control Programs," the State of Idaho has requested that it be added to the list of States requiring an Underground Injection Control program.

EPA has considered this request and notice is hereby given that the State of Idaho is added to the list of States requiring an Underground Injection Control program.

Dated: September 13, 1979.

Douglas Costle,

Administrator.

[FR Doc. 79-30631 Filed 10-2-79; 8:45 am]

BILLING CODE 6560-01-M

FARM CREDIT ADMINISTRATION

Privacy Act of 1974

The purpose of this document is to give notice that the systems of records

identified in notices published in the Federal Register at 40 FR 41731, 41732, 41733, 41734, 41735, 41736, 41737, 41738 (September 8, 1975), 40 FR 60111 (December 31, 1975), and 41 FR 24625 (June 17, 1976) continue in effect. This notice is published in compliance with the requirements of 5 U.S.C. 552a(e)(4); as added by Section 3 of the Privacy Act of 1974.

The full text of the Farm Credit Administration's systems of records also appeared in *Privacy Act* Issuances, 1978 Compilation, Volume IV, pps. 87–95. This volume may be ordered through the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402. The cost of the Volume is $10.50.

Donald E. Wilkinson,
Governor, Farm Credit Administration.

[FR Doc. 79-30627 Filed 10-2-79; 8:45 am]
BILLING CODE 6705-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION

[29921]

Privacy Act of 1974; Systems of Records; Annual Publication

The Privacy Act of 1974 (5 U.S.C. 552a(e)(4)) requires agencies to publish annually in the Federal Register a notice of the existence and character of their systems of records. The Federal Deposit Insurance Corporation last published the full text of its systems of records at 43 FR 37152 (August 21, 1978). Since that publication, only the FDIC's Changes in Bank Control Ownership Records System (30–64–0004) has been amended. 44 FR 11118 (February 27, 1979). The full text of this system appears below. No further changes have occurred in any FDIC system of records.

The full text of the FDIC systems of records also appears in Privacy Act Issuances, 1978 Compilation, Volume IV, page 123. This volume may be ordered through the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402. The price of this volume is $10.50.

Dated: September 27, 1979.

Hoyle L. Robinson,
Executive Secretary.

30-64-0004

SYSTEM NAME:

Changes in Bank Control Ownership Records—FDIC.

SYSTEM LOCATION:

Operations Branch, Division of Bank Supervision, FDIC, 550 17th Street NW., Washington, D.C. 20429.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have been involved in the change of bank control or ownership in FDIC insured banks and/or have obtained loans from insured banks, when such loans are secured by 25 percent or more of the outstanding stock of an insured bank.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains the name of the individual seller or purchaser of shares of stock, the number of shares of stock involved and outstanding, the name of the bank whose control is changing, the purchase price of the stock, the names of beneficial owners if the shares are registered in another name, the total number of shares owned by the seller, purchaser, or beneficial owner, both before and after the transaction, the personal history, business background and experience, and pending legal or administrative proceedings involving each purchaser or beneficial owner, financial and income statements of purchasers or beneficial owners, the source of funds used in the purchase, the identity of any person who will solicit stockholders in connection with the purchase, the terms and conditions of the acquisition, any plans to make a major change to the business or corporated structure of the acquired bank, copies of invitations, tenders, or advertisements used in making tender offers to stockholders, comments by State and Federal regulatory agencies, and changes of directors and chief executive officers within one year of the change in control and a statement of their past and current business and professional affiliations. In the case of loans, contains all of the informatrion listed above and contains the name and location of the lending bank, the name and address of the borrower, the amount of the loan and the name of the bank issuing the stock securing the loan and the number of shares securing the loan.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sec. 7(j) of the Federal Deposit Insurance Act (12 U.S.C. 1817(j)).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USES AND THE PURPOSES OF SUCH USES:

(1) The name of the bank whose control is changing, the seller and purchaser, and the number of shares involved, may be distributed to periodicals for publication; (2) in the event that the system of records indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred to the appropriate agency, whether Federal or State, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto; (3) in the event of civil, criminal, or administrative law enforcement proceedings, the relevant records may be disclosed to the appropriate court and/or counsel for purposes of discovery and the development of the proceedings; (4) disclosure may be made to the appropriate State banking authority and the appropriate Federal financial institutions regulatory agency as required by the Change in Bank Control Act of 1978 (section 7(j)(11)) of the Federal Deposit Insurance Act (12 U.S.C. § 1817(j)(11)) as added by section 602 of the Financial Institutions Regulatory and Interest Rate Control Act of 1978, (92 Stat. 3686); (5) disclosure may be made to a law enforcement or other government agency, whether Federal or State, for the purpose of identity verification; (6) disclosure may be made to a congressional office from the record of an individual as may be necessary to respond to an inquiry from the congressional office made at the request of the individual

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders and on index cards.

RETRIEVABILITY:

Indexed by name.

SAFEGUARDS:

Maintained in lockable metal filing cabinets.

RETENTION AND DISPOSAL:

Permanent retention.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Bank Supervision FDIC, 550 17th Street NW., Washington, D.C. 20429.

Notification procedure: Executive Secretary, Records Unit, FDIC, 550 17th Street NW., Washington, D.C. 20429.

RECORD ACCESS PROCEDURES:

Same as "notification" above.

CONTESTING RECORD PROCEDURES:

Same as "notification" above.

RECORD SOURCE CATEGORIES:

The persons who are acquiring control of an FDIC insured bank, the bank in which control is changing, the bank which makes a loan secured by 25 percent or more of the outstanding voting stock of an insured bank, and state and federal regulatory agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 79-30628 Filed 10-2-79; 8:45 am]

BILLING CODE 6714-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-597-DR]

Commonwealth of Puerto Rico; Amendment to Notice of Major Disaster Declaration

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This Notice amends the Notice of a major disaster for the Commonwealth of Puerto Rico (FEMA-597-DR), dated September 2, 1979.

DATED: September 21, 1979.

FOR FURTHER INFORMATION CONTACT: Sewall H. E. Johnson, Disaster Response and Recovery, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 634-7825.

NOTICE: The Notice of a major disaster for the Commonwealth of Puerto Rico dated September 2, 1979, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of September 2, 1979.

The following Municipality for Individual Assistance and Public Assistance:

Aibanito

The following Municipalities for Public Assistance, having previously been designated for Individual Assistance:

Baranquitas	Lares
Caguas	Orocovis
Comerio	Vieques

The following Municipalities for Public Assistance only:

Aguas Buenas	Toa Alta
Bayamon	Villalba
Florida	

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Thomas R. Casey,

Acting Director, Disaster Response and Recovery, Federal Emergency Management Agency.

[FR Doc. 79-30615 Filed 10-2-79; 8:45 am]

BILLING CODE 6718-02-M

[FEMA-604-DR]

Louisiana; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for the State of Louisiana (FEMA-604-DR), dated September 25, 1979, and related determinations.

DATED: September 25, 1979.

FOR FURTHER INFORMATION CONTACT: Sewall H. E. Johnson, Disaster Response and Recovery, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 634-7825.

NOTICE: Pursuant to the authority vested in the Director of Federal Emergency Management Agency by the President under Executive Order 12148 effective July 15, 1979, and delegated to me by the Director under Federal Emergency Management Agency Delegation of Authority, and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that, in a letter of September 25, 1979, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Louisiana resulting from severe storms and flooding beginning on September 19, 1979, is of sufficient severity and magnitude to warrant a major-disaster declaration under Public Law 93-288. I therefore declare that such a major disaster exists in the State of Louisiana.

Notice is hereby given that pursuant to the authority vested in the Director of Federal Emergency Management Agency under Executive Order 12148, and delegated to me by the Director under Federal Emergency Management Agency Delegation of Authority, I hereby appoint Mr. William C. Tidball of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following areas of the State of Louisiana to have been affected adversely by this declared major disaster.

The following Parishes for Individual Assistance only:

Allen	Rapides
Calcasieu	

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

William H. Wilcox,

Acting Director, Disaster Response and Recovery, Federal Emergency Management Agency.

[FR Doc. 79-30614 Filed 10-2-79; 8:45 am]

BILLING CODE 6718-02-M

[FEMA-601-DR]

Maryland; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for the State of Maryland (FEMA-601-DR), dated September 14, 1979, and related determinations.

DATED: September 14, 1979.

FOR FURTHER INFORMATION CONTACT: Sewall H. E. Johnson, Disaster Response and Recovery, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 634-7825.

NOTICE: Pursuant to the authority vested in the Director of Federal Emergency Management Agency by the President under Executive Order 12148 effective July 15, 1979, and delegated to me by the Director under Federal Emergency Management Agency Delegation of Authority, and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that, in a letter of September 14, 1979, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Maryland resulting from severe storms, tornadoes, and flooding on September 5-6, 1979, is of sufficient severity and magnitude to warrant a major-disaster declaration under Public Law 93-288. I therefore declare that such a major disaster exists in the State of Maryland.

Notice is hereby given that pursuant to the authority vested in the Director of Federal Emergency Management Agency under Executive Order 12148, and delegated to me by the Director under Federal Emergency Management Agency Delegation of Authority, I hereby appoint Mr. Robert J. Adamcik of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following areas of the State of Maryland to have

been affected adversely by this declared major disaster.

The following for Individual Assistance only:

Anne Arundel County
Baltimore City
Baltimore County
Calvert County.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Thomas R. Casey,

Acting Director, Disaster Response and Recovery, Federal Emergency Management Agency.

[FR Doc. 79-30617 Filed 10-2-79; 8:45 am]

BILLING CODE 6718-02-M

[FEMA-601-DR]

Maryland; Amendment to Notice of Major Disaster Declaration

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This Notice amends the Notice of a major disaster for the State of Maryland (FEMA-601-DR), dated September 14, 1979.

DATED: September 17, 1979.

FOR FURTHER INFORMATION CONTACT: Sewall H. E. Johnson, Disaster Response and Recovery, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 634-7825.

NOTICE: The Notice of a major disaster for the State of Maryland dated September 14, 1979, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of September 14, 1979.

For Individual Assistance and Public Assistance:

Frederick County

For Public Assistance in addition to Individual Assistance:

Anne Arundel County
Baltimore City
Baltimore County

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Thomas R. Casey,

Acting Director, Disaster Response and Recovery, Federal Emergency Management Agency.

[FR Doc. 79-30613 Filed 10-2-79; 8:45 am]

BILLING CODE 6718-02-M

[FEMA-603-DR]

Texas; Major Disaster and Related Determinations

AGENCY: Federal Emergency Managment Agency.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for the State of Texas (FEMA-603-DR), dated September 25, 1979, and related determinations.

DATES: September 25, 1979.

FOR FURTHER INFORMATION CONTACT: Sewall H. E. Johnson, Disaster Response and Recovery, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 634-7825.

NOTICE: Pursuant to the authority vested in the Director of Federal Emergency Management Agency by the President under Executive Order 12148 effective July 15, 1979, and delegated to me by the Director under Federal Emergency Management Agency Delegation of Authority, and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that, in a letter of September 25, 1979, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Texas resulting from severe storms and flooding beginning on September 17, 1979, is of sufficient severity and magnitude to warrant a major-disaster declaration under Public Law 93-288. I therefore declare that such a major disaster exists in the State of Texas.

Notice is hereby given that pursuant to the authority vested in the Director of Federal Emergency Managment Agency under Executive Order 12148, and delegated to me by the Director under Federal Emergency Management Agency Delegation of Authority, I hereby appoint Mr. Dale Milford of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following areas of the State of Texas to have been affected adversely by this declared major disaster.

The following Counties for Individual Assistance only:

Aransas	Harris
Brazoria	Matagorda
Galveston	San Patricio

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

William H. Wilcox,

Acting Director, Disaster Response and Recovery, Federal Emergency Management Agency.

[FR Doc. 79-30610 Filed 10-2-79; 8:45 am]

BILLING CODE 6718-02-M

GENERAL SERVICES ADMINISTRATION

[E-79-15]

Delegation of Authority to the Secretary of Defense

1. *Purpose.* This delegation authorizes the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in a gas rate processing before the South Dakota Public Utilities Commission.

2. *Effective date.* This delegation is effective immediately.

3. *Delegation.*

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the Federal executive agencies before the South Dakota Public Utilities Commission involving the application of the Montana-Dakota Utilities Company for an increase in its gas rates.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: September 26, 1979.

R. G. Freeman III,

Administrator of General Services.

[FR Doc. 79-30605 Filed 10-2-79; 8:45 am]

BILLING CODE 6820-AM-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

Health Services Administration; Statement of Organization, Functions, and Delegations of Authority

Part H. Chapter HS (Health Services Administration) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare (39 FR 10463, March 20, 1974, as

amended in pertinent part by 43 FR 37764, August 24, 1978), is amended to reflect the transfer of the cost advisory functions from the Office of Financial Management to the Office of Contracts and Grants within the Office of Management.

Section HS-B, Organization and Functions, is amended as follows: Under the *Office of Management (HSA4)* make the following changes:

(1) Delete items (7) and (8) from the functional statement for the *Office of Financial Management (HSA43)* and renumber item (9) as item (7).

(2) Delete the functional statement for the *Office of Contracts and Grants (HSA42)* and substitute the following:

Office of Contracts and Grants (HSA42) (1) Formulates and issues Administration policies, procedures, standards, and instructions for procurement management, grants management, and management of cooperative agreements and loans; (2) Provides advice and consultation on interpretation and application of regulatory issuances, and Department and PHS policies and procedures affecting contracts, grants, cooperative agreements and loan management; (3) Participates in development of policies and procedures concerning financial aspects of contracts, grants, cooperative agreements and loans; (4) Furnishes financial advice to Contracting Officers and Grants Management Officers; (5) Establishes standards and guides for, and evaluates Administration's procurement, grants, cooperative agreements and loan management operations; (6) Compiles, analyzes and publishes data essential to the administration of contract, grant, cooperative agreement and loan activities; (7) Executes, administers and terminates contracts; (8) Reviews and recommends action concerning requests for waivers, appeals, deviations, determinations and findings, and protests against awards required to be directed to the Office of the Secretary; (9) Coordinates Administration positions and actions with respect to contract, grant, cooperative agreement and loan audit requirements and resolutions; and (10) Exercises surveillance over the exercise of delegated procurement and grant authorities by HSA field installations.

Dated: September 26, 1979.

Frederick M. Bohen,

Assistant Secretary for Management and Budget.

[FR Doc. 79-30630 Filed 10-2-79; 8:45 am]

BILLING CODE 4110-84-M

National Advisory Council on the Education of Disadvantaged Children; Cancellation of Meeting

Notice is hereby given, pursuant to Pub. L. 92-463, that the meeting of the National Advisory Council on the Education of Disadvantaged Children scheduled to be held on Octobr 19 and 20, 1979, at 425 Thirteenth Street, NW., Suite 1012, Washington, D.C., is hereby cancelled.

The National Advisory Council on the Education of Disadvantaged Children is established under section 148 of the Elementary and Secondary Education Act (20 U.S.C. 2411) to advise the President and the Congress on the effectiveness of compensatory education to improve the educational attainment of disadvantaged children.

Signed at Washington, D.C. on September 27, 1979.

Gloria B. Strickland,

Acting Executive Director.

[FR Doc. 79-30529 Filed 10-2-79; 8:45 am]

BILLING CODE 4110-02-M

Office of the Secretary

Statement of Mission, Organization, and Function

Part A, Chapter AM (HEW Management and Budget Office) of the Statement of Mission, Organizations, and Functions for the Department of Health, Education, and Welfare is amended to revise Section AMN.20 and related subsections Office of Finance (42 FR 36308, July 14, 1977, and 42 FR 36315, July 14, 1977, as amended). These changes are made to add the Division of Cash Management Policy and Procedures to the Office of Finance.

Add to Chapter AM, 20G Functions the following:

Additionally, is responsible for the development and execution of policies and procedures relating to cash management and financing of recipient organizations that receive program funding from HEW.

Add to Chapter AMN.10 Organization the following:

7. Division of Cash Management Policy and Procedures (AMN 6)

Add to Chapter AMN.20 Functions the following:

L. Develops and executes policies and procedures relating to cash management and financing of recipient organizations that receive program funding from HEW.

Add a Chapter AMN 6.00 to read as follows:

AMN 6.00 Mission. The Division of Cash Management Policy and Procedures is responsible for developing, coordinating, issuing, and implementing policies and procedures related to effective management and utilization of cash resources. It monitors Agency practices and procedures on all matters relating to cash management.

AMN 6.10 Organization. The Division of Cash Management Policy and Procedures is headed by a Director who reports to the Deputy Assistant Secretary for Finance.

AMN 6.20 Functions. The Division of Cash Management Policy and Procedures provides Department-wide leadership in developing and implementing policy, regulations, and initiatives which will improve the effectiveness of cash management (1) at all operating levels within the Department, and (2) by recipients of HEW grant-in-aid funding. The Division performs the following functions:

1. Evaluates and analyzes cash management systems and techniques in use by States, Territories, and other recipients. Develops the rationale for improving cash management.

2. Recommends and negotiates with the States, Territories and other recipients the adoption and implementation of improved cash management techniques.

3. Assists States, Territories, and other recipients in the development, modification, and installation of automated systems that will enable the recipients to meet HEW/Treasury requirements for improved cash management.

4. Develops and issues department-wide policy and procedures on all matters relating to cash management.

5. Develops and implements systems for monitoring the status of receivable and collection activity of the Department's principal operating components and agencies.

6. Conducts studies and special analyses to assess the effectiveness of cash management policies (1) in accomplishing POC an agency program objectives and (2) in achieving desired savings goals.

7. Maintains liaison with the Office of Management and Budget (OMB), the General Accounting Office (GAO), the Treasury Department, other Federal agencies, and public interest groups on cash management policy matters.

Dated: September 26, 1979.

Frederick M. Bohen,

Assistant Secretary for Mangement and Budget.

[FR Doc. 79-30583 Filed 10-2-79; 8:45 am]

BILLING CODE 4110-12-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Montana; Wilderness Inventory; Appeal Period End Final Initial Inventory Decision

September 21, 1979.

Notice is hereby provided that Montana's final initial wilderness inventory decision went into effect on September 16, 1979, thirty days after the decision was announced in the August 16, 1979, Federal Register. During the thirty-day interval, no decision appeals were received.

The final initial inventory decision identified 192 inventory units containing 6,274,606 acres which will no longer be considered in the wilderness inventory. Another 198 inventory units representing 2,210,757 acres will be studied for wilderness characteristics in the intensive inventory.

Edwin Zaidlicz,

State Director.

[FR Doc. 79-30542 Filed 10-2-79; 8:45 am]

BILLING CODE 4310-84-M

Montana; Request for Public Comment

September 21, 1979.

U.S. Department of the Interior, Bureau of Land Management, Montana State Office, Granite Tower Building, 222 North 32nd Street, P.O. Box 30157, Billings, Montana 59107. The Bureau of Land Management requests public comment on the fair market value of certain coal resources it proposes to offer for competitive lease sale.

M 43083—Limited to the Beulah-Zap bed, to be surface mined, located approximately 5 miles south of Beulah, North Dakota.

Fifth Principal Meridian, North Dakota, Oliver County

T. 143 N., R. 87 W.,
Sec. 8: N½SE¼.
Containing 80 acres.

The estimated total strippable reserves are 1.003 million tons. The coal quality is as follows: Btu—6,900 per pound; Sulfur—.98 percent and Ash—7.6 percent. The Beulah-Zap coal bed averages 12 feet thick over the described lands.

The public is invited to submit written comments concerning the fair market value of the coal resource to the Bureau of Land Management and the U.S. Geological Survey. Public comments will be utilized in establishing fair market value for the coal resources in the described lands.

Comments should address specific factors related to fair market value including, but not limited to: the quantity and quality of the coal resource, the price that the mined coal would bring in the market place, the cost of producing the coal, the probable timing and rate of production, the interest rate at which anticipated income streams would be discounted, depreciation and other accounting factors, the expected rate of industry return, the value of the surface estate (if private surface), and the mining method or methods which would achieve maximum economic recovery of the coal. Documentation of similar market transactions, including location, terms, and conditions, may also be submitted at this time.

These comments will be considered in the final fair market value determination in accordance with 30 CFR 211.63 and 43 CFR 3422.1-2. Should any information submitted as comments be considered to be proprietary by the commentor, the information should be labeled as such and stated in the first page of the submission. Comments should be sent to both the State Director, Montana State Office, Bureau of Land Management, P.O. Box 30157, Billings, Montana 59107, and to the Regional Conservation Manager, Conservation Division, Geological Survey, Box 25046, Denver Federal Center, Denver, Colorado 80225, to arrive no later than November 2, 1979.

Roland F. Lee,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 79-30543 Filed 10-2-79; 8:45 am]

BILLING CODE 4310-84-M

[Wyoming 69195]

Wyoming; Application

September 24, 1979.

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Colorado Interstate Gas Company of Colorado Springs, Colorado, filed an application for a right-of-way to construct a 6⅝ inch pipeline for the purpose of transporting natural gas across the following described public lands:

Sixth Principal Meridian, Wyoming

T. 19 N., R. 98 W.,
Sec. 24, SE¼SE¼.

The proposed pipeline will transport additional natural gas from the TRU Number 41 well at a location in section 19, T. 19 N., R. 97 W., southwesterly into Colorado Interstate Gas Company's existing natural pipeline facilities located in the SE¼ of section 24, T. 19 N., R. 98 W., Sweetwater County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, 1300 Third Street, P.O. Box 670, Rawlins, Wyoming 82301.

William S. Gilmer,

Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 79-30544 Filed 10-2-79; 8:45 am]

BILLING CODE 4310-84-M

Cedar City District Grazing Advisory Board Meeting

Notice is hereby given in accordance with Pub. L. 92-463 that a meeting of the Cedar City District Grazing Advisory Board will be held on Thursday, November 8, 1979. The meeting will begin at 9:30 a.m. at the Bureau of Land Management Cedar City District Office, 1579 North Main, Cedar City, Utah.

The primary purpose of the meeting will be a field tour of allotments in the Mineral Mountain area of Beaver County. During the tour allotment management plans and fire rehabilitation will be discussed. All those desiring to make the tour should furnish their own transportation and lunch.

Grazing advisory board meetings are open to the public. Interested persons may make oral statements to the board between 9:30 and 10:00 a.m., or file written statements for the board's consideration. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, P.O. Box 724, Cedar City, Utah 84720, phone 801-586-2401, by October 6, 1979. Depending on the number of persons wishing to make oral statements, a per person time limit may be established.

Summary minutes of the board meeting will be maintained in the District Office and be available for public inspection and reproduction

(during regular business hours) within 30 days following the meeting.

Dated: September 24, 1979.

Morgan S. Jensen,

District Manager.

[FR Doc. 79-30608 Filed 10-2-79; 8:45 am]

BILLING CODE 4310-84-M

Chief, Lands Section, Division of Technical Services, New Mexico State Office; Redelegation of Authority

September 25, 1979.

1. The redelegation of authority promulgated in the February 5, 1972, Federal Register (37 FR 2793) to the Chief, Branch of Lands and Minerals Operations, is hereby revoked.

2. Pursuant to the authority contained in Part I, section 1.1(a) of Bureau Order No. 701 of July 23, 1964, as amended, I hereby redelegate to the Chief, Lands Section in the Division of Technical Services, authority to take action on the matters listed in Part II-A of Bureau Order No. 701 of July 23, 1964, as amended.

3. The Chief, Division of Technical Services may, in his discretion, personally exercise any authority hereby delegated to the Chief, Lands Section.

4. The Chief, Lands Section may redelegate the authority vested in her by this delegation to any qualified employee under her jurisdiction. Any order of redelegation must be approved by the State Director and published in the Federal Register.

5. The Chief, Lands Section may, by written order, designate any qualified employee of the Section to perform the functions of her position in her absence. Such order will be approved by the Chief, Division of Technical Services.

6. Effective date. This redelegation will become effective October 9, 1979.

Billy M. Brady,

Acting State Director.

[FR Doc. 79-30606 Filed 10-2-79; 8:45 am]

BILLING CODE 4310-84-M

[NM 38368]

New Mexico; Application

September 24, 1979.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Southern Union Gathering Company has applied for one 4-inch natural gas pipeline right-of-way across the following land:

New Mexico Principal Meridian, New Mexico

T. 32 N., R. 10 W.,

Sec. 21, lots 3, 4 and 7.

This pipeline will convey natural gas across 0.519 of a mile of public land in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interesterd persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, New Mexico 87107.

Michael T. Solar,

Chief, Division of Technical Services.

[FR Doc. 79-30607 Filed 10-2-79; 8:45 am]

BILLING CODE 4310-84-M

Bureau of Reclamation

Contract Negotiations With the 4-E Water District; Intent To Initiate Negotiations for a Water Service Contract

The Department of the Interior, through the Bureau of Reclamation, intends to negotiate a water service contract with the 4-E Water District, Elk Creek, California. The district contains approximately 40 irrigable acres and is located on Elk Creek, a tributary of Stony Creek which supplies the Bureau's Orland Project and Central Valley Project (CVP). The contract will permit the district to divert water from Elk Creek, which would normally accrue to the Orland Project, in exchange for an equivalent release of water to Orland Project water users from the Black Butte Reservoir of the CVP. This exchange of water is permitted pursuant to an agreement between the United States and the Orland Unit Water Users' Association.

Provisions to be negotiated in the proposed contract will include the water quantity and the water rate. Contract terms and conditions will generally be written pursuant to the Reclamation Project Act of 1939 (53 Stat. 1187), as amended.

All meetings scheduled by the Bureau of Reclamation with the 4-E Water District, for the purpose of discussing terms and conditions of the proposed contract, shall be open to the general public as observers. Advance notice of such 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 meeting. The public is invited to submit written comments on the form of the proposed contract not later than 30 days after the completed draft is declared to be available to the public.

All written correspondence concerning the proposed water service contract 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.

For further information, please contact Ms. Cindy Cowden, Repayment Specialist, Division of Water and Power Resources Management, Bureau of Reclamation, 2800 Cottage Way, Sacramento, California 95825, telephone No. (916) 484-4540.

Dated: September 27, 1979.

R. Keith Higginson,

Commissioner of Reclamation.

[FR Doc. 79-30641 Filed 10-2-79; 8:45 am]

BILLING CODE 4310-09-M

Fish and Wildlife Service

[INT-FES-74-58]

Great Swamp National Wildlife Refuge; Morris County, N.J.; Availability of an Environmental Assessment and Finding of No Significant Impact; 1979 Great Swamp White-Tailed Deer Hunting Program

Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared an Environmental Assessment to discuss proposed changes in the logistics of the controlled hunting program conducted to more effectively manage the refuge deer population. The Assessment discusses increasing (1) the number of hunting days from six to ten; (2) the area open to hunting from 4,200 acres to 5,400 acres; (3) the total number of potential hunting permits from 400 to 600; (4) the number of hunters per day from 150 to 250; and (5) the seasonal limit of deer from one per permit to two deer per permit. These hunting program logistical changes do not change the action of Final Environmental Statement FES 74-58 which was to remove 300 deer from the refuge deer herd.

Copies are available for inspection at the following locations:

Division of Refuge Management, Room 2355, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240, Telephone (202) 343-4047.

Office of the Regional Director, U.S. Fish and Wildlife Service, One Gateway Center, Suite 700, Newton Corner, Mass. 02158, Telephone (617) 965-5100 Ext. 222.

Single copies of Final Environmental Statement 74–58 may be obtained on request from the Regional Director.

Howard N. Larsen

Regional Director, U.S. Fish and Wildlife Service.

September 24, 1979.

[FR Doc. 79-30609 Filed 10-2-79; 8:45 am]

BILLING CODE 4310-55-M

National Park Service

Proposed River Management Plan for Dinosaur National Monument, Colorado and Utah

AGENCY: National Park Service, USDI.

ACTION: Notice of Availability of Proposed River Management Plan for Dinosaur National Monument, Colorado and Utah.

FOR FURTHER INFORMATION CONTACT: Superintendent, Dinosaur National Monument, P.O. Box 210, Dinosaur, CO 81610 (303) 374–2216.

I. Introduction

Dinosaur National Monument, comprising 211,053 acres, includes the spectacular canyons of the Yampa and Green Rivers in northwestern Colorado and northeastern Utah. Sections of these rivers within the monument are ideal for whitewater float trips and this activity has become very popular in recent years. Between 1967 and 1972, river use increased from 2,500 boaters to over 17,000 boaters. Competition for camp space, indiscriminate camping and heavy use of camp areas, rapids and other points of interest, fostered concern that continued unchecked use would cause serious and perhaps irreparable damage to the canyon environment. The quality of the visitor experience was also threatened. The National Park Service imposed a ceiling on all river use in 1972 to study the problem, establish proper use capacities and otherwise plan for the management of the river resources.

The 17,000 boater limit established in 1972 included both one day and multi-day trips and commercial and noncommercial uses. The ceiling also retained the pre-1972 pattern of 69% use allocation to commercial concessioners and 31% to noncommercial parties. Specific allocation levels were assigned to the 12 existing concessioners. Additionally, 10 educational and service organizations received interim permit allocations which terminated after the 1977 season. The 1972 ceiling stopped the escalation of use but demands for increased opportunities continue from all categories of users. The need for a comprehensive river management plan has become more and more apparent.

II. Public Involvement and Planning

Public workshops were held in Denver, Colorado, and Salt Lake City, Utah, in February 1976 to identify critical issues for a river management plan. Informal meetings were also held with commercial operators and other interested groups. A Draft Environmental Assessment was made available for public review in November 1977, prior to a second round of public workshops at Flagstaff, Arizona, Denver and Salt Lake City. The assessment grouped different river management concepts as alternatives to establishing use capacities, method of allocation, group size limits, designated and nondesignated camping areas, campsite scheduling procedures, use of campfires and disposal of human waste. The 1977 workshops were attended by approximately 300 people and over 280 written comments were evaluated. Several professional studies concerning sociological and ecological aspects of river management were also considered in the development of planning alternatives.

A trial program to make additional float trip opportunities available to special populations was carried out during the 1979 boating season. Features of this special populations program were included in the Environmental Review which was approved by the Regional Director, Rocky Mountain Region, in August 1979. The selected alternatives from the Environmental Review are incorporated in the Proposed River Management Plan. Some provisions of the proposed plan have been used on a trial basis at Dinosaur National Monument during the 1979 season.

III. Proposed River Management Plan

The proposed plan increases total river use opportunities by managing main season and off season boating use separately and providing for additional one day use. Use capacities will be controlled by the number of launches permitted each day. The launch opportunities will be divided evenly between commercial and non-commercial users. One launch each week during the main season is earmarked for the special populations program. Boat parties will be limited to 25 persons (excluding concessioner boat crews).

Upon the expiration of existing concession permits, notice will be given of intent to issue new permits, not to exceed 5 years and no more than 11 operators. Non-commercial trip applications will be considered in the order they are drawn, following a December 1 through January 15 open application period.

Congestion and resource impact will be reduced in certain campgrounds by reducing the number of sites and 3 additional river campgrounds will be designated. Fire pans must be used for campfires. Restrictions will be placed on where and when firewood may be gathered. Boat equipment and safety requirements remain essentially unchanged.

IV. Comments Solicited

Copies of the proposed plan are available from the Superintendent, Dinosaur National Monument, P.O. Box 210, Dinosaur, Colorado 81610 (303) 374–2216.

Written comments on the proposed plan may be mailed to the office of the Superintendent until October 31, 1979. All comments will be considered and substantive comments and needed modifications will be reflected in the adopted River Management Plan.

Dated: September 18, 1979.

Kenneth R. Ashley,

Acting Regional Director, Rocky Mountain Region.

[FR Doc. 79-30560 Filed 10-2-79; 8:45 am]

BILLING CODE 4310-70-M

Indiana Dunes National Lakeshore Advisory Commission; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act, Pub. L. 92–463, 86 Stat. 770, as amended by Pub. L. 94–409, 90 Stat. 1247, that a meeting of the Indiana Dunes National Lakeshore Advisory Commission will be held at 10:00 a.m., CDT, on Friday October 19, 1979, at the Michigan City Public Library, Meeting Room, 100 E. Fourth Street, Michigan City, Indiana.

The Commission was established by Pub. L. 89–761, 80 Stat. 1309, 16 U.S.C. 460u–7, as amended, to meet and consult with the Secretary of the Interior on matters related to the administration and development of the Indiana Dunes National Lakeshore.

The members of the Commission are as follows:

Mr. Neil P. Frankel (Chairman)
Dr. Lynton K. Caldwell
Mrs. Anna R. Carlson
Mr. John A. Hillenbrand II
Mrs. Barbara R. Johnson
Mr. James L. Kintzele
Mr. William L. Lieber
Dr. Albert Sawyer
Mr. John R. Schnurlein
Mr. Norman E. Tufford

Matters to be discussed at this meeting include:

1. Status of land acquisition.
2. Update on legislation for Indiana Dunes National Lakeshore.
3. Update on General Management Plan for Indiana Dunes National Lakeshore.
4. Subcommittee assignments relating to the Commission's role with National Park Service.
5. Discussion of future programs for interface between business and industry and the Indiana Dunes National Lakeshore.
6. Discussion for the development of programs for arts in the park.

The meeting will be open to the public. Any member of the public may file with the Commission prior to the meeting a written statement concerning the matters to be discussed. Persons wishing further information concerning the meeting, or who wish to submit written statements, may contact James R. Whitehouse, Superintendent, Indiana Dunes National Lakeshore, 1100 North Mineral Springs Road, Porter, Indiana 46304, telephone 219-926-7561.

Minutes of the meeting will be available for public inspection four weeks after the meeting at the office of the Indiana Dunes National Lakeshore Located at 1100 North Mineral Springs Road, Porter, Indiana.

Dated: September 24, 1979.

Randall R. Pope,

Acting Regional Director, Midwest Region.

[FR Doc. 79-30592 Filed 10-2-79; 8:45 am]

BILLING CODE 4310-70-M

Office of the Secretary

[INT FES 79-50]

Proposed Grazing Management Program for Parker Mountain Planning Unit, Wayne County, Utah; Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 and a 1975 Federal Court Order, the Bureau of Land Management has prepared a final environmental impact statement for the proposed Parker Mountain Grazing Management Program in Wayne County, Utah.

The proposal would provide land use management on the basis of multiple use and long-term sustained yield of the natural resources on 213,057 acres of public land. Initially, 11,180 animal unit months (AUMs) of forage would be allocated to livestock and 2,950 to big game animals (deer, elk, and antelope). In the long term, the respective allocations would be 11,556 and 3,335 AUMs. Vegetation treatments, seeding, water developments, fences, and periods of rest from livestock grazing are also proposed.

The Bureau of Land Management will accept written comments on the final statement. Comments should be submitted to District Manager, Bureau of Land Management, 150 East 900 North Richfield, Utah 84701. Comments will be received until November 5, 1979.

Public reading copies of the final statement are available 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, Bureau of Land Management, 150 East 900 North, Richfield, Utah.

Utah State Office, Bureau of Land Management, University Club Building, 136 East South Temple, Salt Lake City, Utah.

Henry Mountain Resource Area Office, Bureau of Land Management, Hanksville, Utah.

A limited number of copies are available from the Richfield District Manager at the above address.

Dated: September 26, 1979.

James W. Curlin,

Deputy Assistant Secretary.

[FR Doc. 79-30558 Filed 10-2-79; 8:45 am]

BILLING CODE 4310-84-M

INTERNATIONAL TRADE COMMISSION

[AA1921-Inq.-28]

Countertop Microwave Ovens From Japan; "A Reasonable Indication of Injury"

On the basis of information developed during the course of inquiry No. AA1921-Inq.-28 undertaken by the United States International Trade Commission under section 201 of the Antidumping Act, 1921, as amended, the Commission determines that there is a reasonable indication that an industry in the United States is being or is likely to be injured by reason of the importation of countertop microwave ovens, provided for in item 684.30 of the Tariff Schedules of the United States (TSUS), from Japan allegedly sold at less than fair value as indicated by the Department of the Treasury.[1]

On August 24, 1979, the Commission received advice from the Department of the Treasury that, in accordance with section 201(c)(1) of the Antidumping Act, 1921, as amended, an antidumping investigation was being initiated with respect to countertop microwave ovens from Japan and that, pursuant to section 201(c)(2) of the act, information developed during Treasury's preliminary investigation led to the conclusion that there is substantial doubt that an industry in the United States is being or is likely to be injured by reason of the importation of countertop microwave ovens from Japan into the United States. Accordingly, the Commission, on August 30, 1979, instituted inquiry No. AA1921-Inq.-28, under section 201(c)(2) of the act to determine whether there is no reasonable indication that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

A public hearing was held on September 12 and 13, 1979, in Washington, D.C. Notice of the institution of the inquiry and the public hearing was duly given by posting copies of the notice at the Secretary's office in the Commission in Washington, D.C., and at the Commission's office in New York City, and by publishing the original notice in the Federal Register of September 6, 1979 (44 FR 52046).

The Treasury Department instituted its investigation after receiving a properly filed complaint on July 23, 1979, from counsel representing the Association of Home Appliance Manufacturers, Chicago, Illinois. Treasury's notice of its antidumping proceeding was published in the Federal Register of August 29, 1979 (44 FR 50668).

Statement of Reasons of Chairman Joseph O. Parker and Commissioners George M. Moore and Catherine Bedell

This inquiry was instituted by the Commission after referral by the Department of the Treasury under section 201(c) of the Antidumping Act, 1921, as amended. In a letter to the Commission dated August 24, 1979, Treasury advised the Commission that during its preliminary investigation it had concluded that there is substantial doubt that an industry in the United States is being or is likely to be injured by reason of the importation of

[1] Vice Chairman Bill Alberger and Commissioners George M. Moore, Catherine Bedell, and Paula Stern, voting to continue the investigation, determine that, on the basis of information developed during the course of this inquiry, there is a reasonable indication that an industry in the United States is being or is likely to be injured by reason of the importation of countertop microwave ovens from Japan allegedly sold at less than fair value as indicated by the Department of the Treasury. Chairman Joseph O. Parker, also voting to continue the investigation, does not determine that there is no reasonable indication that an industry in the United States is being or is likely to be injured by reason of the importation of countertop microwave ovens from Japan allegedly sold at less than fair value as indicated by the Department of the Treasury.

countertop microwave ovens from Japan.

Upon receipt of this advice, the Commission instituted an inquiry to determine whether there is no reasonable indication that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.[2]

Section 201(c) was added to the Antidumping Act, 1921, by section 321 of the Trade Act of 1974. The report of the Senate Committee on Finance on the bill which became the Trade Act of 1974 describes the amendment and its purpose as follows:

> The amendment is designed to eliminate unnecessary and costly investigations which are an administrative burden and an impediment to trade. Under the amendment, if the Secretary, in the course of determining whether to initiate an antidumping investigation, concludes that there is substantial doubt as to whether injury under the Act exists, he will forward to the International Trade Commission the reasons for his doubts and any available information and preliminary indications concerning possible sales at less than fair value, including dumping margins and the volume of trade. If the Commission, within 30 days after receipt of such information from the Secretary, determines and advises the Secretary that there is no reasonable indication that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States, no further proceedings would be conducted. Otherwise, any investigation then in progress would be continued.[3]

In the short, 30-day period during which the Commission must make its inquiry and determination, it is not possible to gather and test the same amount or type of information as is possible in a full investigation. The margins of dumping to be considered by the Commission in such an inquiry are those which the petitioner has alleged and which have been forwarded to the Commissioin by Treasure. Similarly, other information, such as that on pricing or lost sales, may well be preliminary. However, unless the Commission determines from the information which it is able to gather that there is no reasonable indication of injury of likelihood of injury by reason of sales of the subject merchandise at the alleged margins of dumping, the investigation must continue.[4]

The petitioner has alleged significant margins of dumping, ranging from 27 to 107 percent, and that this dumping had several injurious effects including a substantial loss of market share, price suppression or depression, underemployment, declining profitability, and underutilization of capacity. The Commission's investigation revealed reasonable indications of such injury within the meaning of the Antidumping Act.

Imports of countertop microwave ovens from Japan increased from 530,000 units in 1976 to 765,000 units in 1978, or by 44 percent. During this period, the market share of such imports increased by 6 percentage points. In July 1979, such exports from Japan reached the highest monthly total ever.

Indexed data submitted by the petitioner indicate that, while U.S. producers have increased their capacity in recent years in accord with increasd demand, the utilization of such capacity declined from 78 percent in 1976 to 50 percent in the succeeding 2 years.

There are also indications that employment and profit in the industry have declined. The number of production and related workers in the U.S. industry declined from 3,916 in 1976 to 3,288 in 1978 and further declined in January-June 1979, compared with the corresponding period in 1978. The profit-and-loss experience of those firms reporting to the Commission which represent about 60 percent of the industry, showed that profit declined steadily from 1976 to 1978 and was sharply lower during January-June 1979 compared with January-June 1978. There are indications that these indicia of injury may be by reason of sales at the alleged margins within the meaning of the Antidumping Act.

Petitioner testified at the Commission's public hearing that the domestic industry lost sales of considerable magnitude to private-label retailers as a result of sales at less than fair value (LTFV) by Japanese producers. Information gathered during the Commission's investigation indicates that several large retailers did cease purchasing microwave ovens from domestic producers and began purchasing from Japanese manufacturers. Petitioner has also alleged that the sales of countertop microwave ovens sold at LTFV caused price suppression or depression. The limited pricing data gathered by the Commission does indicate several instances in which the lowest net selling price for a specified model declined during 1976 through January-June 1979.

Since the Commission was unable to make precise pricing comparisons in the short period of this inquiry, a more definitive conclusion as to the alleged imports at LTFV and the effects thereof on the domestic industry must await a final determination by Treasury as to the margins of dumping and a more detailed investigation with respect to the question of injury or the likelihood of injury.

While section 201(c) was added to the Antidumping Act to eliminate unnecessary investigation, it was not intended to deny petitioners of an investigation the facts unless a preliminary inquiry establishes that there is no reasonable indications of injury. In our judgment, the information discussed above reveals that the criteria for not terminating this investigation have been satisfied and that the investigation should continue to completion.

Statement of Reasons of Commissioners Bill Alberger and Paula Stern

If the Secretary of the Treasury concludes, during a preliminary investigation under the Antidumping Act, 1921, as amended, that there is substantial doubt regarding possible injury to an industry in the United States, he shall forward to the U.S. International Trade Commission (Commission) his reasons for such doubt. Within 30 days of receipt of the Secretary's reasons, the Commission shall determine whether there is no reasonable indication that an industry in the United states is being or is likely to be injured, or is prevented from being established,[5] by reason of the importation of merchandise allegedly sold in the United States at less than fair value (LTFV). Therefore, the Commission, on August 30, 1979, instituted inquiry AA1921-Inq.-28, concerning imports of countertop microwave ovens from Japan.

Determination

On the basis of the information developed during the course of this inquiry we determine that there is a reasonable indication that an industry in the United States is being or is likely to be injured[5] by reason of the importation of countertop microwave ovens from Japan allegedly sold at less than fair

[2] Prevention of estalbishment is not an issue in this investigation and will not be further discussed in this statement.

[3] *Trade Reform Act of 1974: Report of the Committee on Finance . . .*, S. Rept. No. 93-1298 (93d Cong., 2d sess.), 1974, p. 171.

[4] See "Statement of Reasons of Chairman Joseph O. Parker and Commissioners George M. Moore and Catherine Bedell." *Sugar from Canada* (AA1921-Inq.-27), USITC Pub. 977, 1979.

[5] Prevention of establishment of an industry is not in question in this inquiry and will not be discussed further in these views.

value as indicated by the Department of the Treasury.

Discussion

In this inquiry, we consider the relevant domestic industry to consist of the facilities in the United States used in the production of countertop microwave ovens—the only type of microwave oven imported from Japan. Countertop units account for over 80 percent of U.S. production of all microwave ovens. There are currently 12 firms producing countertop microwave ovens in the United States.

The U.S. market for microwave ovens has experienced considerable growth, as evidenced by the six-fold increase in apparent consumption since 1972. In analyzing such a growth industry, as opposed to a developed or static industry, it may be useful to focus not only on absolute trends, which will almost always points steadily upwards, but also on relative factors such as market share.

U.S. production of countertop microwave ovens remained relatively stable during the years 1976–78 at approximately 1.3 million units. Production during January–June 1979 was at the same level as that during the corresponding period of 1978. U.S. producers' shipments increased by 15 percent during the 1976–78 period. Shipments during January–June 1979 were 12 percent above their January–June 1978 level.

U.S. imports of countertop microwave ovens from Japan increased from 0.5 million units in 1976 to 0.8 million units in 1978.[6] While such imports registered a decline during the first half of 1979 as compared to the corresponding period of 1978, Japanese export data show that exports to the United States were at record levels during July 1979.

In 1976 the ratio of U.S. imports of countertop microwave ovens from Japan to apparent U.S. consumption increased by 10 percentage points over the estimated figure for 1975. By 1978 the ratio of such imports to consumption had increased by an additional 6 percent.

U.S. capacity for producing microwave ovens increased by 69 percent during 1976–78, as U.S. producers geared up for future demands. Utilization of capacity declined during this period, however, from 78 percent in 1976 to 50 percent in 1978. Had U.S. producers maintained their 1975 market share, utilization of capacity would have been approximately 60 percent in 1978, as opposed to the 50 percent actually recorded.

The average number of production and related workers producing countertop microwave ovens declined from 3,916 in 1976 to 3,228 in 1978, or by 18 percent. During January–June 1979, the average number of such workers was 9 percent below the January–June 1978 average. This marked decline in employment is attributed in large part to increased productivity, but it may not have been so pronounced without the retraction in U.S. producers' market share during this period.

Despite steady increases in net sales, information obtained in this investigation indicates that the profitability of U.S. producers may have declined between 1976 and 1978. Net operating profits as a percentage of net sales declined from 14.4 percent in 1976 to 10.1 percent in 1978 for the five reporting firms and dropped to 2.9 percent during January–June 1979 from 10.0 percent for the corresponding period in 1978. However, these figures may be distorted by the absence of profit and loss information for two of the largest firms in the industry, which together constitute one-third of the market. Furthermore, the effects of rising production costs in 1979 and the significantly weak performance of one large producer on aggregate figures were unclear.

Available price data indicate that countertop microwave oven prices have, in many instances, declined since January 1976 for both the imported and the domestic product. Several U.S. producers have claimed that price competition from imports has been particularly severe in the private brand retailer market. In recent years, U.S. producers lost two large customers, accounting for a significant proportion of all microwave oven sales, to imports from Japan. Officials of the purchasing firms advised that qualitative considerations, and not price, were the primary factors in the firms shift to imports. Even if this was the case, the absence of alleged LTFV margins[7] might have led to different purchasing decisions. However, with respect to the overall U.S. market, there was not enough data on pricing and comparability of models to enable us to determine whether the Japanese product undersold the domestic product. If the imported product did not undersell the domestically produced product, technical dumping would arise.[8] Therefore pricing information will be critical if the case returns to the Commission for a final determination.

Several large Japanese exporters of countertop microwave ovens to the United States have announced their intention to initiate production of such units in new U.S. facilities in the near future. While officials of these firms have advised the Commission that such production will probably result in a reduction in imports of microwave ovens from Japan, it is impossible to definitively conclude in this inquiry that imports from Japan will not continue at their present levels or possibly increase.

Conclusion

On the basis of the above, we therefore conclude that there is a reasonable indication of injury or likelihood of injury to the domestic industry producing countertop microwave ovens by reason of alleged LTFV imports from Japan.

By order of the Commission.

Issued: September 24, 1979.

Kenneth R. Mason,

Secretary.

[FR Doc. 79-30642 Filed 10-2-79; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-59]

Pump Top Insulated Containers; Termination

Upon consideration of the presiding officer's recommendation and the record in this proceeding, the Commission is ordering the termination of investigation No. 337-TA-59, Pump Top Insulated Containers, as to respondents The Warren Company and Rainbow National, Inc., by granting a joint motion (Motion Docket No. 59-3) by complainant, Aladdin Industries, Inc., and the two above-named respondents to terminate this investigation as to those two respondents. The motion to terminate was supported by a settlement agreement signed by complainant and the two respondents in question.

The order is effective as of September 25, 1979.

Any party wishing to petition for reconsideration of the Commission's action must do so within 14 days of service of the Commission Action, Order, and Memorandum Opinion. Such petitions must be in accord with Commission rule 210.56 (19 CFR 210.56).

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[6] Imports from Singapore began to enter the United States in 1978 accounting for 12,000 units or 2 percent of imports of all microwave ovens during that year. For the first 6 months of 1979, microwave ovens imported from Singapore increased as a share of total imports to 10 percent (29,000 units).

[7] Treasury noted, in its Antidumping Proceeding Notice published in the Federal Register Of August 29, 1979 (44 FR 50668), that, ". . . it appears that the margins of dumping may range from 27 percent to 107 percent."

[8] *Trade Reform Act of 1974: Report of the Committee on Finance . . .*, S. Rept. No. 93-1298, (93d Cong., 2nd Sess.) 1974, p. 179.

Copies of the Commission's Action, Order, and Memorandum Opinion, and any other public documents in this investigation are available to the public during official working hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone (202) 523-0161.

Notice of the institution of this investigation was published in the Federal Register of November 9, 1978 (43 FR 52297).

Issued: September 25, 1979.

Kenneth R. Mason,

Secretary.

[FR Doc. 79-30643 Filed 10-2-79; 8:45 am]

BILLING CODE 7020-02-M

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration

Annual Notice of Interjurisdictional Intelligence Systems Funded by LEAA

This notice is pursuant to the Criminal Intelligence Systems Operating Policies, 43 FR 2852, Section III C, which provides that an annual notice will be published by LEAA to indicate the existence and objective of all systems for the continuing interjurisdictional exchange of intelligence data funded with LEAA funds. Interjurisdictional Intelligence Systems presently being funded by LEAA are:

1. Regional Organized Crime Information Center—a repository involving a 13 state area, the purpose of which is to assist in the collection, evaluation, and dissemination of information concerning crime of an inter- or intra-state nature.

2. Quad State Unified Intelligence System—to increase law enforcement effectiveness in reducing organized crime and interdiction of narcotics smuggling in the Quad State regions. (Utah, Colorado, Arizona, New Mexico).

Henry S. Dogin,

Administrator.

[FR Doc. 79-30545 Filed 10-2-79; 8:45 am]

BILLING CODE 4410-18-M

NATIONAL ENDOWMENT FOR THE ARTS

Music Panel; Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), as amended, notice is hereby given that a meeting of the Music Advisory Panel to the National Council on the Arts will be held on October 30, 1979, from 9:30 a.m.-5:30 p.m.; October 31, 1979, from 9:30 a.m.-5:30 p.m.; and November 1, 1979, from 9:30 a.m.-5:30 p.m. in Room 1422 of the Columbia Plaza Office Building, 2401 E Street, N.W., Washington, D.C. 20506.

A portion of this meeting will be open to the public on October 30, 1979, from 9:30 a.m.-3:30 p.m; October 31, from 9:30 a.m.-11 a.m. and 1:30 p.m.-3 p.m.; and November 1, 1979, from 3 p.m.-5:30 p.m. for Guidelines and a discussion of future Music Program support to the field of education.

The remaining sessions of this meeting on October 30, 1979, from 3:30 p.m.-5:30 p.m.; October 31, 1979, from 11 a.m.-1:30 p.m. and 3 p.m.-5:30 p.m.; and on November 1, 1979, from 9:30 a.m.-3 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the Federal Register March 17, 1977, these sessions will be closed to the public pursuant to subsections (c)(4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

September 26, 1979.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 79-30610 Filed 10-2-79; 8:45 am]

BILLING CODE 7537-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-397A]

Washington Public Power Supply System; No Significant Antitrust Changes and Time for Filing of Requests for Reevaluation

The Director of Nuclear Reactor Regulation has made an initial finding in accordance with section 105c(2) of the Atomic Energy Act of 1954, as amended, that no significant (antitrust) changes in the licensee's activities or proposed activities have occurred subsequent to the previous review of the Washington Public Power Supply System by the Attorney General and the Commission. The finding is as follows:

Section 105c(2) of the Atomic Energy Act of 1954, as amended, provides for an antitrust review of an application for an operating license if the Commission determines that significant changes in the licensee's activities or proposed activities have occurred after the previous review conducted in connection with the application for a construction permit. After examining the events that have transpired since the construction permit antitrust review, we conclude that no significant changes have occurred that would now warrant an operating license antitrust review. The Office of the Executive Legal Director concurs with this conclusion.

On August 10, 1971, the Washington Public Power Supply System (WPPSS), filed an application for a construction permit and facility license to construct a 1100 MWe boiling water reactor nuclear unit on the U.S. Department of Energy's Hanford Reservation on the Columbia River near the City of Richland in southeastern Washington. Notice of receipt of the application was published in the Federal Register on September 22, 1971.

On January 24, 1972, the Attorney General advised the NRC's predecessor, the Atomic Energy Commission, that "It does not appear that the issuance of the proposed license for Hanford No. 2 will create or maintain a situation inconsistent with the antitrust laws and we see no need for an antitrust hearing." In support of this conclusion, the Attorney General noted that:

"There has been and continues to be substantial cooperation and coordination in bulk power supply among the various utilities, large and small, in the Pacific Northwest. Hanford No. 2 is one of several generating units resulting from a program in which all utilities in the same area have been invited to participate. Pursuant to this program both public and private utilities have planned and coordinated the addition of new generating capacity in the area.

"The vast majority of small, publicly-owned utilities in the Pacific Northwest will participate in Hanford No. 2 and thereby obtain access to low cost power."

The Attorney General's advice letter was published in the Federal Register on February 2, 1972. No petitions for leave to intervene or requests for hearing on antitrust aspects of the application were subsequently received.

"The Attorney General has also reviewed the antitrust information submitted by WPPSS as part of its applications to construct and operate four other nuclear plants—namely, WPS-1, WPS-3, WPS-4, and WPS-5. Separate advice letters for each plant were tendered on April 19, 1974, January 29, 1975, February 13, 1975, and July 12, 1976, respectively. Ownership in each of the plants has varied somewhat, but for each application the Attorney General found a high degree of coordination among the various utilities in the region. The Attorney General noted only one problem in any of these applications, which concerned allegations that the City of Tacoma, Washington refused to wheel power from Bonneville to the Pierce County Cooperative Power Association (PCCPA). This problem has since been resolved by Tacoma's agreement to wheel such power to PCCPA, which it has been doing since July 1, 1974. In

any event, this problem was and is not directly relevant to WPPSS's Hanford 2 application since Tacoma is not a participant in Hanford 2.

On March 19, 1973, the Atomic Energy Commission issued Construction Permit No. CPPR-93 to WPPSS authorizing construction of Hanford 2. Subsequently, WPPSS submitted antitrust information on July 14, 1977 in accordance with NRC Regulatory Guide 9.3 relating to NRC's operating license antitrust review.[1] WPPSS tendered its application for an operating license for Hanford 2 on March 24, 1978. Notice of the NRC's acceptance of the OL application was published in the Federal Register on July 11, 1978.

Based on information submitted by WPPSS in response to information requested in Regulatory Guide 9.3, there have been no major changes in WPPSS's activities occurring since the construction permit was issued.

In response to question 1.a. of R.G. 9.3, WPPSS has submitted the 1977 'West Group Forecast of Power Loads and Resources' published by the Pacific Northwest Utilities Conference Committee on February 15, 1977. To supplement this forecast, WPPSS also submitted testimony of Robert B. Gallup which had been previously submitted in the construction permit proceeding for WNP-3 and WNP-5. This testimony was updated by three affidavits, of which the most relevant to the operating license antitrust review is that dated March 18, 1977. In that affidavit, Mr. Gallup indicates that the 1977 load forecasts show a net decrease from the 1976 forecasts for loads in 1984-85 of 2.8% and 3.0%, respectively. This decrease in projected demand is more than compensated for by delays in construction of new generating capacity. The combined effect of these forecasts is to increase the projected deficit of resources required to meet loads in the earlier years of the planning horizon (i.e., 1983-5). Because this net deficit excludes reserves and assumes adverse stream flow conditions, the reserve situation does not appear critical. In any event, staff does not foresee any adverse antitrust implications that would result from the slower load growth and corresponding delay in generator additions.

With regard to question 1.b, of R.G. 9.3 there have been minor changes in the membership of the power and coordinating groups in which WPPSS participates. However, because membership in such organizations is open and voluntary to the extent that all utilities desiring to participate may do so, any such changes are not viewed as presenting potential antitrust problems. WPPSS has indicated that Public Utility District #1 of Okanogan County became a member of WPPSS in 1976, which raised the membership of WPPSS to 22. However, PUD #1 of Okanogan County was already a participant in Hanford 2 by virtue of its being a statutory preference customer of the Bonneville Power Administration. Its participation in Hanford 2 has thus been in no way affected by its joining WPPSS.

There have been no changes of the type queried by staff in question 1.c through 1.f of R.G. 9.3 pertaining to changes in transmission, ownership in Hanford 2, rate schedules, customers, service area, or mergers or acquisitions other than noted below.

With respect to question 1.g., WPPSS and the "transmission participants" in Hanford 2 are also participating in varying amounts in WNP #1, WNP #3, WNP #4, and WNP #5. Consumers Power, Inc. is also purchasing 10% of the Boardman coal plant being constructed by Portland General Electric Company. In addition to participation in the nuclear units, PUD #1 of Okanogan County is also participating in the Wells Dam hydroelectric plant with such participation increasing from 0.6% now to 8% by 1988.

With respect to question 1.h of R.G. 9.3, neither WPPSS nor the "transmission participants" in Hanford 2 have received "requests or indications of interest by other electric wholesale or retail distributors . . . for any type of electric service or cooperative venture or study" relevant to NRC's antitrust review.

Question 2 of R.G. 9.3 does not pertain to WPPSS and thus no response was given.

The NRC staff also asked Applicant why certain statutory preference customers of the Bonneville Power Administration did not participate in Hanford 2. WPPSS responded that all entities who were such customers at the time subscriptions to Hanford 2 were being offered, were offered part ownership in Hanford 2. For various reasons, 16 eligible utilities chose not to participate initially and a seventeenth (the City of Tacoma) chose subsequently to withdraw from participation. Following the initial subscription to ownership in Hanford 2, four more utilities have become statutory preference customers of Bonneville, thus boosting the total of non-participants to 21. WPPSS has indicated to the NRC staff that a majority of these 21 non-participants have been offered "assignment agreements"[2] for power from those current Hanford 2 participants whose power requirements have decreased. Because offering secondary participation in Hanford 2 to some utilities and not others could be an indication of possible inconsistencies with the antitrust laws, NRC staff asked counsel for WPPSS how such assignment agreements were made and why some current non-participants but not others were offered subsequent participation. WPPSS, through its counsel, replied that such subsequent offers were made informally by individual members of WPPSS who are participants in Hanford 2 and who had what they judged to be excess capacity to neighboring entities. Depending on the energy needs of certain Hanford 2 participants and their geographical proximity to Hanford 2 non-participants, some non-participants would have been offered subsequent participation while others would not have been. There appear to be no adverse antitrust implications in this situation.

The staff has also examined the docket files of the Federal Energy Regulatory Commission to determine whether any complaints relative to anti-competitive activity had been lodged against WPPSS or the participating statutory preference customers of Bonneville since the construction permit antitrust review. The staff found no such complaints relevant to its antitrust review.

In sum, the staff concludes that changes in the applicants' activities occuring since the construction permit antitrust review do not represent "significant changes" that would now warrant another antitrust review at the operating license stage.

Any person whose interest may be affected pursuant to this initial determination may file with full particulars a request for reevaluation with the Director of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington DC 20555 by December 3, 1979.

For the Nuclear Regulatory Commission.

Jerome Saltzman,

Chief, Antitrust and Indemnity Group, Office of Nuclear Reactor Regulation.

[FR Doc. 79-30469 Filed 10-2-79; 8:45 am]

BILLING CODE 7590-01-M

[1] WPPSS itself has submitted answers to all questions posed in Regulatory Guide 9.3. However, at the request of the NRC staff, answer to questions 1.c(2), 1.c(3), 1.e., 1.f., 1.g. and 1.h were submitted only for those participants in Hanford 2 that have facilities to transmit bulk power to wholesale customers. There are three such participants: Consumers Power, Inc. (a cooperative); Public Utility District #1 of Grays Harbor County; and Public Utility District #1 of Okanogan County. WPPSS refers to these three entities as "transmission participants."

[2] WPPSS has indicated that these "assignment agreements" are, in effect, direct transfers of ownership in Hanford 2 from current participants. Hanford 2 has a unique ownership arrangement whereby each participant assigns to the Bonneville Power Administration its share of the electrical output from Hanford 2. In consideration of these assignments, Bonneville will credit the amounts paid by the Hanford 2 participants for power and service purchased under contracts with Bonneville.

SECURITIES AND EXCHANGE COMMISSION

[File No. 2-64160, (22-9931)]

Gulf & Western Industries, Inc.; Application and Opportunity for Hearing

Notice is hereby given that Gulf & Western Industries, Inc. (the "Company") has filed an application pursuant to clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1939, as amended (the "Act") for a finding by the Securities and Exchange Commission (the "Commission") that the trusteeship of Citibank, N.A. ("Citibank") under an indenture of the Company dated as of May 1, 1979 (the "May 1 Indenture") which was heretofore qualified under the Act, and the trusteeship by Citibank under an indenture among Gulf & Western Intercontinental Investments, N.V. ("Intercontinental"), the Company as Guarantor, and Citibank, N.A., Trustee,

dated as of July 3, 1979, (the "July 3 Indenture"), is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Citibank from acting as Trustee under the May 1 Indenture and under the July 3 Indenture.

In support of its application the Company alleges that:

(1) The Company has outstanding on the date hereto $1,095,958 aggregate principal amount of its 9¼% Installment Notes due June 5, 1984 (the "Notes") issued under the May 1 Indenture executed by the Company and Citibank, as Trustee. The Notes were registered under the Securities Act of 1933, as amended (File No. 2-64160) and the Indenture was qualified under the Trust Indenture Act of 1939, as amended (File No. 22-9931). Citibank is currently acting as trustee under the May 1 Indenture.

(2) Pursuant to the July 3 Indenture, there are to be issued $35,000,000 aggregate principal amount of the 9¾% Guaranteed Notes due 1984 of Intercontinental, which are guaranteed by the Company (the "Guaranteed Notes"). Inasmuch as the Guaranteed Notes are being offered and sold outside the United States, its territories and possessions to persons who are not nationals or residents thereof, the Guaranteed Notes are not being registered under the Securities Act of 1933 and the Indenture is not being qualified under the Trust Indenture Act of 1939.

(3) Section 6.08 of the May 1 Indenture provides in part as follows:

Section 6.08. (a) If the Trustee has or shall acquire any conflicting interest, as defined in this Section 6.08, it shall, within ninety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign, such resignation to become effective upon the appointment of a successor trustee and such successor's acceptance of such appointment, and the Company shall take prompt steps to have a successor appointed in the manner provided in Section 6.10.

(b) In the event that the Trustee shall fail to comply with the provisions of subsection (a) of this Section 6.08, the Trustee shall, within ten days after the expiration of such ninety-day period, transmit notice of such failure to the Noteholders in the manner and to the extent provided in subsection (c) of Section 4.04 with respect to reports pursuant to subsection (a) of said Section 4.04.

(c) For the purposes of this Section 6.08 the Trustee shall be deemed to have a conflicting interest if

(1) The Trustee is trustee under another indenture under which any other securities, or certificates of interest or participation in any other securities of the Company are outstanding, unless such other indenture is a collateral trust indenture under which the only collateral consists of Notes issued under this Indenture, provided that there shall be excluded from the operation of this paragraph the Indenture dated as of February 1, 1968 among Gulf & Western International N.V., Gulf & Western Industries, Inc., as Guarantor, and the Trustee, as Trustee, under which the 5% Guaranteed Sinking Fund Debentures Due 1988 of Gulf & Western International N.V. are outstanding, the Indenture dated as of November 27, 1968 among Gulf & Western International N.V., Gulf & Western Industries, Inc., as Guarantor, and the Trustee, as Trustee, under which the 6½% Guaranteed Debentures due 1980 of Gulf & Western International N.V. are outstanding, the Indenture dated as of June 15, 1975 among Gulf & Western International N.V., Gulf & Western Industries, Inc., as Guarantor, and the Trustee, as Trustee, under which the 9¾% Guaranteed Notes Due 1980 of Gulf & Western International N.V. are outstanding, the Indenture dated as of June 1, 1976 among Gulf & Western International N.V., Gulf & Western Industries, Inc., as Guarantor, and the Trustee, as Trustee, under which the 9¼% Guaranteed Notes due 1982 of Gulf & Western International N.V. are outstanding, the Indenture dated as of February 15, 1977 among Gulf & Western International Finance N.V., Gulf & Western Industries, Inc., as Guarantor, and the Trustee, as Trustee, under which the 8¼% Guaranteed Notes Due 1984 of Gulf & Western International Finance N.V. are outstanding and any other indenture or indentures under which other securities, or certificates of interest or participation in other securities, of the Company are outstanding if (i) this Indenture and such other indenture or indentures are at the time wholly unsecured and such other indenture or indentures are hereafter qualified under the Trust Indenture Act of 1939, unless the Securities and Exchange Commission shall have found and declared by order pursuant to subsection (b) of Section 305 or subsection (c) of Section 307 of the Trust Indenture Act of 1939 that differences exist between the provisions of this Indenture and the provisions of such other indenture or indentures which are so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Trustee from acting as such under one of such indentures, or (ii) The Company shall have sustained the burden of proving, on application to the Securities and Exchange Commission and after opportunity for hearing thereon, that trusteeship under this Indenture and such other indenture or indentures is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Trustee from acting as such under one of such indentures;

(4) Execution of the July 3 Indenture will involve Citibank in a conflict of interest within the meaning of Section 6.08 of the May 1 Indenture since the July 3 Indenture is not being qualified under the Trust Indenture Act of 1939 and is not the subject of any other proceeding of the Commission.

(5) The May 1 and July 3 Indentures are wholly unsecured. The guaranty of the Company under the July 3 Indenture ranks equally with the Company's other unsecured and unsubordinated indebtedness including the Notes issued under the May 1 Indenture. The only material differences between the May 1 Indenture and the July 3 Indenture, and between the rights of the holders of the Notes and the holders of the Guaranteed Notes, relate to the fact that the Company, upon the issuance of the Guaranteed Notes will be the Guarantor under the July 3 Indenture, but will be the primary obligor under the May 1 Indenture, and also relate to aggregate principal amounts, dates of issue, denominations, events of default, maturity and interest payment dates, interest rates, places of payment of interest and principal, form of registration, redemption or prepayment procedures, reports of the Trustee or the issuer, restrictions on transferability, provisions for conflicting interest of the Trustee, special provisions relating to the non-United States offering of the Guaranteed Notes and other provisions of a similar nature. Any such difference and any other difference in the provisions of the two Indentures is unlikely to cause any conflict of interest between the respective trusteeships of Citibank under said Indentures.

(6) The terms of the July 3 Indenture, including those terms which differ from the terms of the May 1 Indenture (other than the principal amounts, interest rates, dates of issue and payment and optional redemption provisions) are identical in all material respects to the terms of the Indentures dated as of June 15, 1975 and June 1, 1976 of Gulf & Western International N.V. and the Indenture dated as of February 15, 1977 of Gulf & Western International Finance N.V. and are substantially the same as the terms of the Indentures dated as of February 1, 1968 and November 27, 1968 of Gulf & Western International N.V., all of which Indentures relate to debt securities guaranteed by the Company, and all of which were excluded in the May 1 Indenture from the provisions of Section 6.08. The Commission, therefore, when the May 1 Indenture became qualified, did not make a finding pursuant to Section 310(b)(1) of the Act that differences existed between the provisions of the May 1 Indenture and the provisions of the Indentures specified in Section 6.08 of the May 1 Indenture which were so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Trustee from acting as such under either the May 1 Indenture or any or all of the Indentures specified therein.

(7) The Company is not in default under the May 1 Indenture, and upon the issuance of the Guaranteed Notes will not be in default under the July 3 Indenture;

(8) Such differences as exist between the May 1 Indenture and the July 3 Indenture are not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Citibank from acting as trustee under the May 1 Indenture.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application which is on file in the offices of the Commission at 500 North Capitol Street, Washington, D.C. 20549.

Notice is further given that an order granting the application may be issued by the Commission at any time on or after October 18, 1979, as of September 30, 1979, nunc pro tunc, unless prior

thereto a hearing upon the application is ordered by the Commission, as provided in clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1939, as amended. Any interested person may, not later than October 17, 1979 at 5:30 P.M., Eastern Standard Time, in writing, submit to the Commission, his views or any additional facts bearing upon this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact and law raised by the application which he desires to controvert.

For the Commission, by the Division of Corporation Finance pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-30597 Filed 10-2-79; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 21231]

Louisiana Power & Light Co.; Proposed Issuance and Sale of First Mortgage Bonds at Competitive Bidding

September 27, 1979.

In the matter of Louisiana Power & Light Company, 142 Delaronde Street, New Orleans, Louisiana 70174.

Notice is hereby given that Louisiana Power & Light Company ("Louisiana"), an electric utility subsidiary of Middle South Utilities, Inc., a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) and 7 of the Act and Rules 23, 24, and 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

Louisiana proposes to issue and sell at competitive bidding up to $65,000,000 principal amount of its first mortgage bonds of a new series having a term of not less than five years nor more than thirty years. The interest rate of the bonds (which will be multiple of ⅛th of 1%) and the price, exclusive of accrued interest, to be paid to Louisiana for the bonds (which will be not less than 98% nor more than 101¾% of the principal amount thereof) will be determined by competitive bidding. The bonds will be issued under Louisiana's Mortgage and Deed of Trust, dated as of April 1, 1944, to The Chase Manhattan Bank (National Association), Trustee, as heretofore supplemented by various indentures and as it is to be further supplemented by a Twenty-seventh Supplemental Indenture to be dated as of the first day of the calendar month in which the bonds are issued. The Twenty-seventh Supplemental Indenture will include a prohibition, for a period of not more than five years, against refunding the bonds, directly or indirectly, with funds borrowed at a lower effective interest cost.

Louisiana will use the net proceeds derived from the sale of the bonds to pay, in part, short-term borrowings estimated to total $35,000,000 at the time the proceeds are received, to finance, in part, Louisiana's construction program (estimated to total approximately $268,600,000 in 1979), and for other corporate purposes.

The fees and expenses to be incurred in connection with the proposed transaction are estimated at $195,000, including legal fees of $47,000, trustee's fees of $22,500, auditor's fees of $12,000 and miscellaneous expenses (including blue sky expenses) of $19,597. The fee of counsel for the purchasers of the bonds is estimated at $17,000 and will be paid by the successful bidders. It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, no later than October 25, 1979, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarant at the above stated address, and proof of service (by affidavit or, in case of attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-30598 Filed 10-2-79; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-16222; File No. SR-BSECC-79-7]

Self-Regulatory Organization; Proposed Rule Change, Boston Stock Exchange Clearing Corp.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on August 27, 1979 the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change imposed a 2¢ per share charge on members of Boston Stock Exchange Clearing Corporation ("BSECC") on trades made through the Intermarket Trading System ("ITS") other than those executed on the Boston Stock Exchange as a result of commitments to trade received at the Boston Stock Exchange.

Statement of Basis and Purpose

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of the proposed rule change ("Rule Change") is to reimburse the clearing agency for certain additional costs which it incurs in connection with the clearance and settlement of trades made through ITS. The Rule Change imposes a fee for trades other than trades on the Boston Stock Exchange made through the ITS of 2¢ per share on settled transactions.

The Rule Change relates to the capacity of the BSECC to facilitate the prompt and accurate clearance and settlement of securities transactions by enabling it to carry on its functions in a profitable manner. The clearing agency will incur additional expenses in connection with ITS trades principally for the additional personnel required to report and reconcile ITS trades.

The Rule Change is effective from its filing with the Commission until October 9, 1979. However, the BSECC has previously filed an additional proposed rule change to be considered by the

Commission pursuant to section 19(b)(2) of the Securities Exchange Act of 1934, which would adopt the substance of the Rule Change on a permanent basis.

On August 30, 1978, the BSECC filed a rule change to impose a fee to recover both the personnel and finance expenses associated with the Boston Stock Exchange's participation in ITS. In addition to the 2¢ per share fee, the August 30, 1978 rule change imposed a fee equal to the interest rate, charged at the time of any ITS trade by the BSECC's principal lender, times the dollar amount of any such trade. *See* Securities Exchange Act Rel. No. 15120 (September 1, 1978), 42 FR 40968. The Commission summarily abrogated the August 30, 1978 rule change. *See* Securities Exchange Act Rel. No. 15192 (September 26, 1978), 43 FR 46391.

As indicated, in contrast to the August 30, 1978 rule change, the Rule Change is principally designed to recover personnel expenses, is effective for a limited period of time, and has been submitted to the Commission subsequent to a proposed rule change, to be considered pursuant to section 19(b)(2), which would adopt the substance of the Rule Change on a permanent basis. The Rule Change is an interim measure to allow the BSECC to recover certain costs associated with clearing and settling ITS transactions while the Commission considers, pursuant to section 19(b)(2), the questions such a fee raises regarding the financing of the costs of implementing and operating national market system facilities.

No comments have been or are to be solicited; however, an organization representing specialists on the floor of the Boston Stock Exchange has expressed opposition to the amendment.

No burden on competition is expected.

The foregoing rule change has become effective, pursuant to section 19(b)(3) of the Securities Exchange Act of 1934. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted before October 5, 1979.

For the Commission, by the Division of Market Regulations, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

September 26, 1979.

[FR Doc. 79-30596 Filed 10-2-79; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 1678]

Texas; Declaration of Disaster Loan Area

Martin County and adjacent counties within the State of Texas constitute a disaster area as a result of damage caused by excessive rainfall and flooding which occurred on July 19, 1979. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on October 25, 1979, and for economic injury until the close of business on May 26, 1980, at:

Small Business Administration, District Office, 712 Federal Office Building and U.S. Courthouse, 1205 Texas Avenue, Lubbock, Texas 79401.

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: August 24, 1979.

A. Vernon Weaver,

Administrator.

[FR Doc. 79-30644 Filed 10-2-79; 8:45 am]

BILLING CODE 8025-01-M

Region I Advisory Council; Public Meeting

The Small Business Administration Region I Advisory Council, located in the geographical area of Boston, Massachusetts, will hold a public meeting at 9:00 a.m., Tuesday, October 9, 1979, in the District Director's Conference Room, 150 Causeway Street, 10th Floor, Boston, Massachusetts, to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration, and others attending.

For further information, write or call Eleanor A. McCauley, Acting District Director, U.S. Small Business Administration, 150 Causeway Street, 10th Floor, Boston, Massachusetts 02114—(617) 223-4074.

Dated: September 27, 1979.

K. Drew,

Deputy Advocate for Advisory Councils.

[FR Doc. 79-30646 Filed 10-2-79; 8:45 am]

BILLING CODE 8025-01-M

Region III Advisory Council Meeting; Public Meeting

The Small Business Administration Region III Advisory Council, located in the geographical area of Washington, D.C., will hold a public meeting at 10:00 a.m., Wednesday, October 17, 1979, at the Executive Building, 1030—15th Street, NW, Room 250 (2nd Floor), Washington, D.C., to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration, and others attending.

For further information, write or call Leon J. Bechet, District Director, U.S. Small Business Administration, 1030—15th Street, NW, Washington, D.C. 20417—(202) 653-6965.

Dated: September 27, 1979.

K. Drew,

Deputy Advocate for Advisory Councils.

[FR Doc. 79-30647 Filed 10-2-79; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF THE TREASURY

Office of Revenue Sharing

Population Changes for Entitlement Period Eleven

AGENCY: Office of Revenue Sharing, Department of the Treasury.

ACTION: Data notice.

SUMMARY: This announces that the Office of Revenue Sharing has revised the population estimates of certain counties and States for general revenue sharing Entitlement Period Eleven.

FOR FURTHER INFORMATION CONTACT: Matthew Butler, Manager, Data and Demography Division, Office of Revenue Sharing, 2401 E Street, NW., Washington, D.C. 20226, telephone 202-634-5166.

SUPPLEMENTAL INFORMATION:

Pursuant to § 51.20(b)(3) of the revenue sharing regulations (31 CFR 51.20(b)(3)) and the authority of the Secretary of the Treasury under section

109(a)(7)(B) of the State and Local Fiscal Assistance Act of 1972 (31 U.S.C. 1228(a)(7)(B)), notice is hereby given that the Secretary has used additional data and estimates which have necessitated upward revisions to the populations of certain counties and States for purposes of the intrastate allocations for Entitlement Period Eleven (October 1, 1979 to September 30, 1980). Such revisions are contained in the accompanying table which shows original and revised 1977 population estimates.

Section 51.20(a) of the regulations (31 CFR 51.20(a)) provides that the data used in the determination of allocations and adjustments will be the latest and most complete data supplied by the Bureau of the Census or such sources of data as in the judgment of the Secretary will provide for equitable allocations. Section 51.20(b)(3) of the regulations (31 CFR 51.20(b)(3)) requires that where the Secretary determines that the data provided by the Bureau of Census or the Department of Commerce are not sufficiently current or comprehensive, or are otherwise inadequate to provide for equitable allocations, the Secretary may use other data, including estimates. The Secretary's determination shall be final.

These revisions are the direct consequence of data verifications initiated by the Navajo, Oglala Sioux, and Osage Indian tribes for prior entitlement periods. Documentary evidence presented by the tribes, and estimates developed by the Bureau of Indian Affairs, indicated higher populations for those tribes than the Census-based estimates had provided for those entitlement periods. The documentary evidence and estimates necessitated upward revisions in the 1970 Census counts and the 1973, 1975, and 1976 estimates of the population of those counties and States in the accompanying table, for purposes of equitably determining the intrastate allocations. The last revisions in the 1976 population estimates for Entitlement Period Ten were published in the Federal Register on December 5, 1978 (43 FR 56971).

Since the 1977 Census-based estimates of population (as denoted by the column designated "Original") do not reflect the earlier documentation and Bureau of Indian Affairs estimates of population, it has been necessary to adjust comparably the 1977 population estimates of these same affected counties and states in the intrastate allocations for Entitlement Period Eleven.

1977 Population

[Entitlement Period 11]

State and county	Original	Revised[1]
Arizona	2,335,042	2,359,027
Apache County	44,331	49,824
Coconino County	65,574	75,157
Navajo County	62,602	71,511
New Mexico	1,196,090	1,207,004
Bernalillo	377,345	378,378
McKinley County	58,448	60,739
Rio Arriba County	28,044	28,364
Sandoval County	24,944	25,340
San Juan County	71,348	78,006
Socorro County	10,229	10,420
Valencia County	51,435	51,458
Utah	1,270,005	1,271,442
San Juan County	12,363	13,800
South Dakota	687,664	691,057
Bennett County	3,153	4,162
Jackson County[2]	3,102	3,496
Shannon County	8,494	10,484
Oklahoma	2,817,076	2,819,849
Osage County	33,324	36,097

[1] For general revenue sharing purposes.
[2] Consolidated with Washabaugh County on Jan. 1, 1979.

Dated: September 27, 1979.

Bernadine Denning,

Director, Office of Revenue Sharing.

[FR Doc. 79-30533 Filed 10-3-79; 8:45 am]

BILLING CODE 4810-26-M

Office of the Secretary

Certain Industrial Electric Motors From Japan; Antidumping Proceeding Notice

AGENCY: U.S. Treasury Department.

ACTION: Initiation of Antidumping Investigation.

SUMMARY: This notice is to advise the public that a petition in proper form has been received and an antidumping investigation is being initiated for the purpose of determining whether imports of certain polyphase, AC, industrial electric motors from Japan are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended. Sales at less than fair value generally occur when the prices of the merchandise sold for exportation to the United States are less than the prices of such or similar merchandise in the home market.

EFFECTIVE DATE: October 3, 1979.

FOR FURTHER INFORMATION CONTACT: Steve Garment, Trade Analysis Division, U.S. Customs Service, 1301 Constitution Avenue, N.W., Washington, D.C. 20229, telephone (202-566-5492).

SUPPLEMENTARY INFORMATION: On August 27, 1979, a petition was received in proper form pursuant to §§ 153.26 and 153.27, Customs Regulations (19 CFR 153.26, 153.27), from counsel for the Motor and Generator Section of the National Electrical Manufacturers Association, alleging that certain polyphase, AC, industrial electric motors from Japan are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 *et seq.*).

For purposes of this investigation, certain industrial electric motors means polyphase, AC, electric motors of greater than 5 horsepower and up to and including 500 horsepower. Such motors are included under the following numbers of the Tariff Schedules of the United States Annotated: 682.4030, 682.4035, 682.5010, 682.5030.

Based upon the information supplied by the petitioner and derived from Custom's summary investigation, it appears that the margins of dumping for standardized models may range from 38 percent to 306 percent. For models requiring customization, the estimates of the dumping margins range up to 382 percent.

The petition includes evidence concerning injury, or likelihood of injury, to U.S. producers of industrial electric motors by reason of sales at less than fair value of imported electric motors from Japan. The petitioner cites the increase in market share attained by Japanese imports during the past 5 years, an absolute decline in U.S. production during the same period, declines in capacity utilization, employment and profits, and price suppression or depression due to the alleged sales at less than fair value.

Having conducted a summary investigation as required by § 153.29 of the Customs Regulations (19 CFR 153.29), and having determined as a result thereof that there are grounds for doing so, the U.S. Customs Service is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

This notice is published pursuant to § 153.30, Customs Regulations (19 CFR 153.30).

Robert H. Mundheim,

General Counsel of the Treasury.

September 26, 1979.

[FR Doc. 79-30597 Filed 10-2-79; 8:45 am]

BILLING CODE 4810-22-M

List of Countries Requiring Cooperation With an International Boycott

In order to comply with the mandate of section (a)(3) of the Internal Revenue Code of 1954, the Department of the Treasury is publishing a current list of countries which may require participation in, or cooperation with, an

international boycott (within the meaning of section 999(b)(3) of the Internal Revenue Code of 1954). This list is the same as the list published in the July 2, 1979, Federal Register (14 FR 38697).

On the basis of the best information currently available to the Department of the Treasury, the following countries may require participation in, or cooperation with, an international boycott (within the meaning of section 999(b)(3) of the Internal Revenue Code of 1954).

Bahrain	Qatar
Egypt	Saudi Arabia
Iraq	Syria
Jordan	United Arab Emirates
Kuwait	Yemen Arab Republic
Lebanon	Yemen, Peoples Democratic Republic of
Libya	
Oman	

Dated: October 1, 1979.

Emil M. Sunley,

Acting Assistant Secretary (Tax Policy).

[FR Doc. 79-30789 Filed 10-1-79; 3:35 pm]

BILLING CODE 4810-25-M

INTERSTATE COMMERCE COMMISSION

[Notice No. 173]

Motor Carrier Temporary Authority Applications

September 18, 1979.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the Federal Register publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the Federal Register. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

MC 531 (Sub-420TA), filed August 1, 1979. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Rd., Houston, TX 77021. Representative: Wray E. Hughes (same as applicant). *Liquid Chemicals,* in bulk, in tank vehicles from Houston, TX to CA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): ROHM AND HAAS CO., Independence Mall West, Philadelphia, PA 19105. Send protests to: John F. Mensing, DS, ICC, 515 Rusk Ave. #8610, Houston, TX 77002.

MC 730 (Sub-459TA), filed July 26, 1979. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., 25 North Via Monte, Walnut Creek, CA 94598. Representative: R. N. Cooledge (same address as applicant). *Gasoline & diesel fuel, in bulk, in tank vehicles,* from Phillipsburg, KS to points in NE & CO, for 90 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Farmland Industries, Inc., P.O. Box 7305, Kansas City, MO 64116. Send protests to: A. J. Rodriguez, 211 Main Street, Suite 500, San Francisco, CA 94105.

MC 730 (Sub-460TA), filed July 26, 1979. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., 25 North Via Monte, Walnut Creek, CA 94598. Representative: R. N. Cooledge (same address as applicant). *Aviation gasoline, in bulk, in tank vehicles,* from Salina, KS to Las Vegas, NV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Highes Aviation Services, 6005 Las Vegas Boulevard, South, Las Vegas, NV 89119. Send protests to: A. J. Rodriguez, 211 Main Street, Suite 500, San Francisco, CA 94105.

MC 730 (Sub-461TA), filed July 11, 1979. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., 25 North Via Monte, Walnut Creek, CA 94598. Representative: Alfred G. Krebs (same address as applicant). *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 those requiring special equipment, serving Carson City, NV as an off-route point in connection with carrier's authorized regular-route operations, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are seven (7) shippers. Their statements may be examined at the office listed below and Headquarters. Send protests to: A. J. Rodriguez, 211 Main Street, Suite 500, San Francisco, CA 94105.

MC 2421 (Sub-27TA), filed August 2, 1979. Applicant: NEWTON TRANSPORTATION COMPANY, INC., P.O. Box 678, Lenoir, NC 28645. Representative: Same as applicant. *Veneer,* from the facilities of Foreign and Domestic Veneers, Incorporated at Knoxville, TN to points in NC for 180 days. An underlying ETA seeks 90 days of authority. Supporting shipper(s): Foreign & Domestic Veneers Inc., Box 238, Louisville, KY 40201. Send protests to: Terrell Price, 800 Briar Creek Rd., Rm., CC516, Charlotte, NC 2805.

MC 4080 (Sub-1TA), filed July 11, 1979. Applicant: BRICK HAULERS, INC., 403 Holland Lane, Alexandria, VA 22313. Representative: Francis J. Ortman, 7101 Wisconsin Ave. Suite 605, Washington, DC 20014. *Contract carrier: Brick, cinder block, and mortar (except in bulk),* from Washington County, MD and Berks County, PA to Alexandria, VA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): United Materials & Services, Inc., 129 Park NE., Vienna, VA 22180. Send protests to: I.C.C., Fed Res. Bank Bldg., 101 N. 7th St., Rm 620, Phila., PA 19106

MC 4941 (Sub-62TA), filed August 1, 1979. Applicant: QUINN FREIGHT LINES, INC., 1093 North Montello Street, Brockton, MA 02403. Representative: Mr. Russell S. Callahan (same address as applicant). *(1)(a) Electrical equipment, machinery, and hand truck parts, (b) accessories and parts for the commodities in (1)(a) above, and (c) materials, equipment and supplies used in the manufacture and distribution of the commodities named in (1) (a) and (b) above,* from the facilities of The Lincoln Electric Company at Cleveland and Mentor, OH to points in CT, ME, MD, MA, NJ, NY, PA and RI. For 180 days. Supporting shipper(s): The Lincoln Electric Company, 22801 St. Clair Avenue, Cleveland, OH 44117. Send

protests to: John B. Thomas, District Supervisor, Interstate Commerce Commission, 150 Causeway Street, Boston, MA 02114.

MC 8771 (Sub-58TA), filed August 9, 1979. Applicant: SAW MILL SUPPLY, INC., 1018 Saw Mill River Road, Yonkers, NY 10710. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th St., NW., Washington, DC 20004. *Axles, transmissions and gear boxes, and such commodities as are useful in the manufacture and distribution of axles, gear boxes and transmissions,* between Chrysler New Process Gear Div. at or near Syracuse, NY, on the one hand, and, on the other, points in Ohio; for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Chrysler Corporation, 6600 Chrysler Drive, East Syracuse, NY 13057. Send protests to: Maria B. Kejss, Interstate Commerce Commission, 26 Federal Plaza, New York, NY 10007.

MC 9291 (Sub-13TA), filed August 7, 1979. Applicant: CARROL BALL TRANSPORT, INC., P.O. Box 53, Centerville, KS 66014. Representative: Clyde N. Christey, Suite 110L, 1010 Tyler, Kansas Credit Union Bldg., Topeka, KS 66612. *Insulating material, N.O.I.; rolled roofing composition or prepared, N.O.I.; mineral wool (glass) plain or saturated bats; with or without paper backs and mineral wool (glass), plain or saturated other than bats,* from the facilities of Owens-Corning Fiberglas Corp. at or near Kansas City, KS, and Pauline, KS. to points in AR, CO, LA, NM, OK & TX; for 180 days, common, irregular; Supporting shipper: Owens-Corning Fiberglas Corp., Fiberglas Tower, Toledo, OH 43659; Send protests to: M. E. Taylor, ICC, 101 Litwin Bldg., Wichita, KS. 67202.

MC 11620 (Sub-31TA), filed June 29, 1979. Applicant: ARROW TRANSFER, INC., RR 3, West Harrision, IN 45030. Representative: James D. Campbell (same address as applicant). *Contract carrier: Oleomargarine, shortening, salad dressing* from St. Bernard, OH to all points in TX for 180 days. Supporting shipper: Miami Margarine Company, 5226 Vine Street, Cincinnati, OH 45217. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 East Ohio Street, Rm 429, Indianapolis, IN 46204.

MC 13651 (Sub-20TA), filed July 27, 1979. Applicant: PEOPLE'S TRANSFER, INC., 1430 West 11th Street, Long Beach, CA 90813. Representative: James H. Gulseth, 100 Bush Street, 21st Floor, San Francisco, CA 94104. *Foodstuffs (except in bulk),* from the American Home Foods Division of American Home Products Corporation facilities at or near Vacaville, CA to points in WA, OR, AZ, and NV, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): American Home Foods Division, American Home Products Corporation, 685 3rd Avenue, New York, NY 10017. Send protests to: Irene Carlos, ICC, P.O. Box 1551, Los Angeles, CA 90053.

MC 30561 (Sub-4TA), filed July 10, 1979. Applicant: RUFFIN'S MOTOR FREIGHT, 3033 S. 63rd St., Phila., PA 19153. Representative: Brian S. Stern, 2425 Wilson Boulevard, Arlington, VA 22201. *Aluminum & Chemical articles* from the facilities of Kaiser Aluminum & Chemical Corp. at or near Ravenwood, WV, to pts in AL, AR, CT, DE, FL, GA, IL, IN, IA, KY, LA, ME, MD, MA, MI, MN, MS, MO, NH, NJ, NY, NC, OH, PA, RI, SC, TN, TX, VT, VA, WV, WI, and DC, for 180 days. Supporting shipper(s): Kaiser Aluminum & Chemical Corp., P.O. Box 98, Ravenswood, WV 26164. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm 620, Phila., PA 19106.

MC 38320 (Sub-22TA), filed July 9, 1979. Applicant: CENTRAL MOTOR EXPRESS, INC., P.O. Drawer "C", Campbellsville, KY 42718. Representative: Louis J. Amato, Atty. P.O. Box E, Bowling Green, KY 42101. *Household appliances; equipment, materials, and supplies* used in the manufacture and distribution thereof, (except commodities in bulk), (1) between the facilities of General Electric Co., at Louisville (Appliance Park), KY., on the one hand, and, on the other, points in TN, MS, AL, GA, IL, WI, NC, SC, VA, and LA. (2) Between the facilities of General Electric Co. at Columbia, TN, on the one hand, and, on the other, points in IL, OH, and IN. An underlying ETA seeks 90 days authority. Supporting shipper(s): L. R. Crompton, General Electric Company, Appliance Park, Louisville, KY 40225. Send protests to: Linda H. Sypher, ICC, 426 Post Office Bldg., Louisville, KY 40202.

MC 52861 (Sub-75TA), filed July 31, 1979. Applicant: WILLIS TRUCKING, INC., 3185 Columbia Rd., Richfield, OH 44286. Representative: Paul F. Beery, 275 E. State St., Columbus, OH 43215. *Coke and coke breeze, in bulk, in dump vehicles,* from the facilities of Koppers Co., Inc., at Erie, PA and Toledo, OH to points in ME, NH, VT, MA, RI, CT, NY, NJ, DE, MD, DC, VA, WV, PA, OH, KY, IN, MI, IL, WI, MN, IA, and MO for 180 days. Supporting shipper(s): Koppers Co., Inc., 850 Koppers Bldg., Pittsburgh, PA 15219. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 59150 (Sub-163TA), filed August 7, 1979. Applicant: FLOOF TRUCK LINES, INC., 1414 Lindrose Street, Jacksonville, FL 32206. Representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, FL 32207. *Ammonium nitrate fertilizer, in bags,* from Port Sutton, FL to Port Manatee, FL for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Nitram, Inc., P.O. Box 2968, Tampa, FL 33601. Send protests to: Jean King, TA, ICC, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 61231 (Sub-158TA), filed July 27, 1979. Applicant: EASTER ENTERPRISES, INC. DEA ACE LINES, INC., P.O. Box 1351, Des Moines, IA 50305. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. *Lead, lead alloys, scrap batteries, scrap metals, nonferrous metals, residues and smelter byproducts* between the facilities of Gould Inc., Metals Division, at Frisco, TX, on the one hand, and, on the other, points in AZ, AR, CO, KS, MO, NM, and OK for 180 days. Any underlying ETA seeks 90 days authority. Supporting shipper(s): Gould, Inc., Metals Division, P.O. Box 43484, St. Paul, MN 55164. Send protests to: Herbert W. Allen, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 67450 (Sub-96TA), filed July 13, 1979. Applicant: PETERLIN CARTAGE CO., 9651 South Ewing Avenue, Chicago, IL 60617. Representative: Joseph Winter, 29 South LaSalle Street, Chicago, IL 60603. *Foodstuffs,* (except in bulk) (a) from the facilities of Joan of Arc Company, Hoopeston and Princeville, IL, to points in IN, IA, KY, MI, MO, OH, TN and WI and (b) from the facilities of Joan of Arc Company, Mayville, WI, to points in AL, CT, DE, GA, IL, IN, IA, KS, KY, ME, MD, MA, MI, MN, MO, NE, NH, NJ, NY, NC, ND, OH, PA, RI, SC, SD, TN, VT, VA, WV, WI and DC restricted in (a) and (b) above to the transportation of traffic origination at named origins and destined to the named destinations, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Joan of Arc Company, 2231 West Altorfer Drive, Peoria, IL 61614. Send protests to: Annie Booker, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 68100 (Sub-32TA), filed July 30, 1979. Applicant: D. P. BONHAM TRANSFER, INC., P.O. Drawer G, Bartlesville, OK 74003. Representative: Larry E. Gregg, 641 Harrison Street, Topeka, KS 66603. (1) *Tractors* (except truck tractors), (2) *attachments, parts, and equipment designed for use with tractors, when moving in mixed loads with tractors,* and (3) *materials, equipment and supplies* (except

commodities in bulk) *used in the assembly and distribution of, and equipment designed for use with the articles described in (1) and (2) above,* between the facilities owned or used by International Harvester Company in Harrison County, MS, on the one hand, and, on the other, points in AZ, AR, CA, ID, IL, IN, IA, KS, LA, MO, MT, NE, NV, NM, ND, OK, SD, TX, UT, & WY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): International Harvester, 600 Woodfield, Schaumburg, IL 60196. Send protests to: Connie Stanley, Rm. 240, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 68100 (Sub-33TA), filed August 2, 1979. Applicant: D. P. BONHAM TRANSFER, INC., P.O. Drawer G, Bartlesville, OK 74003. Representative: Larry E. Gregg, 641 Harrison Street, Topeka, KS 66603. *Plastic pipe, plastic conduit, extruded plastic products, and fittings and accessories for such commodities,* from the facilities of Peerless Plastics, Inc., Garden City, KS, to points in AR, IL, IN, LA, MO, NM, OK, and TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Peerless Plastics, Inc., 1600 W. Mary St., Garden City, KS 67846. Send protests to: Connie Stanley, Rm. 240, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 68100 (Sub-34TA), filed August 2, 1979. Applicant: D. P. BONHAM TRANSFER, INC., P.O. Drawer G, Bartlesville, OK 74003. Representative: Larry E. Gregg, 641 Harrison Street, Topeka, KS 66603. *Plywood paneling, composition board, and building and construction materials,* from the facilities of Plywood Panels, Inc., New Orleans, LA, to points in AR, IA, KS, MO, NE, OK, & TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Plywood Panels, Inc., P.O. Box 15435, New Orleans, LA 70175. Send protests to: Connie Stanley, ICC, Rm. 240, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 77061 (Sub-20TA), filed August 7, 1979. Applicant: SHERMAN BROS., INC., 29534 Airport Road, Eugene, OR 97402. Representative: Russell Allen, 1200 Jackson Tower, Portland, OR 97205. *Lumber and lumber mill products* from points in Shasta, Siskiyou and Tehama Counties, CA to points in Jackson, Josephine, Klamath and Deschutes Counties, CA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): International Paper Co., Inc., 121 S.W. Slamon, Portland, OR, Medford Moulding Co., White City, OR 97501, Oregon Cutstock & Moulding Corp., 1385 Antelope Rd., White City, OR, Bend Millwork, P.O. Box 5279, Bend, OR, Grants Pass Moulding, Inc., 123 N.E. Beacon Dr., Grants Pass, OR, Suncrest Forest Industries, P.O. Box "B", Medford, OR. Send protests to: A. E. Odoms, ICC, 114 Pioneer Courthouse, 555 S.W. Yamhill Street, Portland, OR 97204.

MC 85130 (Sub-10TA), filed July 16, 1979. Applicant: BRADLEY'S EXPRESS, INC., 2985 Berlin Turnpike, Newington, CT 06111. Representative: A. David Millner, P.O. Box 1409, 167 Farifield Road, Fairfield, NJ 07006. *Wearing apparel,* on hangers and in cartons, and *department store merchandise* moving in mixed loads with wearing apparel on hangers and in cartons, from Secaucus, NJ to the facilities of Outlet Department Stores located at Coventry, RI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Outlet Department Stores, Coventry Industrial Park, Coventry, RI 02816. Send protests to: J. D. Perry, Jr., District Supervisor, Interstate Commerce Commission, 135 High Street, Hartford, CT 06103.

MC 87861 (Sub-8TA), filed August 9, 1979. Applicant: BDX INC., 4075 E. 15th Pl., P.O. Box 2600, Gary, IN 46403. Representative: Gregory Reising, 607 S. Lake St., Gary, IN 46403. *Iron and steel, and iron and steel articles,* from the facilities of U.S. Steel Corp., at or near Gary, IN to all points in IL for 180 days. An underlying ETA seeks 90 days authority. Applicant intends to tack with existing authority. Supporting shipper(s): U.S. Steel Corp., 1000 E. 80th Pl., Merrillville, IN 46410. Send protests to: Cheryl Livingston, TA, ICC, 219 S. Dearborn, Rm. 1386, Chicago, IL 60604.

MC 90870 (Sub-32TA), filed August 8, 1979. Applicant: RIECHMANN ENTERPRISES, INC., Rt. 2, Box 137, Alhambra, IL 62001. Representative: Cecil Goettsch, 1100 Des Moines Bldg., Des Moines, IA 50309. *Zinc and Zinc Dross, Zinc Residue and Skimmings,* between the facilities of St. Joe Zinc Co. at Beaver County, PA and points in the U.S. in and east of ND, SD, NE, KS, OK, and TX for 180 days. Supporting shipper(s): St. Joe Zinc Co., 2 Oliver Plaza, Pittsburgh, PA 15222. Send protests to: Cheryl Livingston, ICC, 219 S. Dearborn, Rm 1386, Chicago, IL 60604.

MC 93840 (Sub-49TA), filed July 30, 1979. Applicant: GLESS BROS., INC., P.O. Box 219, Blue Grass, IA 52726. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309. *Liquid feed,* from Olin, IA, to points in IL, MN, MO, and WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Ralston Purina, Ottumwa, IA 52501. Send protests to: Herbert W. Allen, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 94201 (Sub-178TA), filed July 26, 1979. Applicant: BOWMAN TRANSPORTATION, INC., P.O. Box 17744, Atlanta, GA 30316. Representative: Maurice F. Bishop, 603 Frank Nelson Bldg., Birmingham, AL 35203. *Iron and steel and iron and steel articles* from the facilities of United States Steel Corp. at or near Gary, IN and South Chicago, IL to Louisville, KY for 180 days. Supporting shipper(s): United States Steel Corp., 1000 East 80th Place, Merrillville, IN 46410. Send protests to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree St., NW, Rm 300, Atlanta, GA 30309.

MC 95540 (Sub-1128TA), filed August 13, 1979. Applicant: WATKINS MOTOR LINES, INC., 1144 West Griffin Rd., P.O. Box 1636, Lakeland, FL 33802. Representative: Benjy W. Fincher (same address as applicant). *Plumbing fixtures and fittings and accessory parts and supplies* from New Orleans, LA to FL for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): American Standard, Inc., P.O. Box 2003, New Brunswick, NJ 08903. Send protests to: Donna M. Jones, ICC, Monterey Bldg., Suite 101, 8410 N.W. 53rd Ter., Miami, FL 33166.

MC 97251 (Sub-7TA), filed May 14, 1979. Applicant: TURNER TRUCKING COMPANY, INC., 1215 West Main Street, Lebanon, IN 46052. Representative: Alki E. Scopelitis, 1301 Merchants Plaza, Indianapolis, IN 46204. *Printing ink, in bulk, in tank vehicles,* from the facilities of General Printing Ink Division, Sun Chemical Corp., at Frankfort, IN to Chicago, Effingham, Salem and Teutopolis, IL and Dayton, OH for 180 days. Supporting shipper: General Printing Ink Division, Sun Chemical Corp., 222 South Marginal Road, Ft. Lee, NJ 07024. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio Street, Rm 429, Indianapolis, IN 46204. An underlying ETA seeks 90 days authority.

MC 104210 (Sub-74TA), filed July 26, 1979. Applicant: THE TRANSPORT COMPANY, INC., 5505 Agnes, Corpus Christi, TX 78408. Representative: Mike Cotten, P.O. Box 1148, Austin, TX 78767. *Liquid sodium bichromate* from the facilities of PPG Industries, Inc. at Corpus Christi, TX to points in LA for 180 days. An underlying ETA seeking 90 days authority filed. Supporting shipper(s): PPG Industries, Inc., One Gateway Center, Pittsburgh, PA 15222. Send protests to: Opal M. Jones, Trans. Consumer Specialist, I.C.C., Room 9A27 Federal Bldg., 819 Taylor St., Fort Worth, TX 76102.

MC 110420 (Sub-837TA), filed August 8, 1979. Applicant: QUALITY

CARRIERS, INC., P.O. Box 186, Pleasant Prairie, WI 53158. Representative: John Sims, Jr., 425 13th St. NW., 915 Pennsylvania Bldg., Washington, DC 20004. *Liquid chemicals,* in bulk, in tank vehicles, from Beaumont, Houston, & LaPorte, TX to points in the U.S., except AK & HI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): PPG Industries, Inc., One Gateway Center, Pittsburgh, PA 15222. Send protests to: Gail Daugherty, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 110420 (Sub-838TA), filed August 7, 1979. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, WI 53158. Representative: John Sims, Jr., 915 Pennsylvania Bldg., 425 13th St. NW., Washington, DC 20004. *Cooking wine,* in bulk, in tank vehicles, from San Francisco, CA to Walworth, WI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Kikkoman Foods, Inc., P.O. Box 69, Walworth, WI 53184. Send protests to: Gail Daugherty, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 111170 (Sub-261TA), filed July 26, 1979. Applicant: WHEELING PIPE LINE, INC., P.O. Box 1718, El Dorado, AR 71730. Representative Fred Worsham (same address as applicant). *Pulpmill liquids,* in bulk in tank vehicles, (1) from Bastrop, LA to El Dorado, AR, (2) from El Dorado, AR to Bastrop, LA; Natchez, MS; Redwood and Moss Point, MS; Mobile, AL; and South Texarkana, TX, for 180 days. Supporting shipper(s): International Paper Company, P.O. Box 160707, Mobile, AL 36616. Send protests to: William H. Land, Jr., 3108 Federal Bldg., Little Rock, AR 72201.

MC 111170 (Sub-262TA), filed July 24, 1979. Applicant: WHEELING PIPE LINE, INC., P.O. Box 1718, El Dorado, AR 71730. Representative: Fred Worsham, P.O. Box 1718, El Dorado, AR 71730. *Chemicals,* in bulk, in tank vehicles from Memphis, TN to points in AR for 180 days. Underlying ETA sought corresponding authority for 90 days. Supporting shipper(s): Ideal Chemical & Supply Co., 4025 Air Park St., P.O. Box 18439, Memphis, TN 38118. Send protests to: William H. Land, DS, 3108 Federal Bldg., Little Rock, AR 72201.

MC 111201 (Sub-44TA), filed July 19, 1979. Applicant: J. N. ZELLNER & SON TRANSFER COMPANY, P.O. Box 91247, East Point, GA 30364. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. (1) *Malt beverages and related advertising materials (except in bulk)* from the facilities of Miller Brewing Company at or near Albany, GA to points in AL, AR, FL, KY, LA, MS, NC, SC, TN and VA and (2) *Materials, equipment and supplies used in the manufacture, sale or distribution of malt beverages (except commodities in bulk)* from points in the states named in (1) above to the facilities of Miller Brewing Company at or near Albany, GA and their suppliers, for 180 days. Supporting shipper(s): Miller Brewing Company, 3939 West Highland Blvd., Milwaukee, WI 53208. Send prostests to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree St. NW, Rm 300, Atlanta, GA 30309.

MC 111401 (Sub-584TA), filed August 7, 1979. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Blvd., P.O. Box 632, Enid, OK 73701. Representative: Victor R. Comstock (same address as applicant). *Alcohol,* in bulk, in tank vehicles, from Kansas City, MO, to Wichita, KS, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Derby Refining Company, P.O. Box 1030, Wichita, KS 67201. Send protests to: Connie Stanley, Rm. 240, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 113271 (Sub-62TA), filed August 1 1979. Applicant: CHEMICAL TRANSPORT, P.O. Box 2644, Great Falls, MT 59403. Representative: Ray F. Koby, P.O. Box 2567, Great Falls, MT 59403. *Acids, chemicals, metal concentrates and metal residues, in containers,* from points in Lewis & Clark County, MT to points in the United States for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): J. H. Baxter Company, 1700 S. El Camino Real, San Mateo, CA 94402. Send Protest to: Paul J. Labane, ICC, 2602 First Avenue North, Billings, MT 59101.

MC 113651 (Sub-310TA), filed May 29, 1979. Applicant: INDIANA REFRIGERATOR LINES, INC., P.O. Box 552, Muncie, IN 47305. Representative: Glen L. Gissing (address same as applicant). *Canned and preserved foodstuffs,* from the facilities of Heinz USA at or near Holland, MI, to points in IL, IA, KS, MO, SC, GA, LA and FL, for 180 days. Supporting shipper: Heinz USA, P. O. Box 57, Pittsburgh, PA 15230. Send protests to: Beverly J. Williams, Transportation Assistant, ICC 46, E. Ohio St., Rm 429, Indianapolis, IN 46204. An underlying ETA seeks 90 days authority.

MC 113751 (Sub-29TA), filed August 3, 1979. Applicant: HAROLD F. DUSHEK, INC., 10th & Columbia St., Waupaca, WI 54981. Representative: James Spiegel, 6425 Odona Rd. Madison, WI 53719. *Foodstuffs except commodities in bulk in tank vehicles,* between Plover, WI on the one hand, and, on the other, points in CT, FL, IL, IN, LA, MI, MO, NY, OH, PA & TN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Great America Basic Commodities, Inc., 1 Great America Way, Plover, WI 54467. Send protests to: Gail Daugherty, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 115311 (Sub-374TA), filed July 26, 1979. Applicant: J & M TRANSPORTATION CO., INC. P.O. Box 488, Milledgeville, GA 31061. Representative: Kim G. Meyer, P.O. Box 56387, Atlanta, GA 30343. (1) *Malt beverages, (except in bulk) and related advertising matter* from the facilities of Miller Brewing Company at or near Albany, GA to points in the US in and east of TX, OK, MO, IL and WI (2) *Empty malt beverage containers, malt beverage pallets and materials and supplies (except commodities in bulk) used in the manufacture, sale and distribution of malt beverages* from points in the US in and east of TX, OK, MO, IL and WI (2) *Empty malt beverage containers, malt beverage pallets and materials and supplies* (except commodities in bulk) used in the manufacture, sale and distribution of malt beverages from points in the US in and east of TX, OK, MO, IL and WI to the facilities of Miller Brewing Company and its suppliers located in GA for 180 days. Supporting shipper(s): Miller Brewing Company, 3939 West Highland Blvd., Milwaukee, WI 53208. Send protests to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree St. NW., Rm. 300 Atlanta, GA 30309.

MC 115651 (Sub-65TA), filed May 30, 1979. Applicant: KANEY TRANSPORTATION, INC., 7222 Cunningham Road, P.O. Box 39, Rockford, IL 61105. Representative: E. Stephen Heisley, 666 11th Street NW., Washington, D.C. 20001. *Liquefied Petroleum Gas,* in bulk, from East Chicago, IN to points in IA, IL, MI, MN, MO, OH, TN, & WI for 180 days. Supporting shipper(s): Phillips Petroleum Company, 154 Phillips Building Annex, Bartlesville, OK 74004. Send protests to: Annie Booker, TA, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 115730 (Sub-78TA), filed July 13, 1979. Applicant: THE MICKOW CORP. P.O. Box 1774, Des Moines, IA 50309. Representative: Cecil L. Goettsch, 1100 Des Moines Building, Des Moines, IA 50309. *Iron and Steel articles* (1) Between Salt Lake City, UT; Idaho Falls, Nampa, and Pocatello, ID; Denver, CO; Chicago and Sterling, IL; Tulsa, OK; Davenport, IA; Omaha, NE; Gary, IN; and Albuquerque, NM, on one hand, and on the other, St. Paul, MN; Sterling, IL; Nampa, ID; and Portland, OR; and (2)

Between points named in Part (1) on one hand, and on the other, points in ND, SD, IA, MN, WI, OH, MI, UT, NE, and MO, for 180 days. An underlying ETA seeks 90 days authority. Restriction: Both parts (1) and (2) are restricted to traffic originating at or destined to the facilities of Gate City Steel Corporation at the points named in (1). Supporting shipper(s): Gate City Steel Corporation, 100 Essex Court-Regency Parkway, Omaha, NE 68114. Send protests to: Herbert W. Allen, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 115841 (Sub-733TA), filed August 6, 1979. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 9041 Executive Park Drive, Suite 110, Bldg 100, Knoxville, TN 37919. Representative: D.R. Beeler (same address as applicant). *Aluminum and aluminum articles* between the facilities of Norandal USA, Inc. located at or near Huntingdon, TN on the one hand, and, on the other, points in AZ and CA, for 180 days. An underlying ETA seeks 90 days Authority. Supporting shipper(s): Norandal USA, Inc., Northwood Drive, Huntingdon, TN 38344. Send protests to: Glenda Kuss, ICC, Suite A-422, U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 117940 (Sub-353TA), filed August 7, 1979. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, MN 55359. Representative: Allan L. Timmerman, 5300 Highway 12, Maple Plain, MN 55359. *Foodstuffs in mixed shipments with such merchandise as is dealt in by discount and variety stores* from the facilities of F. W. Woolworth Company at Junction City, KS to the facilities of F. W. Woolworth Company in the Minneapolis, MN Commercial Zone, for 180 days. Supporting shipper(s): F. W. Woolworth Company, Woolworth Building, New York NY 10007. Send protests to: Judith L. Olson, ICC, 414 Federal Building & U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 118420 (Sub-5TA), filed July 17, 1979. Applicant: BULLDOG TRUCKING OF GEORGIA, INC., P.O. Box 357, Carnesville, GA 30521. Representative: K. Edward Wolcott, 235 Peachtree St., NE., Suite 1200, Atlanta, GA 30303. (a) *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, GA, KY, LA, MS and TN, (b) *Materials, equipment and supplies used in the manufacture, sale and distribution of malt beverages* from points in the states listed in (a) above to the facilities of Miller Brewing Company at or near Albany, GA for 180 days. Supporting shipper(s): Miller Brewing Company, 3939 West Highland Blvd., Milwaukee, WI 53208. Send protests to: Sara K. Davis, ICC, 1252 W. Peachtree St., NW., Rm 300, Atlanta, GA 30309.

MC 119531 (Sub-172TA), filed July 26, 1979. Applicant: SUN EXPRES, INC., P.O. Box 1031, Warren, OH 44482. Representative: Andrew Jay Burkholder, 275 East State St., Columbus, OH 43215. *Metal containers* between Obetz, OH on the one hand, and, on the other, Frankemuth, MI, Evansville, IN, St. Louis, MO, Madisonville, KY, Oak Creek, WI and Chicago, IL for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): The National Can Corp., 8101 Higgins Rd., Chicago, IL 60631. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 119700 (Sub-62TA), filed July 27, 1979. Applicant: STEEL HAULERS, INC., 306 Ewing Ave., Kansas City, MO 64125. Representative: Frank W. Taylor, Jr., Suite 600, 1221 Baltimore Ave., Kansas City, MO 64105. *Iron and steel articles,* between points in AR, on the one hand, and, on the other, points in AL, CO, IA, IL, IN, KS, KY, LA, MI, MN, MO, MS, NE, OH, OK, TN, TX and WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Century Tube Corporation, P.O. Box 7612, Pine Bluff, AR 71611. Send protests to: Vernon V. Coble, ICC, Room 600 Federal Bldg., 911 Walnut St., Kansas City, MO 64106.

MC 119741 (Sub-228TA), filed July 20, 1979. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., 1515 Third Avenue, NW., Fort Dodge, IA 50501. Representative: D. L. Robson (address same as applicant). *Oil additives* from the facilities of Siloo, Inc. at or near Newark, NJ to points in CO, IL, IN, IA, MO, OK, and TX for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Siloo, Inc., 393 Seventh Avenue, New York, NY 10001. Send protests to: Herbert W. Allen, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 119741 (Sub-229TA), filed July 30, 1979. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., P.O. Box 1235, Ft. Dodge, IA 50501. Representative: D. L. Robson (address same as applicant). *Ground limestone* from the facilities of Calcium Carbonate Co. at or near Ft. Dodge, IA to points in IL, IN, MI, MN, MO, NE, OH, and WI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Calcium Carbonate Co., RFD 3, Ft. Dodge, IA 50501. Send protests to: Herbert W. Allen, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 119741 (Sub-230TA), filed July 12, 1979. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., 1515 Third Avenue, NW., Fort Dodge, IA 50501. Representative: D. L. Robson (address same as applicant). *Foodstuffs (except in bulk)* from the facilities of SCM Corporation at or near Louisville, KY to points in AL, AR, CA, CT, DE, FL, GA, IN, KY, LA ME, MD, MA, MI, MS, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, and DC for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): SCM Corporation, 900 Union Commerce Building, Cleveland, OH 44115. Send protests to: Herbert W. Allen, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 119741 (Sub-232TA), filed August 1, 1979. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., P.O Box 1235, Fort Dodge, IA 50501. Representative: D. L. Robson (same address as applicant). *Foodstuffs* from the facilities of Lancaster Colony Corporation and its subsidiaries at or near Columbus and Bedford Heights, OH, to points in CO, IL, IA, KS, MN, MO, ND, OK, SD, TX, and WI, for 180 days. Restricted to traffic originating at the named origins and destined to the indicated destinations. An underlying ETA seeks 90 days authority. Supporting shipper(s): Lancaster Colony Corporation, 37 West Broad St., Columbus, OH 43215. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 119991 (Sub-31TA), filed May 17, 1979. Applicant: YOUNG TRANSPORT, INC., P.O. Box 3, 1601 Woodlawn, Logansport, IN 46947. Representative: Warren C. Moberly, 320 N. Meridian Street, #777, Indianapolis, IN 46204. (1) *Iron, steel, zinc, lead, and articles or products thereof* (except in bulk), *springs and construction materials, supplies and equipment* (except in bulk), from the facilities of Penn-Dixie Steel Corp., at or near Kokoma, IN, Toledo and Columbus, OH, Lansing and Grand Rapids, MI, Denver, CO, Albuquerque, NM, Jackson, MS, Blue Island and Joliet, IL, Centerville, IA, and Newton, KS, to points in the U.S. in the east of MN, SD, NE, CO an NM: (2) *Materials, supplies and equipment* (except in bulk) used in the manufacture and distribution of commodities named in (1) above, from points in the U.S. in and east of MN, SD, NE, CO, and MN, to the facilities of Penn-Dixie Steel Corp. at or near Kokomo, IN, Toledo and Columbus, OH, Lansing and Grant Rapids, MI, Denver CO, Albuquerque, NM, Jackson, MS, Blue Island and Joliet, IL, Centerville, IA, and Newton, KS for 180 days. Restricted to the transportation of traffic

originating at and destined to the named origins and named destinations in parts (1) and (2) above, except traffic moving in foreign commerce. Supporting shipper(s): Penn-Dixie Steel Corp. 1111 S. Main Street, Kokoma, IN 46979. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm 429, Indianapolis, IN 46204. An underlying ETA seeks 90 days authority.

MC 119991 (Sub-32TA), filed June 26, 1979. Applicant: YOUNG TRANSPORT, INC., 1601 Woodlawn, Logansport, IN 46947. Representative: Warren C. Moberly, 320 N. Meridian Street, #777, Indianapolis, IN 46204. *Iron and steel* from points in the Chicago Commercial Zone in IN to points in NE, IA, MO, IL, KY & OH for 180 days. Supporting shipper: Inland Steel Company, 30 West Monroe St., Chicago, IL 60603. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm 429, Indianapolis, IN 46204. An underlying ETA seeks 90 days authority.

MC 121470 (Sub-32TA), filed August 3, 1979. Applicant: TANKSLEY TRANSFER COMPANY, 801 Cowan Street, Nashville, TN 37207. Representative: Roy L. Tanksley (same address as applicant). *Structure plating guard rail and accessories, bridge flooring, and corrugated metal culvert pipe and connecting bands,* from the plantsites and warehouse facilities of Lane Metal Products located at or near Pulaski, PA and Bedford, PA to points in TN and AL, for 180 days. An underlying ETA seeks 90 day authority. Supporting shipper(s): Lane Metal Products Co., Inc., 3705 Trindle Rd., Camp Hill, PA 17011. Send protests to: Glenda Kuss, ICC, Suite A-422, U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 123091 (Sub-33TA), filed July 20, 1979. Applicant: NICK STRIMBU, INC., 3500 Parkway Rd., Brookfield, OH 44403. Representative: James Duvall, P.O. Box 97, 220 West Bridge St., Dublin, OH 43017. *Composition board, hardboard, paneling, particleboard, plywood and wall board,* from Norfolk and Virginia Beach, VA, to points in IN, IL, the Lower Peninsula of MI, NY (on and west of U.S. Hwy. 15), OH, PA (on and west of U.S. Hwy. 219), and WV for 180 days. Supporting shipper(s): Plywood Panels, Inc., 3747 Village Ave., Norfolk, VA 23502; Mid-Continent Wood Prod. Inc., P.O. Box 62424, Virginia Beach, VA 23462. Send protests to: ICC, Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 126320 (Sub-11TA), filed July 23, 1979. Applicant: DETTINBURN TRUCKING, INC., P.O. Box 24, Petersburg, WV 26847. Representative: Gary E. Thompson, 4304 East-West Highway, Washington, DC 20014. *Ground limestone in bulk, in dump vehicles,* from the plant site of Germany Valley Limestone Company, located in Riverton, WV, to Freehold, NJ, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Brockway Glass Co., McCullough Ave., Brockway, PA 15824. Send protests to: ICC, Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 127701 (Sub-2TA), filed August 2, 1979. Applicant: R. D. KING and H. L. DAVIS, JR., d.b.a. HARRISON CONTRACTING COMPANY, P.O. Box 10, Alpena, AR 72611. Representative: Don Garrison, P.O. Box 159, Rogers, AR 72756. (1) *Parking meters and parking meter parts,* and (2) *equipment, materials and supplies* used in the manufacture of the commodities named in (1), between the facilities of Duncan Industries, Division of Qonaar Corporation, at or near Harrison, AR and points in the U.S. (except AK and HI), for 180 days. Underlying ETA sought corresponding authority for 90 days. Supporting shipper(s): Duncan Industries, Division of Qonaar Corp., P.O. Box 849, Harrison, AR 72601. Send protests to: William H. Land, DS, 3108 Federal Bldg., Little Rock, AR 72201.

MC 127701 (Sub-3TA), filed August 2, 1979. Applicant: R. D. KING and H. L. DAVIS, JR. d.b.a. HARRISON CONTRACTING COMPANY, P.O. Box 10, Alpena, AR 72611. Representative: Don Garrison, P.O. Box 159, Rogers, AR 72756. *Hardwood flooring* from the facilities of Cloud Corporation, at or near Harrison, AR and Springfield, MO to points in the United States (except IA, IL, IN, MI, MN, MO, OH, SD and WI), for 180 days. Underlying ETA sought corresponding authority for 90 days. Supporting shipper(s): Cloud Corporation, P.O. Box 597, Harrison, AR 72601. Send protests to: William H. Land, 3108 Federal Bldg., Little Rock, AR 72201.

MC 127840 (Sub-124TA), filed May 24, 1979. Applicant: MONTGOMERY TANK LINES, INC., 17550 Fritz Drive, Lansing, IL 60438. Representative: William H. Towle, 180 North LaSalle Street, Chicago, IL 60601. *Synthetic liquid resin,* in bulk, from tank vehicles, from Ft. Worth, TX to points in OK, for 180 days. Supporting shipper(s): Air Products and Chemicals, Inc., P.O. Box 538, Allentown, PA 18105. Send protests to: Annie Booker, Interstate Commerce Commission, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 127840 (Sub-125TA), filed August 9, 1979. Applicant: MONTGOMERY TANK LINES, INC., 17550 Fritz Drive, Lansing, IL 60438. Representative: William Towle, 180 N. LaSalle St., Chicago, IL 60601. *Liquid chemicals, in bulk, in tank vehicles,* from the facilities of Ethyl Corporation at Houston, TX to points in the U.S. (except AK and HI) for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Ethyl Corporation, 451 Florida, Baton Rouge, LA 70801. Send protests to: Cheryl Livingston, ICC, 219 S. Dearborn, Rm. 1386, Chicago, IL 60604.

MC 127840 (Sub-126TA), filed August 1, 1979. Applicant: MONTGOMERY TANK LINES, INC., 17550 Fritz Dr., Lansing, IL 60438. Representative: William H. Towle, 180 N. LaSalle St., Chicago, IL 60601. (1) *Chemicals and petroleum products, in bulk, in tank vehicles,* from the facilities or (a) PP Industries, Inc., at La Porte and Beaumont, TX, and Lake Charles, LA; (b) Rohm and Haas, Inc., at Deer Park, TX; (c) Chemical Exchange, Inc., at Houston, TX, to points in the United States (except AK and HI); and (2) *Petroleum and petroleum products and petrochemicals,* from the facilities of Atlantic Richfield Co., at Pasadena, TX to points in IN, NM, AL, NC, SC, OH, IL, GA, TN, KY, UT, WY, CO, NE, KS, OK, LA, AR, MO, IA, PA, VA, FL, and MS, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): 3 supporting shippers. Send protests to: David Hunt, Rm. 1386, 219 S. Dearborn St., Chicago, IL 60604.

MC 127840 (Sub-127TA), filed August 1, 1979. Applicant: MONTGOMERY TANK LINES, INC., 17550 Fritz Dr., Lansing, IL 60438. Representative: William H. Towle, 180 N. LaSalle St., Chicago, IL 60601. *Chemicals, in bulk,* from (1) Dallas, TX to points in AL, GA, FL, IL, IN, IA, KY, LA, MA, MD, MI, MN, MO, NE, NC, NH, NY, OK, OH, PA, TN, VA, WV, and WI and (2) from points in KY, TN, and WV to Dallas, TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): DeSoto, Inc., 1700 S. Mt. Prospect Rd., Des Plaines, IL 60018. Send protests to: David Hunt, Rm. 1386, 219 S. Dearborn St., Chicago, IL 60604.

MC 128030 (Sub-128TA), filed June 15, 1979. Applicant: THE STOUT TRUCKING CO., INC., P.O. Box 98, Urbana, IL 61801. Representative: James Madler, 120 W. Madison Street, Chicago, IL 60602. *Plastic containers;* from Danville, IL to Binghamton, NY; Hillside, NJ; Dover, DE; Darien, Ct; St. Peters and St. Louis, MO; Iowa City, IA; and Waxdale and Sturteuant, WI and (2) *Plastic materials and supplies;* from Moorestown and Burlington, NJ to the facilities of Anchor Hocking Corp. at/

near Springsdale, OH and Danville, IL for 180 days. Supporting shipper(s): Anchor Hocking Corporation, 109 N. Broad Street, Lancaster, OH 43130. Send protests to: Annie Booker 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 128220 (Sub-28TA), filed July 11, 1979. Applicant: RALPH LATHAM, d.b.a. LATHAM TRUCKING COMPANY, P.O. Box 596; Burnside, KY 42519. Representative: Robert H. Kinker, P.O. Box 464, Frankfort, Ky. 40602. *Orange Juice,* in containers, (except in bulk in tank vehicles), from Bradenton, FL and its commercial zone to Ashland, Bowling Green, Campbellsville, Harlan, Hazard, Hiseville, London, Middlesboro and Somerset, KY, and commercial zones thereof. An underlying ETA seeks 90 days authority. Supporting shipper(s): Flav-O-Rich, Inc., Chapell's Dairy Div., P.O. Box 40, London, KY. 40741. Send protests to: Linda H. Sypher, ICC, 426 Post Office Bldg., Louisville, KY. 40202.

MC 129191 (Sub-12TA), filed July 31, 1979. Applicant: RICHARD T. PLATTNER d.b.a. JANS MOTOR SERVICE, 12600 S. Laramie Ave., Alsip, IL 60658. Representative: Albert A. Andrin, 180 N. LaSalle St., Chicago, IL 60601. *Iron and steel and iron and steel articles,* from the facilities of United States Steel Corp., at or near Gary, IN, South Chicago, Joliet and Waukegan, IL and from processors, suppliers, and warehouses within the Chicago Commercial Zone, to points in the States of IL (from Gary only), IN (from IL origins only), IA, KY, KS (points within the Kansas City, KS-MO Commercial Zone), MO, MI (lower peninsula), OH (on and west of Interstate Highway 75), and WI (except Kenosha, Milwaukee and Racine Counties), for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): U.S. Steel, 1000 E. 80th Place, Merrillville, IN 46410. Send protests to: David Hunt, TA, Rm. 1386, 219 S. Dearborn St., Chicago, IL 60604.

MC 129301 (Sub-11TA), filed July 30, 1979. Applicant: ENGLISH AND SONS CORPORATION, 412 Kingshighway, Thorofare, NJ 08086. Representative: James H. Sweeney, 468 Kentucky Avenue, RD 5, Williamston, NJ 08094. Contract (1) *Household cleaning products* and (2) *materials and supplies* used in the manufacture, sale or distribution of household cleaning products, except commodities in bulk (for 1 and 2). (1) From Bristol and Cornwells Heights, PA to points in CT, DE, DC, ME, MD, MA, NH, NJ, NY, RI and VT. (2) Materials, etc., from points in the above destination States to Bristol and Cornwells Heights, PA, for 180 days. An underlying ETA seeks authority. Supporting shipper(s): Purex Corporation, 1414 N. Radcliffe St., Bristol, PA 19007. Send protests to: Robert E. Johnston, ICC, 744 Broad St., Room 522, Newark, NJ 07102.

MC 129301 (Sub-12TA), filed August 13, 1979. Applicant: ENGLISH AND SONS CORPORATION, 412 Kingshighway, Thorofare, NJ 08086. Representative: James H. Sweeney, 468 Kentucky Avenue, Williamston, NJ 08094. Contract, *Plastic containers.* From Dover, NH and Pawtucket, RI to Cinnaminson, NJ, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Certified Chemicals, Inc., 2200 Garry Road, Cinnaminson, NJ 08077. Send protests to: Robert E. Johnston, ICC, 744 Broad St., Room 522, Newark, NJ 07102.

MC 134501 (Sub-61TA), filed August 2, 1979. Applicant: INCORPORATED CARRIERS, LTD., P.O. Box 3128, Irving, TX 75061. Representative: T. M. Brown, P.O. Box 1540, Edmond, OK 73034. *New store fixtures* from the facilities of Concepts, Inc., at or near Minneapolis, MN, to points in the US (except AK & HI) for 180 days. Underlying ETA for 90 days filed. Supporting shipper(s): Concepts, Inc., 2300 Elm Street SE., Minneaplois, MN 55412. Send protests: to Opal M. Jones, TCS, Interstate Commerce Commission, 9A27 Federal Bldg., 819 Taylor St., Ft. Worth, TX 76102.

MC 134970 (Sub-26TA), filed July 30, 1979. Applicant: UNZICKER TRUCKING, INC., P.O. Box 35, El Paso, IL 61738. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501. *Frozen port sausage,* from the plantsite of Bird Provision, Co., at or near Pekin, IL to points in GA, NC, SC, VA, FL, and AL, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Bird Provision Co., Manito Rd., Pekin, IL 61554. Send protests to: David Hunt, Rm. 1386, 219 S. Dearborn St., Chicago, IL 60604.

MC 135070 (Sub-94TA), filed August 2, 1979. Applicant: JAY LINES, INC., 720 N. Grand, P.O. Box 30180, Amarillo, TX 79120. Representative: Gailyn Larsen, 137 NW 17th, P.O. Box 82816, Lincoln, NE 68501. *Such merchandise as is dealt in by wholesale, retail, chain grocery, and food business houses,* between Louisville, KY, and Lancaster, OH, on the one hand, and, on the other, points in AR, LA, MO, NJ, NM, OK, PA, and TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Ralston Purina Company, Checkerboard Square, St. Louis, MO 63188. Send protests to: Martha A Powell, I.C.C., Room 9A27, Federal Bldg., 819 Taylor St., Fort Worth, TX 76102.

MC 135410 (Sub-86TA), filed June 21, 1979. Applicant: COURTNEY J. MUNSON, d.b.a. MUNSON TRUCKING, P.O. Box 266, Monmouth, IL 61462. Representative: Stephen Leob, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. *Soil, soil conditioners, horticultural accessories, and materials used in their preparation and packaging;* from Philmont, NY and Akron, OH to points in IL, IN, MI and OH for 180 days. Supporting shipper(s): Hyponex Company, P.O. Box F, Philmont, NY 12565. Send protests to: Annie Booker, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 135410 (Sub-87TA), filed July 31, 1979. Applicant: COURTNEY J. MUNSON, d.b.a. MUNSON TRUCKING, P.O. Box 266, Monmouth, IL 61462. Representative: Daniel O. Hands, 205 W. Touhy Ave., Park Ridge, IL 60068. *Corrugated boxes,* from the facilities of Crown Zellerbach, at St. Louis, MO to points in IA on the east of Interstate Hwy 35, restricted to the transportation of traffic originating at the named origins and destined to the named destinations, for 180 days. An underlying ETA seeks 90 days. Supporting shipper(s): Crown Zellerbach, 3610 Tree Court Industrial Blvd., Kirkwood, MO 63122. Send protests to: David Hunt, Rm. 1386, 219 S. Dearborn St., Chicago, IL 60604.

MC 136650 (Sub-6TA), filed July 18, 1979. Applicant: FOOTE & DAVIES TRANSPORT CO., 3101 McCall Drive, Doraville, GA 30340. Representative: Frank D. Hall, Suite 713, 3384 Peachtree Rd., NE., Atlanta, GA 30326. *Contract bakery products (except frozen)* from the plantsites and warehouse facilities of Nabisco, Inc. at or near Atlanta, GA to the warehouses and distribution centers of Nabisco, Inc. at or near Buena Park, San Jose and Union City, CA, Glastonbury and Stamford, CT, Chicago and Elk Grove Village, IL, Brockton, Cambridge, Muthuen, Waltham, W. Boylston and W. Springfield, MA, Kansas City and St. Louis, MO, Belleville, Dunellen, Fair Lawn, Livingston, Moonachie, Secaucus and Teterboro, NJ, New Hyde Park, , Ridgewood and Brooklyn, NY, Columbus, Hamilton and Macedonia, OH and Horsham, Landsdown, Philadelphia and Pittsburgh, PA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Nabisco, Inc., Biscuit Division, Traffic Service, East Hanover, NJ 07936. Send protests to: Sara K. Davis, ICC, 1252 W. Peachtree St. NW., Rm 300, Atlanta, GA 30309.

MC 139080 (Sub-3TA), filed July 2, 1979. Applicant: LAMP DELIVERY

SERVICE CORPORATION, Route 3, North Brady Street Rd., Davenport, IA 52804. Representative: Patrick H. Smyth, Suite 521, 19 South LaSalle St., Chicago, IL 60603. Contract carrier, such commodities as are dealt in by retail department stores and *equipment, materials, and supplies used in conducting such business* (except commodities in bulk) between points in Benton, Linn, Jones, Clinton, Scott, Muscatine, Cedar, Johnson, and Iowa Counties, IA; and Rock Island, Mercer, Henry, and Whiteside Counties, IL for 180 days, under contract with J. C. Penney Company, Incorporated. An underlying ETA seeks 90 days authority. Supporting shipper(s): J. C. Penney Company, Incorporated, Alpine Centre, S., Suite 200, 2435 East Kimberly Road, Bettendorf, IA 52722. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 139571 (Sub-4TA), filed August 2, 1979. Applicant: A. S. MASON, INC., 3110 Gibson Street, Bakersfield, CA 93308. Representative: Michael J. Stecher, 256 Montgomery Street, Fifth Floor, San Francisco, CA 94104. (*1*) *Oil well drilling rigs, and oil well drilling machinery, and* (*2*) *Equipment, materials, and supplies incidental to or used in the drilling and development of oil wells,* between points in CA, on the one hand, and, points in OR, on the other hand, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): R. B. Montgomery, 3504 Standard Street, Bakersfield, CA 93303. Send protests to: Irene Carlos, TA, ICC, P.O. Box 1551, Los Angeles, CA 90053.

MC 139960 (Sub-2TA), filed June 4, 1979. Applicant: WESTERN PACIFIC TRANSPORT COMPANY, 526 Mission Street, San Francisco, California 94105. Representative: Steghen T. Rudman (same as applicant). Common carrier, regular routes, transporting *general commodities* except livestock, commodities in bulk, class A & B explosives, or used household goods, (1) between Woodland, CA and Sacramento, CA; from Woodland, CA over Interstate Hwy 5 to Sacramento, CA and return over the same route serving all intermediate points, (2) between San Jose and Oakland, CA; from San Jose over CA Hwy 17 to Oakland and return over the same route serving all intermediate points, (3) between Salinas, CA and San Jose, CA; from Salinas over U.S. Hwy 101 to San Jose and return over the same route serving all intermediate points, (4) between Santa Clara, CA and Oakland, CA; from Santa Clara over U.S. Hwy 101 to its junction with Interstate Hwy 80, then over Interstate Hwy 80 to Oakland and return over the same route serving all intermediate points, (5) between Stockton, CA and Oakland, CA; from Stockton over Interstate Hwy 5 to its junction with Interstate Hwy 205, then over Interstate Hwy 205 to its junction with Interstate Hwy 580, then over Interstate Hwy 580 to Oakland and return over the same route serving all intermediate points, (6) between Oakland, CA and Sacramento, CA; from Oakland over Interstate Hwy 80 to Sacramento and return over the same route serving all intermediate points, (7) between Milpitas, CA and the junction of Interstate Hwys 80 and 680; from Milpitas over CA Hwy 237 to its junction with Interstate Hwy 680, then over Interstate Hwy 680 to its junction with Interstate Hwy 80, and return over the same route serving the junction of Interstate Hwys 80 and 680 for purposes of joinder only, and serving all intermediate points and the off-route points of Crockett, Pittsburg and Antioch, CA, (8) between Oroville, CA and Sacramento, CA; from Oroville over CA Hwy 70 to its junction with CA Hwy 99, then over CA Hwy 99 to Sacramento and return over the same route, serving all intermediate points and the off-route points of Yuba City, CA and Beale Air Force Base, CA, (9) between Fresno, CA and Sacramento, CA; from Fresno over CA Hwy 99 to Sacramento and return over the same route serving all intermediate points and the off-route points of Lathrop and Escalon, CA, (10) between Sacremento, CA and Reno, NV; from Sacramento over Interstate Hwy 80 to Reno, NV and return over the same route, serving the intermediate points of Auburn and Newcastle, CA and the off-route points of Rocklin and Sunset-Whitney Ranch, CA, (11) between Reno, NV and Salt Lake City, UT; from Reno, NV over Interstate Hwy 80 and U.S. Hwy 40 to Salt Lake City and return over the same route serving no intermediate points, (12) between Tooele, UT and Salt Lake City, UT; from Tooele over UT Hwy 36 to its junction with Interstate Hwy 80, then over Interstate Hwy 80 to Salt Lake City and return over the same route, serving the intermediate point of Lake Point, UT and the off-route point of Tooele Army Depot, UT, (13) between Salt Lake City, UT and Payson, UT; from Salt Lake City over Interstate Hwy 15 to Payson and return over the same route, serving all intermediate points, (14) between Salt Lake City, UT and Ontario, OR; from Salt Lake City, UT over Interstate Hwy 15 to its junction with Interstate Hwy 80-N (which Interstate Hwy 80-N will be redesignated Interstate Hwy 84 on or about May 1, 1980), then over Interstate Hwys 15 and 80-N to Tremonton, UT, then over Interstate Hwy 80-N to Glens Ferry, ID, then over U.S. Hwys 26 and 30 from Glens Ferry to their junction with Interstate Hwy 80-N near Hammett, ID, then over Interstate Hwy 80-N to Ontario, OR and return over the same route; serving all intermediate points and the off-route points of Rupert, Paul, Burley, Buhl, Twin Falls, Jerome, Mountain Home, and Mountain Home Air Force Base, ID, (15) between Ogden, UT and St. Anthony, ID; from Ogden, UT over U.S. Hwy 89 to its junction with U.S. Hwy 91, then over U.S. Hwys 89 and 91 to Logan, UT, then over U.S. Hwy 91 to its junction with Interstate Hwy 15, then over Interstate Hwy 15 to Idaho Falls, ID, then from Idaho Falls, ID over U.S. Hwy 191 to St. Anthony, ID and return over the same route serving all intermediate points and Shelley, ID and the facilities of Basic American Food Company near Blackfoot, ID as off-route points, (16) between Pocatello, ID and Ogden, UT; from Pocatello, ID over Interstate Hwy 15 to Ogden, UT and return over the same route serving no intermediate points as an alternate route for operating convenience only, (17) between Pocatello, ID and the junction of Interstate Hwys 86 and 80-N (which Interstate Hwy 80-N will be redesignated Interstate 84 on or about May 1, 1980); from Pocatello over Interstate Hwy 86 to its junction with U.S. Hwy 30 then over Interstate Hwy 86 and U.S. Hwy 30 to the junction of Interstates Hwys 86 and 80-N and return over the same route serving no intermediate points and serving the junction of Interstate Hwys 86 and 80-N for purposes of joinder only and serving the off-route point of American Falls, ID, (18) between Jerome, ID and Twin Falls, ID; from Jerome over ID Hwy 79 to its junction with Interstate Hwy 80-N (which Interstate Hwy 80-N will be redesignated Interstate Hwy 84 on or about May 1, 1980), then over Interstate 80-N to its junction with U.S. Hwy 93, then over U.S. Hwy 93 to Twin Falls and return over the same route serving no intermediate point, (19) between Twin Falls, ID and Reno, NV; from Twin Falls, ID over U.S. Hwy 93 to Wells, NV, then over Interstate Hwy 80 to Reno, NV and return over the same route serving no intermediate points as an alternate route for operating convenience only, (20) between Caldwell, ID and Reno, NV; from Caldwell, ID over ID Hwy 55 to its junction with U.S. Hwy 95, then over U.S. Hwy 95 to its junction with Interstate Hwy 80, then over Interstate Hwy 80 to Reno, NV and return over the same route serving no intermediate

points as an alternate route for operating convenience only. Authority is also sought to serve the commercial zones of all points including intermediate and off-route points in paragraphs (1) through (20) above. Authority is also sought to interline at all points authorized. Supporting shippers: There are 74 statements attached to this application which may be examined at the ICC in Washington, D.C., or copies of which may be examined in the field office named below. Send protests to: D/S N.F. Foster, 211 Main Street, Suite 500, San Francisco, CA 94105.

MC 141781 (Sub-19TA), filed July 30, 1979. Applicant: LARSON TRANSFER & STORAGE CO., INC., 10700 Lyndale Avenue South, Bloomington, MN 55420. Representative: Richard A. Westley, 4506 Regent Street, Suite 100, Madison, WI 53705. *Lumber and compressed wood products* from the facilities of Weyerhaeuser Company at or near Marshfield and Independence, WI and St. Paul, MN, the facilities of Neumann Wood Processors, Inc., at or near LaCrosse, WI, and the facilities of Robert Herbst & Associates at or near Elk Mound, WI to points in IL, IN, IA, MI, MN, MO and WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Weyerhaeuser Company, 100 South Wacker Drive, Chicago, IL 60606. Send protests to: Judith L. Olson ICC, 414 Federal Building & U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 141811 (Sub-8TA), filed June 25, 1979. Applicant: SCHEDULED TRANSPORT, INC., 9000 Keystone Crossing, Indianapolis, IN 46240. Representative: Donald W. Smith (same address as applicant). *Flour, in bulk, in tank vehicles* from Lake Station, IN to Massillion, OH for 180 days. Supporting shipper: Grain Mill Products Div. of Conagra, Inc., 200 Kiewit Plaza, Omaha, NB 68131. Send protests to: Beverly J. Williams, Transportation Asst., ICC 46 E. Ohio St., Rm 429, Indianapolis, In 46204. An underlying ETA seeks 90 days authority.

MC 142310 (Sub-22TA), filed August 3, 1979. Applicant: H.O. WOLDING, INC., Box 56, Nelsonville, WI 54458. Representative: Wayne Wilson, 150 E. Gilman St., Madison, WI 53703. *Frozen foods* from Greenville, MI to points in CT, DE, MD, MA, NJ, NY, OH, PA, VT, VA, WV & DC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Ore Ida Foods, Inc., P.O. Box 10, Boise, ID 83707. Send protests to: Gail Daugherty, TA, ICC 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 142501 (Sub-2TA), filed August 3, 1979. Applicant: HERBERT O. KINDRICK, d.b.a. KINDRICK TRUCKING COMPANY, Route 1, Box 432, Harriman, TN 37748. Representative: John G. Hardeman, 618 United American Bank Bldg., Nashville, TN 37219. *Ferro alloys,* in bulk, from the facilities of Roane Electric Furnace, Inc at or near Rockwood, TN to points in AR, DE, FL, MD, MN, NC, SC, and VA, for 180 days. Supporting shipper(s): Roane Electric Furnace, Inc., 400 Holiday Drive, Pittsburgh, PA 15220. Send protests to: Glenda Kuss, ICC, A-422 U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 142830 (Sub-2TA), filed July 27, 1979. Applicant: TRANSHIELD TRUCKING, INC., 1035 E. State St., Geneva, IL 60134. Representative: E. Stephen Heisley, 805 McLachlen Bldg., 666 11th St., Washington, DC 20001. *Contract plastic and burlap articles, except commodities in bulk,* (1) from the facilities of PPD Corp., at or near Newark, NJ, to points in AL, AR, FL, GA, IL, IN, IA, KS, KY, MD, MI, MN, MS, MO, NE, NC, OH, OK, PA, SC, TN, TX and WI; and (2) from the facilities of PPD Corp., at or near Atlanta, GA, to points in IL, IN, IA, KS, KY, MI, MN, MO, NE, NJ, OH, PA and WI for the account of PPD Corp. for 180 days. An underlying ETA seeks 90 days. Supporting shipper(s): PPD Corporation, Newark, NJ. Send protests to: Dave Hunt, 219 S. Dearborn St., Room 1386, Chicago, IL 60604.

MC 143110 (Sub-12TA), filed July 30, 1979. Applicant: K & B EXPRESS, INC., P.O. Box 801, Union, NJ 07083. Representative: Stuart R. Mandel, 315 S. Beverly Drive, Suite 315, Beverly Hills, CA 90212. *Contract, Chemicals, except in bulk,* (1) from Mexico, MO, Greeley, CO, Freemont, NE, Kingstree, SC and San Antonio and Palacios, TX to AL, AR, AZ, CA, CO, FL, GA, ID, IA, IL, IN, KS, MD, MO, MI, MS, MN, MT, NE, NV, NY, NC, ND, OH, OK, OR, PA, SC, SD, TN, TX, UT, VA, WA, WV and WI and (2) from San Antonio, Palacios and Houston, TX to points in NJ, under contract with Aceto Agricultural Chemicals Corp., 126-02 Northern Blvd., Flushing, NY 11368, for 180 days. Supporting shipper(s): Aceto Agricultural Chemicals Corporation, 126-02 Northern Blvd., Flushing, NY 11358. Send protests to: Robert E. Johnston, D/S, ICC, 744 Broad St., Room 522, Newark, NJ 07102.

MC 143471 (Sub-17TA), filed August 1, 1979. Applicant: DAKOTA PACIFIC TRANSPORT, INC., 301 Mt. Rushmore Road, Rapid City, SD 57701. Representative: J. Maurice Andren, 1734 Sheridan Lake Road, Rapid City, SD 57701. *Contract carrier: Iron and steel articles* from Bartonville, IL and points in its commercial zone to points in MT, NE, ND, SD and WY for the account of Keystone Group, Keystone Consolidated Ind., Inc. for 180 days. Supporting shipper(s): Keystone Group, Keystone Consolidated Ind., Inc., 7000 S. Adams Street, Peoria, IL 61641. Send protests to: J. L. Hammond, DS, ICC, Room 455, Federal Bldg., Pierre, SD 57501.

MC 143500 (Sub-6TA), filed April 4, 1979. Applicant: R. B. CARRIERS, INC., P.O. Box 92, Jeffersonville, IN 47130. Representative: James E. Savitz, Suite 145, 4 Professional Drive, Gaithersburg, MD 20760. *Contract carrier: Household appliances and related parts, finished and unfinished and cabinets,* between Mansfield and Ontario, OH, Murray, KY, Springfield and Nashville, TN and Dalton, GA on the one hand, and on the other points in AZ, AR, CA, CO, FL, GA, ID, KY, LA, MO, MT, NV, NM, OH, OK, OR, TN, TX, UT, WA, WI and WV, for 180 days. Supporting shipper: The Tappan Company, Tappan Park, P.O. Box 606, Mansfield, OH 44901. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm 429, Indianapolis, IN 46204. An underlying ETA seeks 90 days authority.

MC 143691 (Sub-23TA), filed July 18, 1979. Applicant: PONY EXPRESS COURIER CORPORATION, P.O. Box 4313, Atlanta, GA 30302. Representative: Steven J. Thatcher (same address as applicant). *Contract Carrier: Commercial papers, documents and written instruments (except currency and negotiable securities)* between Tallahassee, FL and points in GA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Capital City First National Bank, 217 North Monroe St., Tallahassee, FL. Send protests to: Sara K. Davis, ICC, 1252 W. Peachtree St., NW., Rm. 300, Atlanta, GA 30309.

MC 144061 (Sub-8TA), filed July 30, 1979. Applicant: SICOMAC CARRIERS, INC., 347 Sicomac Avenue, Wyckoff, NJ 07481. Representative: Jack Schiller c/o Greenhill & Speyer, 56 Pine Street, New York, NY 10005. *Contract, (1) Liquid chemicals,* in bulk, in tank vehicles, from the facilities of Kay Fries, Inc., at or near Stony Points, NY to Sacramento, CA, Boulder, CO, Gary, IN, Hutchinson, MN, Jamestown and Grenville, NC, points in TX and points in NJ and (2) *Raw Materials,* utilized in the production of liquid chemicals, in bulk, in tank vehicles from points in NJ to the facilities of Kay Fries, Inc., located at or near Stony Point, NY, for 180 days. An

underlying ETA seeks 90 days authority. Supporting shipper(s): Kay Fries, Inc., Stony Point, NY 10480. Send protests to: Joel Morrows, ICC, 744 Broad St., Room 522, Newark, NJ 07102.

MC 144330 (Sub-79TA), filed August, 2, 1979. Applicant: UTAH CARRIERS, INC., P.O. Box 1218 Freeport Center, Clearfield, UT 84016. Representative: Charles D. Midkiff (same as applicant's). *Plywood, particleboard, fiberboard, siding and urethane sheathing* from the facilities of Temple-Eastex, Diboll, TX and Pineland, TX to points in AZ, CA, CO, KS, NB, NV, ND, NM, OK, SD, UT and WY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Temple-Eastex, P.O. Drawer N, Diboll, TX 75941. Send protests to: L. D. Helfer, ICC, 5301 Federal Bldg., Salt Lake City, UT 84138.

MC 144330 (Sub-80TA), filed August 10, 1979. Applicant: UTAH CARRIERS, INC., P.O. Box 1218—Freeport Center, Clearfield, UT 84016. Representative: Charles D. Midkiff (same as applicant). *Lumber, lumber mill products and wood products* from points in CA to points in AR, AZ, CO, KS, NM, OK, and TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are 11 statements of 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 at the field office named below. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Bldg., Salt Lake City, UT 84138.

MC 144361 (Sub-1TA), filed August 8, 1979. Applicant: B-BROTHERS CARTAGE, INC., 496 W. 138th St., Riverdale, IL 60627. Representative: Carl Steiner, 39 S. LaSalle, Chicago, IL 60603. *Steel tubing,* from the facilities of Alpha Tube Corp., Holland, OH to points in IL, WI, and IN for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Alpha Tube Corp., P.O. Box 188, Holland, OH 43528. Send protests to: Cheryl Livingston, TA, ICC, 219 S. Dearborn, Rm 1386, Chicago, IL 60604.

MC 144621 (Sub-8TA), filed August 10, 1979. Applicant: CENTURY MOTOR LINES, INC., P.O. Box 15246, 1720 East Garry Avenue, Santa Ana, CA 92705. Representative: Charles J. Kimball, Kimball, Williams & Wolfe, P.C., 350 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203. *Food, food products, and food ingredients (except in bulk, in tank vehicles,* from the facilities of Archer Daniels Midland Company at Decatur, IL to points in AL, FL, GA, and SC, for 180 days. Supporting shipper(s): Archer Daniels Midland Company, 4666 Faries Parkway, P.O. Box 1470, Decatur, IL 62525. Send protests to: Irene Carlos, TA, ICC, P.O. Box 1551, Los Angeles, CA 90053.

MC 144630 (Sub-26TA), filed April 3, 1979. Applicant: STOOPS EXPRESS, INC., 2239 Malibu Court, Anderson, IN 46012. Representative: Donald W. Smith, 9000 Keystone Crossing, Suite 945, Indianapolis, IN 46240. (1) *Extruded or injection molder rubber and plastic products,* from the facilities of Entex Corporation of America at Irving, TX to points in the U.S. (except AK and HI); and (2) *Materials, equipment and supplies used in the manufacture and distribution of extruded or injected molder rubber and plastic products (except commodities in bulk),* from points in the U.S. to the facilities of Entex Corporation of America at Irvin, TX for 180 days. Supporting shipper(s): Entek Corporation of America, 104 County Line Rd., Irving, TX 75060. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio Street, Rm 429, Indianapolis, IN 46204.

MC 144991 (Sub-1TA), filed August 13, 1979. Applicant: KINGSWAY TRANSPORTS, INC., 123 Rexdale Blvd., Rexdale, Ontario M9W 1P3. Representative: S. Harrison Kahn, Suite 733, Investment Bldg., Washington, DC 20005. Common-Regular Routes. *General Commodities, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment,* A.—Between Buffalo, NY and New York, NY (and points in its commercial zone), serving no intermediate points. From Buffalo via Interstate Hwy 90 to its intersection with Interstate Hwy 87, at or near Albany, NY, then over Interstate Hwy 87, to New York, NY, and return over the same route; B.—Between Buffalo, NY and New York, NY (and points in its commercial zone), serving no intermediate points. From Buffalo via Interstate Hwy 90 to Syracuse, NY; thence from Syracuse via U.S. Hwy 81 to Scranton, PA; thence from Scranton, PA via U.S. Hwy 380 and Interstate Hwy 80 to New York, NY and return over the same route, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): No support, Alternate Route for Operating convenience only. Send protests to: Anne C. Siler, ICC, 910 Federal Bldg., 111 W. Huron St., Buffalo, NY 14202.

MC 145471 (Sub-3TA), filed August 1, 1979. Applicant: JOHN K. GRAY TRUCKING, 30 South G Street, Arcata, CA 95521. Representative: John Gray (same address as applicant). *Contract carrier, Lumber and Wood Pulp in bales and Wood Products (including fiberboard, hardboard or pulpboard),* from the plants, facilities and suppliers of Louisiana-Pacific Corporation, Humboldt County, CA to the rail reload facilities of Louisiana-Pacific Corporation in Mendocino, Sonoma and Shasta Counties, CA for subsequent out-of-state movement by rail, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Louisiana-Pacific Corporation, P.O. Box 158, Samoa, CA 95564. Send protests to: A. J. Rodriguez, 211 Main Street, Suite 500, San Francisco, CA 94105.

MC 145680 (Sub-8TA), filed August 2, 1979. Applicant: C & R TRUCKING, LTD., 2955 Packers Ave., Madison, WI 53704. Representative: Michael Gilman Wyngaard, 150 E. St., Madison, WI 53703. *Sewage treatment plant covers* from Waupaca and Portage, WI to points in the U.S. except AK and HI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Clow Corp., 1211 W. 22 St., Oak Brook, IL 60521. Send protests to: Gail Daugherty, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 145741 (Sub-1TA), filed July 31, 1979. Applicant: WATKINS TRUCKING COMPANY, INC., P.O. Box 3, Livingston, AL 35470. Representative: Fred W. Johnson, Jr., 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, MS 39205. *Lumber* from the facilities of Sumter Plywood Corporation at or near Livingston, AL to facilities of Delta Industries, Inc., at or near Beaumont, MS. An underlying ETA seeks 90 days authority. Supporting shipper(s): Sumter Plywood Corporation, P.O. Box 1017, Livingston, AL 34570. Send protests to: Mabel E. Holston, ICC Room 1616, 2121 Building, Birmingham, AL 35203.

MC 145850 (Sub-4TA), filed August 9, 1979. Applicant: MALCOLM HUMPHREYS, d.b.a. HUMPHREYS TRUCKING, Route 5, Box 685, Prattville, AL 36067. Representative: William P. Jackson, Jr., 3426 N. Washington, Blvd., P.O. Box 1240, Arlington, VA 22210. Contract, *(1) Prefabricated buildings,* knocked down, and *iron and steel articles* (except in bulk), from the facilities of OSI, Inc., at or near Montgomery, AL, to points in the United States (except AK and HI); and (2) *commodities* utilized in the manufacture, installation or distribution of prefabricated buildings, and *iron and steel articles* (except in bulk), from points in the United States (except AK and HI), to the facilities of OSI, Inc., at or near Montgomery, AL, for 180 days, restricted to the transportation of shipments under a continuing contract

or contracts with OSI, Inc. An underlying ETA seeks 90 days authority. Supporting shipper(s): OSI, Inc. 4110 Birmingham Hwy., Montgomery, AL 36108. Send protests to: Mabel E. Holston, T/A, ICC, Room 1616, 2121 Building, Birmingham, AL 35203.

MC 145870 (Sub-16TA), filed August 9, 1979. Applicant: L-J-R HAULING, INCORPORATED, P.O. Box 699, Dublin, VA 24084. Representative: Wilmer B. Hill, Attorney at Law, Suite 805, 666 Eleventh street, N.W., Washington, D.C. 20001. (1) *Mining machinery and equipment, and parts of such commodities,* and (2) materials, equipment and supplies used in the manufacture and installation of mining machinery and equipment (except commodities in bulk) between the facilities of Long-Airdox Company, at or near Pulaski, VA and Rural Retreat, VA, on the one hand, and, on the other, points in MT and MI for 180 days. An underlying ETA seeks 90 days authority. Send protest to: ICC, Federal Reserve Bank Bldg., 101 N. 7th St., Room 620, Phil., PA. 19106. Supporting shipper(s): Long-Airdox Company, P.O. Box 1231, Pulaski, VA 24301.

MC 14900 (Sub-5TA), filed August 2, 1979. Applicant: THREE RIVERS TRUCKING, INC., Legionville Road, Ambridge, PA 15003. Representative: John A. Pillar, Esquire, 1500 Bank Tower, 307 Fourth Avenue, Pittsburgh, PA 15222. *Fabricated structural iron, or steel* from the facilities of The Levinson Steel Company at Ambridge and Pittsburgh, PA to Keasby, NJ and NY, for 180 days. Supporting shipper(s): The Levinson Steel Company, 20th and Wharton Streets, Pittsburgh, PA 15203. Send protest to: J. J. England, D/S, ICC, 2111 Federal Building, Pittsburgh, PA 15222.

MC 146290 (Sub-4TA), filed July 9, 1979. Applicant: DON THREDE, d.b.a. DON THREDE TRUCKING COMPANY, 1777 Arnold Industrial Highway, Concord, CA 94520. Representative: Eldon M. Johnson, 650 California Street, Suite 2808, Ph. (415) 986-8696, San Francisco, CA 94108. *Contract carrier, Cooling towers and condensers, and accessories, materials and supplies used in conjunction with cooling towers and condensers,* from facilities of Baltimore Aircoil of California at or near Madera, CA to points in AZ, CA and NV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Baltimore Aircoil of California, P.O. Box 960, Madera, CA 93639. Send protest to: A. J. Rodriguez, 211 Main Street, Suite 500, San Francisco, CA 94105.

MC 146811 (Sub-2TA), filed July 31, 1979. Applicant: PAULUIK BROS. LTD., R.R. #5, Thunder Bay, Ontario, Canada P7C 5M9. Representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, MN 55403. *Brick, brick slices and tile* from ports of entry on the United States-Canadian boundary in MN to points in IN, MI, OH and SD, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Thunderbrick Limited, R.R. #5, Rosslyn Road, Thunder Bay, Ontario, Canada. Send protest to: Judith L. Olson ICC, 414 Federal Building and U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 146820 (Sub-4TA), filed August 1, 1979. Applicant: B & G TRUCKING, INC., 77 E. Wilson Bridge Rd., Worthington, OH 43085. Representative: David Turano, 100 E. Broad St., Columbus, OH 43215. *Such commodities* as are dealt in by wholesale, retail and chain grocery and food business houses (except frozen commodities and commodities in bulk), (1) from the facilities of The Clorox Co. at Chicago, IL to points in the states of IN, MI, and OH; and (2) from the facilities of The Clorox Co. at Cleveland, OH to points in the states of MI, PA, NY and NJ for 180 days. An underlying ETA seeks 90 days authority. RESTRICTED to transportation of shipments under a continuing contract or contracts with The Clorox Co., 1221 Broadway St., Oakland, CA 94612. Supporting shipper(s): The Clorox Co., 1221 Broadway St., Oakland, CA 94612. Send protest to: ICC, Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 146990 (Sub-4TA), filed July 30, 1979. Applicant: J. R. PORTER, INC., Rt. 5, Box 589, South Point, OH 45619. Representative: R. William Berry, 406 Second Ave., Chesapeake, OH 45619. *Iron and steel products and/or raw materials used in the* manufacture and/or production of iron and steel products, from points in WV, OH, PA, NJ, NY, IN, MD, and MI to the facilities of Armco Steel located at Ashland, KY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Armco Inc., 703 Curtis St., Middletown, OH 45043. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Room 620, Phila., PA 19106.

MC 147111 (Sub-1TA), filed July 31, 1979. Applicant: TIGER TRUCKING COMPANY, 101 Galbert Road, Lafayette, LA 70506. Representative: Ken Keller (same address as applicant). *Oilfield equipment and supplies pursuant to the Mercer description* between points in ND, CO, CA, TX, LA, OK, WY, MT, NV, NM, AZ, SD, ID, NE, UT, MS, AR, and AL, for 180 days. Applicant has filed an underlying ETA seeking 90 days. Supporting shipper(s): Imco Services, P.O. Box 22605, Houston, TX 77027; Halliburton Services, a Division of Halliburton Company, Box 1431, Duncan, OK 73533; Lamb Enterprises, P.O. Box 53887, Lafayette, LA 70505. Send protests to: Robert J. Kirspel, DS, ICC, T-9038 Federal Bldg., 701 Loyola Ave., New Orleans, LA 70113.

MC 147161 (Sub-4TA), filed August 3, 1979. Applicant: MASS TRANSIT, INC., 2450 Orange Street, Signal Hill, CA 90806. Representative: Daniel W. Baker, 100 Pine Street, Suite 2550, San Francisco, CA 94111. *Contract: Such commodities as are dealt in or used by grocery and food business houses (except commodities in bulk),* from points in AZ, CA, CO, ID, MT, NM, NV, OR, UT, WA and WY to the facilities of Vons Grocery Company at El Monte, CA, under contracts with Vons Grocery Company, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): Vons Grocery Company, 10150 Lower Azusa Road, El Monte, CA 91731. Send protests to: Irene Carlos, TA, ICC, P.O. Box 1551, Los Angeles, CA 90053.

MC 147550 (Sub-2TA), filed June 13, 1979. Applicant: FIDELIA, INC., 500 E. Central, Benld, IL 62009. Representative: Ray Garner (same address as applicant). *Malt beverages, in containers, and empty containers on return,* between Detroit, MI; Ft. Wayne, IN; Minneapolis and St. Paul, MN; Cincinnati, OH; and Milwaukee, WI, on the one hand, and on the other, the facilities of Deluka Distributing Co., at Nokomis, IL; Baima Distributing, Inc., at Benld, IL; and L & B Distributing Co., at Mattoon, IL, for 180 days. An underlying ETA seeks 90 days authority. Supporting shippper(s): Baima Distributing, Inc., 210 S. 1st St., Benld, IL 62009. Send protests to: David Hunt, Rm. 1386, 219 S. Dearborn St., Chicago, IL 60604.

MC 147640 (Sub-1TA), filed July 12, 1979. Applicant: MOUNTAIN-VALLEY EXPRESS CO., INC., 815 Moffat Boulevard, Manteca, CA 95336. Representative: Michael J. Stecher, 256 Montgomery Street, San Francisco, CA 94104. *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between San Francisco, Manteca and Stockton, CA and their commercial zones, on the one hand, and, on the other, points in San Mateo, Santa Clara, Alameda, San Francisco, Contra Costa, Solano, Yolo, Sacramento, San Joaquin,

Stanislaus, Merced and Fresno Counties, CA, restricted to shipments having a prior or subsequent movement by freight forwarders operating pursuant to 49 USC 10923, or moving on the bills of lading of such freight forwarders, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Stor Dor Freight System, 25 Division St., San Francisco, CA 94103; Universal Carloading & Distributing, 255 Channel St., San Francisco, CA 94107; Clipper Express Company, 3871 San Pablo Ave., Emeryville, CA 94608; California Western Freight Association, 255 Channel St., San Francisco, CA 94103. Send protests to: A. J. Rodriguez, 211 Main Street, Suite 500, San Francisco, CA 94105.

MC 147661 (Sub-1TA), filed July 9, 1979. Applicant: H. & W. TRUCKING, INC., 108 E. Walnut St., Cardington, OH 43315. Representative: E. H. van Deusen, P.O. Box 97, 220 W. Bridge St., Dublin, OH 43017. *Truck body parts* (1) from Cleveland, OH to Milford, North Haven & Norwalk, CT; Decatur, Dolton & Paris, IL, Merced, CA; Denver, CO; Medford, MA; Jackson & Detroit, MI, Collingswood & Elizabeth, NJ: Rochester & Syracuse, NY; and Durant, OK. (2) From Cardington, OH to Merced, CA; Doraville, Atlanta, Sylvester & Macon, GA; Decatur, Louisville, Owensboro & Paris, KY; Denver, CO; Hampstead, MD; Charlotte, Wilmington & Wilson, NC; Detroit, MI; Durant, OK; Knoxville, Memphis & Nashville, TN; Roanoke, VA; and Charleston, WV. (3) From Merced, CA and Durant, OK to Cardington and Cleveland, OH. Restricted to the transportation of truck body parts from or to the facilities of The Stahl Division, The Scott & Fetzer Company for 180 days. Supporting shipper(s): Stahl Division, The Scott & Fetzer Company, 4750 W. 160th St., Cleveland, OH 44135. Send protests to: ICC., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 147681 (Sub-1TA), filed August 2, 1979. Applicant: HOYA EXPRESS, INC., P.O. Box 543, R.D. #2, West Middlesex, PA 16159. Representative: Henry M. Wick, Jr., 2310 Grant Building Pittsburgh, PA 15219. *Foodstuffs,* from the facilities of Nabisco Inc. at Fairlawn, NJ to Chicago, IL; Evansville, Ft. Wayne and Indianapolis, IN; Farmington, Flint and Grand Rapids, MI: Columbus, Hamilton, Macedonia, Mansfield, Toledo, Westerville, Youngstown and Bellaire, OH, for 180 days. an underlying ETA seeks 90 days authority. Supporting shipper(s): Biscuit Div. of Nabisco, Inc., East Hanover, NJ 07936. Send protests to: J. J. England, I.C.C., 2111 Federal Building, Pittsburgh, PA 15222.

MC 147700 (Sub-1TA), filed July 27, 1979. Applicant: TRANSTOR CORPORATION, 3710 Calumet Ave., Hammond, IN 46320. Representative: Grant J. Merritt, 4444 IDS Center, Minneapolis, MN 55402. *Contract, iron and steel articles, and non-ferrous articles,* from (1) Partage, IN to Northbrook, IL; (2) Northbrook, IL to Points in IN, IL, MO, MI (L.P.), WI and MN; (3) Indianapolis, IN to Cincinnati, OH; (4) Middletown, OH to Northbrook, IL and Indianapolis, IN for the account of Fullerton Metals Co. for 180 days. An underlying ETA seeks 90 days. Supporting shipper(s): Fullerton Metals Co., Northbrook, IL. Send protests to: Dave Hunt, 219 S. Dearborn St., room 1386, Chicago, IL 60604.

MC 147720 (Sub-1TA), filed July 23, 1979. Applicant: SANTI ENTERPRISES, INC., d.b.a. AMERICAN LEASING & RENTALS, 2967 Sierra Way, La Verne, CA 91750. Representative: Miles L. Kavaller, 315 So. Beverly Drive, Suite 315, Beverly Hills, CA 90212. *Contract: Machinery, equipment and supplies used by fruit and vegetable packinghouses,* between the facilities of Brogdex Company located in CA, on the one hand, and, on the other points in AZ and WA for 180 days. Supporting shipper(s): Brogdex Company, 1441 W. Second Street, Pomona CA. Send protests to: Irene Carlos, TA, I.C.C., P.O. Box 1551, Los Angeles, CA 90053.

MC 147790 (Sub-1TA), filed July 20, 1979. Applicant: EXCLUSIVE TRANSPORTATION CORPORATION, 829 Hoover Avenue, National City, California 92050. Representative: William R. Daly, 4340 Vandever Avenue, Suite "S", P.O. Box 20521, San Diego, California 92120. *Refined liquid petroleum products in tank vehicles,* between points in California, Arizona and Nevada. An underlying ETA seeks 90 days authority. Supporting shipper(s): Holland Southwest, Inc., P.O. Box 1026, Flagstaff, AZ 86002. Send protests to: Irene Carlos, ICC, P.O. Box 1551, Los Angeles, CA 90053.

MC 147791 (Sub-1TA), filed July 18, 1979. Applicant: H. S. SOWARDS & SONS, INC., 350 North Vernal Avenue, Vernal, UT 84078. Representative: Richard P. Kissinger, Steele Park, Ste. 330, 50 So. Steel Street, Denver, CO 80209. *Contract carrier: Petroleum and petroleum products,* in bulk, in tank trucks, between points in AZ, CO, NM, UT, and WY, under continuing contracts with Gary Refining Company and Gary Energy Corporation, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Gary Refining Company, Four Inverness Court East, Englewood, CO 80112. Gary Energy Corporation, Four Inverness Court East, Englewood, CO 80112. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Bldg., Salt Lake City, UT 84138.

MC 147811 (Sub-1TA), filed July 25, 1979. Applicant: FLO-JO CONTRACTING, INC., P.O. Box 283, Belgrade Lakes, ME 04918. Representative: Karl A. Johnson (same address as applicant). Contract: (1) *Salt, lime and dry chemicals* in bags from ports of entry on the International Boundary Line between the U.S. and Canada at or near Derbyline and Norton, VT and Jackman, Coburn Gore and Calais, ME to points in ME, under contract with W. H. Shurtleff, Portland, ME; (2) *Lumber* from Belgrade and Conville, ME to the ports of entry on the International Boundary Line between the U.S. and Canada at or near Jackman, ME, under contract with Can-Am Lumber, Skowhegan, ME; (3) *Lumber from the ports of entry on the* International Boundary Line between the U.S. and Canada at or near Coburn Gore, ME to Leeds, ME, under contract with Dayken Lumber Company, Leeds, ME. Underlying ETA seeking 90 days authority. Supporting shipper(s): (1) W. H. Shurtleff Co., P.O. Box 1019, Portland, ME 04104. (2) Can-Am Lumber, Skowhegan, ME 04976. (3) Dayken Pallet Co., Inc., P.O. Box 121, Monmouth, ME 04259. Send protests to: Donald G. Weiler, District Supervisor, ICC, 76 Pearl St., Rm. 303, Portland, ME 04101.

MC 147831 (Sub-1TA), filed July 30, 1979. Applicant: CENTRAL STATES EXPRESS, INC., P.O. Box 2464, Jackson, TN 38301. Representative: Abraham A. Diamond, 29 S. LaSalle St., Suite 454, Chicago, IL 60603. *Hot Melt Adhesives* from Jackson, TN to points in IL, IN, and OH. An underlying ETA seeks 90 days authority. Supporting shipper(s): Unitech Chemical, Inc., 30 N. LaSalle St., Chicago, IL 60602. Send protests to: Floyd A. Johnson, 100 N. Main, Suite 2006, Memphis, TN 38103.

MC 147831 (Sub-2TA), filed August 6, 1979. Applicant: CENTRAL STATES EXPRESS, INC., P.O. Box 2464, Jackson, TN 38301. Representative: Abraham A. Diamond, 29 S. LaSalle St., Suite 454, Chicago, IL 60603. (1) *Rotors and Stators, electric and parts thereof;* (2) *Equipment, material and supplies* in the manufacture and distribution thereof between the facilities of Copeland Electric Corporation at or near Humbolt, TN and points in IL, IN, MI, NY, OH, WI, PA and TX for 180 days. Underlying ETA seeks 90 day authority. Supporting shipper(s): Copeland Electric Corporation, 759 W. Mullins, Humbolt, TN 38343. Send protests to: Floyd A.

Johnson, 100 North Main, Suite 2006, Memphis, TN 38103.

MC 147831 (Sub-2TA), filed August 6, 1979. Applicant: CENTRAL STATES EXPRESS, INC., P.O. Box 2464, Jackson, TN 38301. Representative: Abraham A. Diamond, 29 South LaSalle Street, Chicago, IL 60603. *Containers, container ends and closures; Commodities manufactured or distributed by manufacturers and distributors of containers when moved in mixed loads with containers; Materials, equipment and supplies used in the manufacture and distribution of containers, container ends and closures:* Between the facilities of the Composite Can Division of Boise Cascade Corporation in and near Jackson, TN, on the one hand, and points in CA, IL, IN, MI, NY, OH, PA, TX, WA and WI, on the other for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Composite Can Division, Boise Cascade Corporation, 71 Wisteria, Jackson, TN 38301. Send protests to: Floyd A. Johnson, 100 North Main Street—Suite 2006, Memphis, TN 38103.

MC 147840 (Sub-1TA), filed August 1, 1979. Applicant: NORTH PACIFIC LUMBER CO., an Oregon Corp., 1505 S. E. Gideon, Portland, OR 97202. Representative: Michael D. Crew, 1700 Standard Plaza, Portland, OR 97204. *Flat glass,* from the facilities of Guardian Industries in Fresno County, CA to Sweetgrass and Port of Roosville, MT, Eastport and Porthill, ID, Blaine, Sumas, Laurie, Oroville and Metaline Falls, WA, for 180 days. A corresponding ETA was filed. Restricted to traffic having a subsequent movement in foreign commerce. Supporting shipper(s): Guardian Industries, 11535 E. Mountainview, Kingsburg, CA 93631. Send protests to: R. V. Dubay, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oregon 97204.

MC 147850 (Sub-1TA), filed July 31, 1979. Applicant: EARL W. BURGESS t/a EARL W. BURGESS TRUCKING CO., P.O. Box 96, Sedley, VA 23871. Representative: Calvin F. Major, 200 West Grace St., Richmond, VA 23220. Contract: *Particle board, fiber board and built up woods, including faced and finished* From (1) Spring Hope, NC to IN, VA, WV, MD, DE, TN, PA, NY, NJ; (2) Waverly and Stuart, VA to NC, WV, MD, IN, PA, DE, TN, NY, and NJ; (3) Tonwanda, PA to VA, WV, MD, DE, TN, NC, TN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Masonite Corporation, L. W. Sykes, Traffic Manager, Particleboard Div., P.O. Box 378, Waverly, VA 23890. Send protests to: Paul D. Collins, ICC, Room 10-502 Federal Bldg., 400 North 8th St., Richmond, VA 23240.

MC 147851 (Sub-1TA), filed Aug. 2, 1979. Applicant: KWESVA, INC., 4000 Lambert Ave., Louisville, Ky. 40243. Representative: Herbert D. Liebman, P.O. Box 478, Frankfort, Ky. 40602. *Glass Containers and Fibreboard Boxes,* from Huntington, WV, to all points in KY. An underlying ETA seeks 90 days authority. Suporting shipper(s): Edwin P. Young, Owens-Illinois, Inc., P.O. Box 1035, Toledo, OH 43607. Send protests to: Clara L. Eyl, ICC, 426 Post Office Bldg., Louisville, Ky. 40202.

MC 147921 (TA), filed July 26, 1979. Applicant: HOC-EXPRESS, INC., 125 N. Elizabeth, Wichita, KS 67203. Representative: Clyde N. Christey, Suite 110L, 1010 Tyler, Topeka, KS 66612. *Petroleum naphtha and charcoal lighter fluid* from facilities of The Home Oil Company, Inc., Wichita, KS to points in AR, CO, ID, IL, IN, IA, KS, LA, MO, MI, MN, MT, NE, NM, ND, OK, SD, TX, UT, WI & WY, for 180 days, common. An underlying ETA seeks 90 days authority. Supporting shipper(s): The Home Oil Co., Inc., 125 No. Elizabeth, Wichita, KS 67203. Send protests to: M. E. Taylor, ICC, 101 Litwin Bldg., Wichita, KS 67202.

MC 147920 (TA), filed July 26, 1979. Applicant: JOHN J. TUCKER, d.b.a. M P TRANSIT, 5051 West Knoll Drive, Yorba Linda, CA 92686. Representative: John J. Tucker (same address as applicant). *Dogs and cats,* between specific points in CA, i.e. Orange County, Riverside County, Ventura County and Los Angeles County, and points in the United States, for 180 days. Supporting shipper(s): Beverly Hills Transfer & Storage Company, 9363 W. Third Street, Beverly Hills, CA. Send protests to: Irene Carlos, TA, ICC, P.O. Box 1551, Los Angeles, CA 90053.

MC 147931 (TA), filed May 16, 1979. Applicant: PENNI & RALPH, JR. TRUCKING CO., Green Acres Addition, P.O. Box 187, Craigsville, WV 26205. Representative: John M. Friedman, 2930 Putnam Ave., Hurricane, WV 25526. *Coal, in bulk, in dump vehicles* from points in WV to plant site of Calgon Corp. near Catlettsburg, KY and Pittsburgh, PA for 180 days. Supporting shipper(s): Calgon Corp., P.O. Box 1346, Pittsburgh, PA 15230. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 148071 (Sub-1TA), filed July 30, 1979. Applicant: COFER TRANSPORT, INC., R.R. #1, Box 42, Willard, OH 44890. Representative: Arthur R. Cline, 420 Security Bldg., Toledo, OH 43604. *Printed matter, directories, catalogs, and books, N.O.I.; and, materials, supplies and equipment used in the manufacturing, printing and preparation for shipping of these items* between Sandusky, Shelby and Willard, OH, on the one hand, and, on the other, points in the states of IN, KY, MD, MI, NJ, NY, PA, TN, OH and VA for 180 days. Supporting shipper(s): R. R. Donnelly & Sons Co., 1145 Conwell Ave., Willard, OH 44890. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 148081 (TA), filed July 19, 1979. Applicant: CAPITAL FORD TRUCK SALES, INC., 290 University Avenue, SW., Atlanta, GA 30310. Representative: Theodore M. Forbes, Jr., 4000 First National Bank Tower, Atlanta, GA 30303. *Wrecked, disabled, stolen and repossessed truck and trailers and replacement vehicles therefor, with wrecker or tow-truck equipment only* between Atlanta, GA on the one hand and on the other hand points in AL, FL, IN, KY, LA, MD, MS, NC, SC, TN, TX and VA for 180 days. Supporting shipper(s): Associates Commercial Corp., Inc., 1895 Phoenix Blvd., Suite 267, College Park, GA 30349. Cummins Georgia, Inc., 100 University Ave., SW., Atlanta, GA 30315. Send protests to: Sara K. Davis, ICC, 1252 W. Peachtree St., NW., Rm. 300, Atlanta, GA 30309.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 79-30569 Filed 10-2-79; 8:45 am]

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[Volume No. 34]

Petitions, Applications, Finance Matters (Including Temporary Authorities), Alternate Route Deviations, Intrastate Applications, Gateways, and Pack and Crate

September 20, 1979.

Petitions for Modification, Interpretation, or Reinstatement of Motor Carrier Operating Rights Authority

Notice

The following petitions seek modification or interpretation of existing motor carrier operating rights authority, or reinstatement of terminated motor carrier operating rights authority.

All pleadings and documents must clearly specify the suffix numbers (e.g., M1 F, M2 F) where the docket is so identified in this notice.

The following petitions, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's General Rules of Practice (49 CFR 1100.247). These rules provide, among other things, that a *petition to intervene*

either with or without leave must be filed with the Commission within 30 days after the date of publication in the Federal Register with a copy being furnished the applicant. Protests to these applications will be *rejected.*

A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that if (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l). In deciding whether to grant leave to intervene, the Commission considers, among other things, whether petitioner has (a) solicited the traffic or business of those persons supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. Another factor considered is the effects of any decision on petitioner's interests.

Samples of petitions and the text and explanation of the intervention rules can be found at 43 FR 50908, as modified at 43 FR 60277.

Petitions not in reasonable compliance with these rules may be rejected. Note that Rule 247(e), where not inconsistent with the intervention rules, still applies. Especially refer to Rule 247(e) for requirements as to supplying a copy of conflicting authority, serving the petition on applicant's representative, and oral hearing requests.

MC 95540 (Sub-925(M1F)) (notice of filing of petition to modify certificate), filed December 28, 1978. Petitioner: WATKINS MOTOR LINES, INC., P.O. Box 1636, 1144 W. Griffen Road, Lakeland, FL 33802. Representative: A. J. Swanson, P.O. Box 1103, 300 South Thompson Ave., Sioux Falls, SD 57103. Petitioner holds motor *common carrier* certificate in MC–95540 Sub 925 issued January 17, 1977, authorizing transportation, over irregular routes, of *foodstuffs* (except in bulk), from points in MN and WI to points in AL, FL, GA, LA, MS, NC, SC, and TN, restricted to the transportation of traffic originating at the plantsite and facilities of Land O'Lakes, Inc., at the named origins and destined to the indicated destinations. By the instant petition, petitioner seeks to modify the authority by deleting the facility reference.

MC 95540 (Subs- 401, 555, 560, 610, 614, 615, 622, 646, 674, 685, 690, 741, 748, and 770 (M1F)) (notice of filing of petition to modify certificates), filed December 28, 1978. Petitioner: WATKINS MOTOR LINES, INC., P.O. Box 1636, 1144 W. Griffen Road, Lakeland, FL 33802. Representative: A. J. Swanson, P.O. Box 1103, 300 South Thompson Ave., Sioux Falls, SD 57103. Petitioner holds motor *common carrier* certificates in MC 95540 (Subs- 401, 555, 560, 610, 614, 615, 622, 646, 674, 685, 690, 741, 748, and 770), issued July 9, 1964, June 18, 1964, November 17, 1965, April 18, 1967, May 27, 1965, May 27, 1965, August 9, 1965, December 22, 1976, January 26, 1967, May 8, 1967, April 12, 1968, September 16, 1969, March 25, 1971, and August 4, 1971, respectively. Sub-555 authorizes transportation, over irregular routes, of *meats, meat products, and meat byproducts,* as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from Omaha, NE, and Sioux City, IA, to points in TN (except Memphis, TN, and points in the Commercial Zone of Memphis, as defined by the Commission). All other subs above authorize transportation, over irregular routes, or *meats, meat products and meat byproducts, and articles distributed by meat-packing houses,* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (with various exceptions). Sub-401 transports from Lexington, NE, to points in AL, FL, GA, NC, SC, and TN (except Memphis and the Commercial Zone thereof, as defined by the Commission). Sub-560 transports from Madison, SD, to points in AL and TN (except Memphis, TN, and points in TN within the Memphis, TN Commercial Zone as defined by the Commission). Sub-610 transports from points in IA, to points in AL, FL, GA, NC, SC, and TN (except Memphis and points in the Commercial Zone thereof as defined by the Commission). Sub-614 transports from Minden, NE, to points in AL, FL, GA, NC, SC, and TN (except Memphis and points in the Commercial Zone thereof). Sub-615 transports from Darr, NE, to points in AL, FL, GA, NC, SC, and TN (except Memphis and points in the Commercial Zone thereof). Sub-622 transports from St. Joseph, MO, to points in TN (except Memphis and points in the Commercial Zone thereof). Sub-646 transports from the plant site of MBPXL Corporation, at or near Phelphs City, MO, to points in TN (except Memphis and points in the Memphis, TN Commercial Zone as defined by the Commission), restricted to the transportation of traffic originating at the plant site of MBPXL Corporation, at or near Phelphs City, MO. Sub-674 transports from the plant site or storage facilities utilized by Snyder Packing Company, in Adams County, NE, to points in TN (except Memphis and points in the Memphis, TN Commercial Zone as defined by the Commission), NC, SC, GA, AL, and FL, restricted to the transportation of traffic originating at the plant site or storage facilities utilized by Snyder Packing Company, in Adams County, NE, and destined to the indicated destinations. Sub-685 transports from the plant site of Oscar Mayer & Co., Inc., at Beardstown, IL, to points in AL, FL, GA, NC, SC, and TN (except Memphis, TN) restricted to the transportation of traffic originating at the named facilities. Sub-690 transports from the plant site or storage facilities of Griffith Provision Company, Inc., at or near Downs, KS, to points in AL, CT, DE, FL, GA, ME, MD, MA, NH, NJ, NY, NC, PA, RI, SC, TN (except Memphis and its commercial zone as defined by the Commission), VT, VA, WV, and DC, restricted to the transportation of traffic originating at the named facilities. Sub-741 transports from the plant sites and storage facilities utilized by Oscar Mayer & Company, Inc., at Madison, WI, to points in TN (except Memphis and points in its commercial zone as defined by the Commission), restricted to the transportation of traffic originating at the named facilities. Sub-748 transports from the plant site and storage facilities of National Beef Packing Company, at or near Liberal, KS, to points in AL, CT, DE, FL, GA, NH, NJ, NY, PA, RI, SC, NC, TN (except Memphis), VT, VA, WV, MD, MA, ME, and DC, restricted to the transportation of traffic originating at the named facilities. Sub-770 transports from points in TX to points in AL, FL, GA, NC, SC, and TN (except Memphis), service at points in TN is restricted to traffic destined to points in TN. By the instant petition, petitioner seeks to modify the authority by deleting the exceptions from all certificates.

MC 95540 (Sub-814(M1F)) (notice of filing of petition to modify certificate), filed December 28, 1978. Petitioner: WATKINS MOTOR LINES, INC., P.O. Box 1636, 1144 W. Griffen Road, Lakeland, FL 33802. Representative: A. J. Swanson, P.O. Box 1103, 300 South

Thompson Ave., Sioux Falls, SD 57103. Petitioner holds motor *common carrier* certificate in MC 95540 (Sub-814), issued November 6, 1974, authorizing transportation, over irregular routes, of *foodstuffs,* (except in bulk and except meats, meat products, meat by-products and articles distributed by meat packinghouses, as described in sections A and C of Appendix I to the report in *Descriptions in Motor-Carrier Certificates,* 61 M.C.C. 209 and 766), from points in TX to points in AL, FL, GA, NC, SC, and TN (except Memphis and points in its commercial zone as defined by the Commission, (a) restricted against the transportation of canned foodstuffs originating at the plantsite and storage facilities of Campbell Soup Company, at Paris, TX, and destined to points in AL, FL, and GA, (b) restricted against the transportation of unfrozen foods from Dallas and Fort Worth, TX, and points in their commerical zones as defined by the Commission, to Birmingham, Huntsville, and Decatur, AL, and points in the Atlanta, GA, Commercial Zone as defined by the Commission, (c) restricted against the transportation of nonfrozen foods from Houston, TX, and points in its commercial zone as defined by the Commission, to Atlanta, GA, and Birmingham, AL, and points in their commercial zone as defined by the Commission, and (d) service at points in TN is restricted to shipments destined to points in TN, *foodstuffs* (except in bulk and except frozen prepared foods), from points in TX to points in MD, MA, NJ, NY, PA, RI, WV, and DC, restricted against the transportation of nonfrozen foods from Dallas and Fort Worth, TX, and points in their commercial zones as defined by the Commission, to Charleston and Huntington, WV, and points in their commercial zones as defined by the Commission, *foodstuffs* (except in bulk), from points in TX to points in CT, DE, ME, NH, VA, and VT, *frozen fruits, berries, vegetables, and foodstuff concentrates,* from points in TX (except San Antonio), to points in MD, MA, NJ, NY, PA, RI, WV, and DC, *frozen foods,* from San Antonio, TX, to points in MD, MA, NJ, NY, PA, RI, WV, and DC. By the instant petition, petitioner seeks to modify the authority by deleting all restrictions, encumbrances and exceptions, and consolidate so the certificate will read: *foodstuffs* (except in bulk), from point in TX, to points in AL, FL, GA, NC, SC, TN, MD, MA, NJ, NY, PA, RI, WV, CT, DE, ME, NH, VA, VT, and DC.

MC 120910 (Sub- 9, 13, and 14(M1F)) (notice of filing of petition to modify certificates), filed January 24, 1979. Petitioner: SERVICE EXPRESS, INC., 5410 21st St., P.O. Box 1009, Tuscaloosa, AL 35401. Representative: William P. Jackson, Jr., 3426 North Washington Blvd., P.O. Box 1240, Arlington, VA 22210. Petitioner holds motor *common carrier* certificates in MC 120910 (Subs-9, 13, and 14), issued March 16, 1976, January 5, 1979, and January 5, 1979, respectively. MC 120910 (Sub-9) authorizes transportation, over *irregular routes,* of *phenolic resins, and compounds and products of phenolic resins* (except in bulk), in vehicles equipped with mechanical refrigeration, from the facilities of Reichhold Chemicals, Inc., at or near Tuscaloosa, AL, to Mobile, AL, and points in TX, OK, KS, MO, AR, LA, MS, TN, GA, FL, NC, and SC. MC 120910 (Sub-13) authorizes transportation, over irregular routes, of *phenolic resins, and compounds and products of phenolic resins* (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from the facilities of Reichhold Chemicals, Inc., at or near Tuscaloosa, AL, to points in IL, IN, MI, OH, PA, and WI. MC 120910 (Sub-14) authorizes transportation, over irregular routes, of phenolic resin compounds (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from Memphis, TN, to the facilities of Reichhold Chemicals, Inc., at on near Tuscaloosa, AL. By the instant petition, petitioner seeks to modify the above certificates by (1) removing the restriction limiting service to transportation in vehicles equipped with mechanical refrigeration, (2) modifying the commodity description in each of the certificates to authorize the transportation of *such commodities* as are manufactured or dealt in by chemical manufacturers (except commodities in bulk), and (3) authorize the transportation of *materials, equipment, and supplies* used in the manufacture or distribution of the above commodities (except commodities in bulk), from the destination states in Sub-9F and Sub-13F certificates, to the facilities of Reichhold Chemicals, Inc., at or near Tuscaloosa, AL.

Republications of Grants of Operating Rights Authority Prior to Certification

Notice

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the Federal Register.

An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission on or before November 2, 1979. Such pleading shall comply with Special Rule 247(e) of the Commission's *General Rules of Practice* (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including copies of intervenor's conflicting authorities and a concise statement of intervenor's interest in the proceeding setting forth in detail the precise manner in which it has been prejudiced by lack of notice of the authority granted. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

MC 26396 (Sub-186F) (republication), filed June 7, 1978, published in the Federal Register issues of July 13, 1978, and July 31, 1978, and republished this issue. Applicant: POPELKA TRUCKING CO., INC., d.b.a. THE WAGGONERS, P.O. Box 990, Livingston, Montana 59047. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, Nebraska 68501. A Decision of the Commission, by an Administrative Judge, decided February 6, 1979, and served February 27, 1979, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce, as a *common carrier,* by motor vehicle, over irregular routes, in the transportation of (1) *foodstuffs,* between Napoleon, OH, on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Michigan, New Jersey, New York, North Carolina, Pennsylvania, Virginia and West Virginia, and (2) *pet foods,* in mixed loads with foodstuffs, from Napoleon, OH, to points in Illinois, Indiana, Kentucky, Michigan, New Jersey, New York, North Carolina, Pennsylvania, Virginia, and West Virginia, will be consistent with the public interest and the national transportation policy. The purpose of this republication is to modify the commodity description.

Motor Carrier Operating Rights Applications

Notice

The following applications, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's general rules of practice (49 CFR 1100.247). These rules provide, among other things, that a *petition to intervene either with or without leave* must be filed with the Commission within 30 days after the date of publication in the Federal Register with a copy being furnished the applicant. Protests to these applications *will be rejected.*

A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate

that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l). In deciding whether to grant leave to intervene, the Commission considers, among other things, whether petitioner has (a) solicited the traffic or business of those persons supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. Another factor considered is the effects of any decision on petitioner's interests.

Samples of petitions and the text and explanation of the intervention rules can be found at 43 FR 50908, as modified at 43 FR 60277. Petitions not in reasonable compliance with these rules may be rejected. Note that Rule 247(e), where not inconsistent with the intervention rules, still applies. Especially refer to Rule 247(e) for requirements as to supplying a copy of conflicting authority, serving the petition on applicant's representative, and oral hearing requests.

MC 148259F, filed June 28, 1979. Applicant: WM. MEYERS MOVERS, INC., 353 West Lake St., Elmhurst, IL 60126. Representative: William S. Price, 135 South LaSalle St., Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *household goods* as defined by the Commission, between points in IL, on the one hand, and, on the other, points in IN, IA, MI, MN, MO, OH and WI. (Hearing site: Chicago, IL.)

Broker, Water Carrier and Freight Forwarder Operating Rights Applications

Notice

The following applications are governed by Special Rule 247 of the Commission's general rules of practice (49 CFR 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the Federal Register. Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with Section 247(e)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interests in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such an authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues of allegations phrased generally, protests not in reasonable compliance with the requirements of the rules may be rejected.

Permanent Authority Decisions, Decision-Notice Substitution Applications: Single-Line Service For Existing Joint-Line Service

Decided: September 19, 1979.

The following applications, filed on or after April 1, 1979, are governed by the special procedures set forth in Part 1062.2 of Title 49 of the Code of Federal Regulations (49 CFR 1062.2).

The rules provide, in part, that carriers may file petitions with this Commission for the purpose of seeking intervention in these proceedings. Such petitions may seek intervention either with or without leave as discussed below. However, all such petitions must be filed in the form of verified statements, and contain all of the information offered by the submitting party in opposition. Petitions must be filed with the Commission within 30 days of publication of this decision-notice.

Petitions for intervention without leave (i.e. automatic intervention), may be filed only by carriers which are, or have been, participating in the joint-line service sought to be replaced by applicant's single-line proposal, and then only if such participation has occurred within the one-year period immediately preceding the application's filing. Only carriers which fall within this filing category can base their opposition upon the issue of the public need for the proposed service.

Petitions for intervention with leave may be filed by any carrier. The nature of the opposition; however, must be limited to issues other than the public need for the proposed service. The appropriate basis for opposition, i.e. applicant's fitness, may include challenges concerning the veracity of the applicant's supporting information, and the bona-fides of the joint-line service sought to be replaced (including the issue of its substantiality). Petitions containing only unsupported and undocumented allegations will be rejected.

Petitions not in reasonable compliance with the requirements of the rules may be rejected. An original and one copy of the petition to intervene shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administratively acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.gs., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service is required by the present and future public convenience and necessity. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a petitioner, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. 10101 subject to the right of the Commission, which is expressly reserved, to impose such terms, conditions or limitations as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930(a)

(formerly section 210 of the Interstate Commerce Act).

In the absence of legally sufficient petitions for intervention, filed within 30 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of the decision-notice. To the extent that the authority sought below may duplicate an applicant's other authority, such duplication shall be construed as conferring only a single operating right.

Applicants must comply with all specific conditions set forth in the grant or grants of authority within 90 days after the service of the notification of the effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board Number 1, Members Carlton, Joyce, and Jones.

MC 200 (Sub-344F), filed April 25, 1979. Applicant: RISS INTERNATIONAL CORPORATION, 903 Grand Ave., Kansas City, MO 64106. Representative: Ivan E. Moody (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Crane Army Ammunition Activity, at or near Crane, IN, as an off-route point in connection with applicant's otherwise authorized regular-route operations over U.S. Hwys 40 and 50. (Hearing site: Kansas City, MO.)

Note.—The purpose of this application is to substitute single-line for joint-line operations.

MC 550 (Sub-10F), filed April 4, 1979. Applicant: RUDIE WILHELM WAREHOUSE CO., d.b.a. WILHELM TRUCKING CO., a corporation, 3250 NW. St. Helens Rd., Portland, OR 97210. Representative: Russell M. Allen, 1200 Jackson Tower, Portland, OR 97205. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except explosives, blasting supplies, and motor vehicles), in containers, between Portland, OR, on the one hand, and, on the other, points in OR and WA, restricted to the transportation of traffic having an immediately prior or subsequent movement by water. (Hearing site: Portland, OR.)

Note.—The sole purpose of this application is to substitute single-line for joint-line operations.

MC 35320 (Sub-316F), filed May 8, 1979. Applicant: T.I.M.E.-DC, INC., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, transporting *classes A and B explosives, ammunition, and parts of ammunition*, serving Milan, TN, as an off-route point in connection with the carrier's otherwise authorized regular-route operations. (Hearing Site: Washington, DC.)

Note.—(1) Insofar as this authority allows the transportation of dangerous commodities it is limited to expire 5 years from the date of the certificate. (2) The sole purpose of this application is to substitute single line for joint-line operations.

MC 51146 (Sub-685F), filed April 15, 1979. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Neil A. DuJardin (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *paper and paper products*, (except commodities in bulk), from Florence, KY, and Cincinnati, Cleveland, Hamilton, Lockland, and Middletown OH, to points in the United States (except AK and HI). (Hearing site: Chicago, IL, or Milwaukee, WI.)

Note.—The sole purpose of this application is to substitute single-line for joint-line operations.

Permanent Authority Decisions

Decision-Notice

Decided: September 19, 1979.

The following broker, freight forwarder or water carrier applications are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date notice of the application is published in the Federal Register. Failure to file a protest within 30 days will be considered as a waiver of opposition to the application. A protest under these rules shall comply with Rule 247(e)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding, (as specifically noted below), and specify with particularity the facts, matters, and things relied upon. The protest shall not include issues or allegations phrased generally. A protestant shall include a copy of the specific portion of its authority which it believes to be in conflict with that sought in the application, and describe in detail the method—whether by joinder, interline, or other means—by which protestant would use this authority to provide all or part of the service proposed. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission. A copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named. If the protest includes a request for oral hearing, the request shall meet the requirements of section 247(e)(4) of the special rules and shall include the certification required in that section.

Section 247(f) provides, in part, that an applicant which does not intend timely to prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administratively acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

FINDINGS: With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service is either (a) required by the public convenience and necessity, or, (b) will be consistent with the public interest and the transportation policy of 49 U.S.C. § 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests, filed within 30 days of publication of this decision-notice (or, if the application later become

unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, such duplication shall not be construed as conferring more than a single operating right.

Applicants must comply with all specific conditions set forth in the grant or grants of authority within 90 days after the service of the notification of the effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board Number 1, Members Carlton, Joyce, and Jones.

Broken

MC 130553F, filed February 2, 1979. Applicant: ALLIED TOURS WEST, a corporation, 9920 S. LaCienega Blvd., Inglewood, CA 90301. Representative: R. Y. Schureman, 1545 Wilshire Blvd., Los Angeles, CA 90017. To engage in operations, in interstate or foreign commerce, as a *broker*, at Inglewood, CA, in arranging for the transportation, by motor vehicle, of *passengers and their baggage*, in special and charter operations, between points in the United States, including AK and HI. (Hearing site: Los Angeles, CA.)

Finance Applications—Notice

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control through ownership of stock, of rail carriers or motor carriers pursuant to Sections 11343 (formerly Section 5(2)) or 11349 (formerly Section 210a(b)) of the Interstate Commerce Act.

An original and one copy of protests against the granting of the requested authority must be filed with the Commission on or before November 2, 1979. Such protest shall comply with Special Rules 240(c) or 240(d) of the Commission's *General Rules of Practice* (49 CFR 1100.240) and shall include a concise statement of protestant's interest in the proceeding. A copy of the protest shall be served concurrently upon applicant's representative, or applicant, if no representative is named.

Each applicant states that approval of its application will not significantly affect the quality of the human environment nor involve a major regulatory action under the Energy Policy and Conservation Act of 1975.

Republication of July 13, 1978 Federal Register Notice

MC-F-13643. Subject to this republication, the Commission by Decision served July 11, 1979, approved authority for the purchase by MOSAIC TRUCKING CO., INC., 1 Biondi Street, Cliffwood, NJ 07721, of a portion of the operating rights of WM. H. P., INC., 1342 North Howard Street, Philadelphia, PA 19122, and for acquisition by Terry L. Kraft, also of 1 Biondi Street, Cliffwood, NJ 07721, of control of such rights through the purchase. Applicant's attorneys: A. David Millner and Michael R. Werner, P.O. Box 1409, 167 Fairfield Road, Fairfield, NJ 07006. Operating rights sought to be transferred: Certificate MC-38921, authorizing the transportation of: *General commodities*, with the usual exceptions, as a motor common carrier, over *regular routes*, between Philadelphia, PA and the junction of U.S. Highway 1 and U.S. Highway 130 at or near Milltown, serving all intermediate points and the off-route point of New Brunswick, NJ. From Philadelphia, PA, over U.S. Highway 1 to junction U.S. Highway 130 at or near Milltown, and return over the same route.

MC-F 14154F. INTERIOR TRANSPORT, INC.—Control and merger—System Transport, INC., MC 107743. Authority sought for control through purchase by Interior Transport, Inc. of P.O. Box 3347, Spokane, WA 99220, of stock of System Transport, Inc. of P.O. Box 3456, Spokane, WA 99220, and approval of merger of System Transport, Inc. into Interior and/or transfer of assets and liabilities of System into Interior. Attorney: George H. Hart, Attorney at Law, 1100 IBM Building, Seattle, WA 98101. Authority sought to be acquired: MC 107743 *(Lumber, molding and wooden shingles)* over irregular routes, from points and places in Benewah, Bonner, Boundary, Kootenai, Latah, and Shoshone Counties, Idaho to points and places in Adams, Benton, Franklin, Grant, Spokane, Stevens and Whitman Counties, Washington. From points in Whitman, Spokane, Lincoln, Stevens and Pend O'rielle Counties Washington to points in Bonner, Boundary, Kootenai, Latah, Benewah and Shoshone Counties, Idaho. MC 107743 (Sub-4) *(Lumber)* over irregular routes, from points in that portion of Washington lying East of the Eastern boundaries of Whatcom, Skagit, Snohomish, King, Pierce, Lewis and Skamania Counties, Washington; points in that portion of Idaho lying North of the Snake River, and points in that portion of Montana lying On and West of U.S. Highway 89, to points in Illinois, Iowa and Wisconsin. From points in that portion of Washington lying East of the Eastern boundaries of Whatcom, Skagit, Snohomish, King, Pierce, Lewis and Skamania Counties, Washington, except Colville, Washington: points in that portion of Idaho lying North of the Snake River, Except Moyie Springs Idaho, Riggins, Idaho and Spalding, Idaho, and points in that portion of Montana lying On and West of U.S. Highway 89, except Bonner, Seely Lake and West Yellowstone, Montana to points in Missouri. MC 107743, (Sub-9) *(Lumber)* over irregular routes, from points in that part of Washington East of Whatcom, Skagit, Snohomish, King, Pierce, Lewis and Skamania Counties, to points in Utah and Colorado, with no transportation for compensation on return except as otherwise authorized. From points in that part of Idaho on and North of the Southern Boundary of Idaho County, to points in Summit County, Utah, and Colorado, with no transportation for compensation on return except as otherwise authorized. From points in that part of Montana on and between U.S. Highway 89 and the Continental Divide, to points in Utah, with no transportation for compensation on return except as otherwise authorized. From points in that part of Montana West of the Continental Divide, except Missoula, to points in Utah, except Salt Lake City, Logan and Smithfield, with no transportation for compensation except as other wise authorized. From Libby, Montana to points in Colorado, with no transportation for compensation except as otherwise authorized. MC 107743, (Sub-12) *(Iron and steel tubing)*, over irregular routes, from the plantsite of Green Bay Steel Tube Corp., at Green Bay, Wisconsin, to points in California, Colorado, Idaho, Montana, Nebraska, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming, with no transportation for compensation on return except as otherwise authorized. MC 107743, (Sub-15) *(Lumber, wood products and millwork)*, over irregular routes, from points in Oregon to points in Iowa, Wisconsin, Illinois, Missouri and Indiana; from points in Washington, to points in Iowa, Wisconsin, Illinois, Missouri, Indiana and Colorado; from points in Idaho on and North of the Snake River to points in Iowa, Wisconsin, Illinios, Missouri and Indiana; and from points in Montana on and West of U.S. Highway 89 to points in Iowa, Wisconsin, Illinios, Missouri, Indiana and Colorado. The grant of authority in this order, and existing authority that it duplicates, shall be

construed as conferring only a single operating right. MC 107743, (Sub-17) *(Iron and Steel Articles, iron and steel),* (except those the transportation of which, because of their size and weight, require the use of special equipment, and except pipe as described in Mercer, Extension—Oil Field Commodities, 74MCC 459), from Chicago, Ill., to points in Nevada and California. MC 107743, (Sub-19) *(Lumber, wood products, and millwork),* over irregular routes, from points in Washington, Idaho, and Oregon, to points in Ohio, and that part of Michigan on, south, and west of U.S. Highway 10, and Port Huron, Mich., with no transportation for compensation of return except as otherwise authorized. MC 107743, (Sub-24), (1) Buildings, building sections, and materials and supplies used in the construction and erection of buildings, and (2) building materials, and iron and steel articles, from Milwaukee, Wisc., to points in Colorado, Idaho, Montana, North Dakota, Oregon, Utah, Washington, and Wyoming. Restricted in (1) and (2) above to the transportation of shipments origination at the facilities of Inland-Ryerson Construction Products, Inc., at Milwaukee, Wis. MC 107743, (Sub-25), *Vinyl laminated board,* from the plant site and warehouse facilities of Pan American Gyro-Tex Company, Division of Sierra Pacific Industries, at Franklin Park, Ill., to points in California with no transportation for compensation on return except as otherwise authorized. MC 107743, (Sub-26), *Coal tar pitch products* (except in bulk) from the plant site of Reilly Tar and Chemical Corp., at Granite City, Ill., to points in Washington, Oregon, California, Nevada, Colorado, Utah, Wyoming, Montana, Idaho, North Dakota, and South Dakota with no transportation for compensation on return except as otherwise authorized. MC 107743, (Sub-27), *Feed and fertilizer ingredients, ground ores, and iron oxide, and mortar and cement coloring,* in bags, from Springfield, Ill., to points in Colorado, California, Washington, Oregon, and Montana, with no transportation on return except as otherwise authorized. Restriction: Restricted to traffic origination at the facilities of Solomon Grinding Service at Springfield, Ill. MC 107743, (Sub-28), *Buildings, building panels, building parts and materials, accessories and supplies used in the installation, erection and construction of buildings, building panels and building parts* (except in bulk), from the plant site and storage facilities of Butler Manufacturing Company at Galesburg, Ill., to points in Idaho, Oregon and Washington. MC 107743, (Sub-29), *Metal doors, frames, steel sash and related material and supplies,* from Mason City, Iowa, to points in California, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming, with no transportation for compensation on return except as otherwise authorized. MC 107743, (Sub-31), (1) *Lumber and millwork,* from points in California to points in Iowa, Minnesota, Nebraska, North Dakota, South Dakota, Illinois, Wisconsin, Ohio, Missouri, Indiana, and Michigan, with no transportation for compensation on return except as otherwise authorized. (2) *Wood products,* from Eureka, California to points in the same territory, with no transportation for compensation on return except as otherwise authorized. MC 107743, (Sub-32), *Chain,* from Maryville, Mo., to California, Oregon, Colorado, Idaho, Montana, Nebraska, Nevada, North Dakota, South Dakota, Utah, Washington, Wyoming and Arizona. MC 107743, (Sub-33), *Feed ingredients,* from the facilities of Micro Lite, Inc., at or near Buffalo and Chanute, Kansas to points in California, Oregon, Idaho, Montana, Nevada, Utah and Washington with no transportation for compensation on return except as otherwise authorized. MC 107743, (Sub-34), *Precut log buildings, knocked down, and materials and supplies used in the construction of such commodities,* from the facilities of Real Log Homes, Inc., located at or near Missoula, Montana to points in Ohio, the lower peninsula of Michigan, Indiana, Illinois, Wisconsin, Missouri, Iowa, Minnesota, Nebraska, South Dakota, North Dakota, Colorado, Wyoming, Utah, Idaho, Washington, Oregon, Nevada and California. MC 107743, (Sub-37), *Pre-cut buildings, knocked down, and materials and supplied used in the construction and erection thereof,* from the plant site of PanAbode, Inc., at or near Renton, WA., to Minnesota, Wisconsin, Iowa, Missouri, Illinois, Indiana, Ohio, Oklahoma, Arkansas, and Texas. MC 107743, (Sub-38), (1) *New furniture,* (a) From Missoula, Mt., to points in California, Nevada, Wyoming, Utah, Texas, Oklahoma, Nebraska, North Dakota, South Dakota, Minnesota, Iowa, Missouri, Arkansas, Wisconsin, Illinois, Alaska, Indiana, Ohio and Michigan; and (b) From Stevens Point, Wi., to points in Washington, Oregon, California, Nevada, Idaho, Wyoming, Utah, Texas, Oklahoma, Nebraska, North Dakota, South Dakota, Minnesota, Iowa, Missouri, Arkansas, Illinois, Indiana, Alaska, Ohio, and Michigan and (2) *Materials and supplies* (except commodities in bulk) used in the manufacture: and distribution of commodities in (1) above, from points in the States listed in part (1) (a) above and from points in Oregon, Washington, and Idaho, to Missoula, Mt. (3) *Materials and supplies* (except in bulk) used in the manufacture and distribution of the commodities in (1) above, from points in the States listed in part (1) (b) above to Stevens Point, Wi. Restrictions: The above operations are restricted to the transportation of traffic originating at or destined to the facilities of Sirco Manufacturing, at Missoula, Mt., or Stevens Point, Wi. MC 107743, (Sub-40), *Building materials, millwork, lumber and wood products,* between points in Idaho, Montana, Oregon, and Washington, on the one hand; and on the other, points in Arkansas, Oklahoma and Texas. MC 107743, (Sub-41), *Iron and steel articles* (Except commodities which because of size and weight require the use of special equipment, and oilfield and pipeline commodities as defined in Mercer Extension—Oilfield Commodities, 74 M.C.C. 459) from points in Ohio, Indiana, (except points in Indiana in the Chicago, Il. commercial zone), the Lower Peninsula of Michigan, and Washington, Alleghney, Beaver, Butler, Lawrence, and Mercer Counties, Pa. to points in California, Idaho, Montana, Nevada, Oregon, and Washington. MC 107743, (Sub-42), *Iron and steel articles* (except commodities which because of size and weight require the use of special equipment, and oilfield and pipeline commodities as defined in Mercer Extension—Oilfield Commodities, 74 M.C.C. 459) from points in Illinois to points in California, Idaho, Montana, Nevada, Oregon, and Washington. MC 107743, (Sub-45), (1) *Steel bar joists and trustses, metal roof decking, and metal siding* from the facilities of Nucor Corporation, Vulcraft Division, located at or near Norfolk, NB, to points in Arizona, California, Colorado, Idaho, Montana, Nevada, Oregon, Utah, Washington and Wyoming, and; (2) *Materials, equipment and supplies used in the manufacture and distribution of the commodities named in (1) above,* from the above noted destination States to the above noted origin. Restrictions: The service granted herein is subject to the following restrictions: Said service is restricted to the transportation of commodities described in Mercer Extension—Oil Field Commodities, 74 MCC 459 and Roy L. Jones, Ext. Earth Drilling Equipment, 103 MCC 823, from the involved origin to points in Colorado, Idaho, Kansas, Montana, North Dakota, Utah and Wyoming. MC 107743, (Sub-46F), *(Scrap aluminum),* over irregular routes, from Portland and Eugene, OR to points in

California and Washington. MC 107743, (Sub-47F), *(Iron and Steel articles)* over irregular routes, from the facilities of Harris Tube Company, at or near Los Angeles, California, to points in Oregon, Washington, and Idaho. (Pending). MC 107743, (Sub-48F), *(Drilling mud, bentonite clay, gilsonite, soda ash, sodium bicarbonate and lignite coal,* (except in bulk, over irregular route, from points in Montana, North Dakota, South Dakota, Nevada and Wyoming, to points in Texas, Oklahoma, Arkansas, Oregon, Washington, Ohio, Wisconsin, Michigan, Iowa, Idaho, California, Illinois, Indiana, Missouri and Pennsylvania. Restrictions: (1) Restricted to the transportation of shipments originating at the facilities of American Colloid Company and Dresser Industries, Inc., in the specified origin States; and (2) Restricted against the transportation of soda ash and sodium bicarbonate from points in Sweetwater County, Wy, to points in Texas, Oregon, Washington, Idaho and California. (Decision issued granting). MC 107743, (Sub-49F), *(Iron and steel articles, non-ferrous articles, and plastic articles),* over irregular routes, from Chicago, Ill. to the facilities of Joseph T. Ryerson & Son, Inc., at Los Angeles and Emeryville, Ca., and Seattle and Spokane, Wa. Restriction: Restricted to traffic destined to the named facilities. (Decision issued granting). MC 107743, (Sub-50F), *(Collapsible plastic bins),* over irregular routes, from Dawson Springs, KY and Liberty Center, OH, to points in California, Oregon, Washington, Idaho, Nevada, Arizona, Utah, Montana, Wyoming, Colorado, New Mexico and Texas. MC 107743, (Sub-51F), *(Iron and steel tubing),* over irregular routes, between Salt Lake City, Utah, on the one hand, and, on the other points in Oregon and Washington. Restriction: Restricted to the transportation of traffic originating at or destined to the facilities of Keystone Tubular Service at Salt Lake City, Utah, (Pending). MC 107743, (Sub-54F), *(Lumber, lumber products and wood products),* (1) From Hulett, WY, to points in Arkansas, Michigan, Nebraska, Missouri, Illinois, Indiana, Ohio, Iowa, Kentucky, Pennsylvania, Kansas, Tennessee, Texas and Wisconsin. (2) From points in Oregon to points in Wyoming. (Published Federal Register 4/17/79. MC 107743, (Sub-55F), *(Precast concrete products, modular mausoleum crypt systems, and concrete forming systems),* from (1) St. Louis, Missouri to points in Illinois, Iowa, Ohio, Indiana, Oklahoma and Texas, and (2) from Denver, Colorado to points in California, Idaho, Montana, Oregon, Washington, Utah, Nevada and Wyoming. (Filed April 2, 1979. Received ICC April 16, 1979). MC 107743, (Sub-57F), *(Plastic pipe and fittings),* from the facilities of R&G Sloane Manufacturing Company, Inc., at or near Cleveland, Ohio, Bakersfield, Santa Ana and Sun Valley, CA. to points in Idaho, Montana, Nevada, Oregon, Utah, Washington and Wyoming. (Filed May 8, 1979. TA filed Mar. 29, 1979). MC 107743, (Sub-58F), *(Cooling tower materials),* from merced, CA to points in and west of PA, OH, KY, TN, AR, and TX except AK and HI. (Filed June 27, 1979). MC 107743, (Sub-59F), *(Iron and steel articles),* except commodities which because of size and weight require the use of special equipment, and oilfield and pipeline commodities as defined in Mercer Extension—Oil Field Commodities, 74 M.C.C. 459, from points in IN within the Chicago, IL commercial zone, to points in ID, MT, OR, and WA. (Filed June 29, 1979). Application has been filed for temporary authority under Section 11349 of the Act, formerly Section 210a(b).

MC-F 14155F, filed September 11, 1979, authority sought for acquisition of control by SMITH'S TRANSFER CORPORATION, P.O. Box 1000, Staunton, VA 24401 of GARRISON MOTOR FREIGHT, INC., P.O. Box 1278, Harrison, AR 72601, through purchase of its capital stock. Representatives: David G. Macdonald, Esq., 1000 16th Street, NW., Washington, D.C. 20036, and William P. Jackson, Jr., Esq., P.O. Box 1240, Arlington, VA 22210. Operating rights sought to be controlled are (a) those issued to Garrison Motor Freight, Inc., in MC 109324 (Subs- 12, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, 24, 25, 26, 28, 29, 30, 30 M1F, 31, 32, 33, 34, 36, 38F, 39TA), authorizing transportation as a common carrier by motor vehicle, of general commodities with exceptions, over described regular routes, serving named intermediate and off-route points, subject to certain restrictions, generally (1) between the following AR points: Clinton and Heber Springs; Berryville and Harrison; Midway and Gassville; Ozark and Mountain Home; Little Rock and Mountain Home; Flippin and Mountain Home; Harrison and Jasper; Berryville and Gateway; Mountain Home and Henderson; Fort Smith and Booneville; Ola and Rover; Rover and Danville; Booneville and State Sanitorium; Danville and Little Rock; Morrilton and Little Rock, Conway and Shirley, Fort Smith and Harrison, Vilonia and Van Buren; and (2) between Berryville, AR, and Springfield, MO; between Little Rock, AR and Springfield, MO; between Mountain Home, AR, and Memphis, TN; between Norfork, AR, and Memphis, TN; between Springfield, MO, and Kansas City, KS; between Springfield, MO, and East St. Louis, IL; between Mountain Home, AR, and highway junction at Rolla, MO; between Memphis, TN, and Conway, AR; between Conway, AR, and East St. Louis, IL; between Council Grove, KS, and Kansas City, MO; between Nevado, MO, and Kansas City, KS; between Kansas City, KS, and Joplin, MO; between Joplin, MO, and Springfield, MO; between Memphis, TN, and Clinton, AR; between Memphis, TN, and Little Rock, AR; between Memphis, TN, and Fort Worth, TX; between Bonneville, AR, and Fort Worth, TX, and between Harrison, AR, and Fort Worth, TX; and (3) transportation over irregular routes, of general commodities, with exceptions, and of certain specified commodities from and to designated points in KS, IL, LA, MO, OK, TX, TN, AL, and MO; and (B) those operating rights issued to The Rocket Freight Lines Company in Docket No. MC-98742 (Subs- 12, 13, and 15), leased to Garrison Motor Freight, Inc., pursuant to order in MC-F 13638, served July 27, 1978, authorizing transportation, as above, (1) between Muskogee, OK, and OK-TX state line; Ponca City, OK, and OK-TX state line; Sherman, TX, and OK-TX state line; Ponca City, OK, and OK-KS state line; Fort Smith, AR, and Hulbert, OK; and Muskogee, OK, and Fort Smith, AR; and (2) between OK points as follows: Oklahoma City and Miami; Oklahoma City and Muskogee; Tulsa and McAlester; Blackwell and Tulsa; Ponca City and Tulsa; Talequah and Muskogee; Pryor and Adair; Tulsa and Muskogee; Oklahoma City and Miami; and between certain highway junctions in connection with serving the named points; and (C) those operating rights issued to The Rock Island Motor Transit Company in MC 29130, leased to Garrison Motor Freight, Inc., pursuant to order in MC-F 13668, served August 16, 1979 (Initial Decision served July 2, 1979, became order of I.C.C. per notice served August 22, 1979), authorizing transportation, as above, between Fort Worth, TX, and Dallas, TX; and Hurst and Irving, Euless and Tarrant, TX; and (D) those operating rights issued to T.I.M.E.-D.C., Inc., in MC 35320 (Sub-69), leased to Garrison Motor Freight, Inc., pursuant to order in MC-F13709, served October 20, 1978 (pending on petition from adverse Initial Decision served June 21, 1979), authorizing transportation, as above, between Fayetteville, AR, and Berryville, AR; and between Harrison, AR and Gateway, AR. Application under 49 U.S.C. 11349 for the temporary management of Garrison Motor Freight, Inc., by Smith's

Transfer Corporation has been filed. A petition and amendment to the application in MC-F 13638, *Garrison Motor Freight, Inc.—Purchase (Portion)—The Rocket Freight Lines Company,* through which Smith's Transfer Corporation would become the party in control of the purchaser and that proceeding would be reopened and consolidated with the applications of Smith's Transfer Corporation to control Garrison Motor Freight, Inc., has been filed.

MC-F 14156F. Transferee: B. F. WALKER, INC., 1555 Tremont Place, P.O. Box 17-B, Denver, Colorado 80217. Transferor: NOBLE TRANSPORT, INC., 1555 Tremont Place, P.O. Box 17-B, Denver, Colorado 80217. Representative: Richard P. Kissinger, Steele Park, Suite 330, 50 South Steele Street, Denver, Colorado 80209. Authority sought for merger of the operating rights and assets of Noble Transport, Inc., 1555 Tremont Place, P.O. Box 17-B, Denver, CO 80217, into B. F. Walker, Inc., 1555 Tremont Place, P.O. Box 17-B, Denver, CO 80217, and for control by Noble Affiliates, Inc. and The Samuel Roberts Noble Foundation, Inc. of such rights and assets through the transaction. Applicants' representative: Richard P. Kissinger, Steele Park, Suite 330, 50 South Steele Street, Denver, CO 80209. Operating rights sought to be transferred from Noble Transport, Inc. are contained in Certificate of Public Convenience and Necessity MC 141969 and sub numbers thereunder, authorizing the transportation of (1) *Commodities,* the transportation of which, because of size or weight require the use of special equipment or special handling; (2) *Related commodities* when their transportation is incidental to the transportation of the commodities named in part (1) above; (3) *Self-propelled vehicles,* and related machinery, tools, parts, and supplies moving in connection therewith; (4) *Contractor's material, equipment and supplies;* (5) *Building Materials;* (6) *Explosives;* (7) *Special-Purpose Trailers;* (8) *Iron and Steel Articles;* (9) *Lumber and Lumber Products;* (10) *Machinery, Equipment, Materials and Supplies,* incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum; (11) *Mining Equipment and Supplies;* and (12) *Pipe and fittings,* other than iron and steel; between various points and places in AZ, CA, CO, IA, ID, KS, MO, MT, NE, NM, NV, OR, SD, UT, WA and WY; (13) *Pumice Stone,* from Malad City, ID, to points in the U.S.; and (14) *Aluminum Products* from Twin Falls County, ID to points in WA, OR, CO, NB, VT, NV, MT, WY, CA, AZ, NM, IA, KS, MO and SD. B. F. Walker, Inc. is authorized to operate as a motor common carrier in all states in the United States (except HI). Application has not been filed for temporary authority under Section 210a (b).

Note.—Transferor and Transferee are now commonly controlled under Commission approval in MC-F 12573. The objectives of this application are corporate simplification and elimination of duplicative operating rights.

MC-F14158F. Authority sought for the merger of DALLAS & MAVIS FORWARDING CO., INC., 4314 39th Avenue, Kenosha, WI 53142 into KENOSHA AUTO TRANSPORT CORPORATION of the same address; and for acquisition by JUPITER INDUSTRIES, INC., THE JUPITER CORPORATION, JUPITER TRANSPORTATION COMPANY, and JERROLD WEXLER, all of 400 East Randolph, Chicago, IL 60601, of control of such operating rights through the transaction. Transferee's and Transferor's attorneys are Jack Goodman, Axelrod, Goodman, Steiner & Bazelon, 39 South LaSalle Street, Chicago, IL 60603, Robert Green, Friedman & Koven, 208 South LaSalle Street, Chicago, IL 60604; Paul F. Sullivan, 711 Washington Bldg., 15th & New York Ave., N.W., Washington, D.C. 20005. Operating rights sought to be transferred are as a *common carrier,* over irregular routes of size and weight, *Self-propelled articles weighing 15,000 lbs. or more; Heavy Machinery; Steam shovels, cranes, crawler type shovels, straddle trucks, fork trucks, self-propelled building, construction and moving machinery; Road construction, earth moving machines and equipment; Tractors, wheeled tractors, crawler tractors; Contractors' equipment; Autos and trucks; Street sweepers; Motor Vehicles each weighing 15,000 lbs. or more; Self-propelled articles weighing 15,000 lbs. or more which require the use of special equipment; Electrical Transformers; Wallboard; Dump truck bodies, and Cargo containers,* which are the principal part of all of the specified commodities authorized to be transported, from, to and between points within the continental United States, all as more fully set forth in MC 29886 and sub numbers thereunder.

Note.—Applicants are commonly controlled. A directly related gateway application will be filed.

MC-F14160F. Authority sought for acquisition of control of MIDWEST SPECIALIZED HAULERS, INC., Post Office Box 753, Dubuque, Iowa 52001, through acquisition of its capital stock by UNITED TRANSPORT INDUSTRIES, INC., Post Office Box 1161, Akron, Ohio 44306, and control of such rights and properties by John J. Brutvan through the acquisition. Applicants' attorney: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Operating rights sought to be controlled under MC 108962 authorize *common carrier* service, over irregular routes, transporting *heavy machinery and contractor's machinery, equipment, materials and supplies,* between Dubuque, IA, and points and places in IA within 25 miles of Dubuque, on the one hand, and, on the other, points and places in WI and MN. United Transport Industries, Inc., is a non-carrier which controls Miller Transfer & Rigging Co., an irregular route common and contract carrier of specified commodities in 48 states. Application has not been filed for temporary authority.

MC-F14161F. Applicant: KISSICK TRUCK LINES, INC., 7101 East 12th Street, Kansas City, MO 64126. Representative: John E. Jandera, Jandera & Gregg, 641 Harrison Street, Topeka, KS 66603. Authority sought for merger by KISSICK TRUCK LINES, INC. of W. T. GIBSON TRANSPORTATION, INC. Operating rights sought to be merged: *General commodities,* with usual exceptions as a common carrier over irregular routes between points in Kansas City and North Kansas City, MO, Kansas City, KS, and those within 10 miles of each; *Iron and Steel Articles, Erection Machinery, Tools and Supplies,* between points in KS and MO. Kissick is authorized to operate as a common carrier in AR, CO, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, MT, NE, NM, ND, OH, OK, PA, SD, TN, TX, UT, WI and WY. There has been filed concurrently herewith a directly related gateway removal application.

MC-F 10163F. Authority sought for purchase by BOSS ACQUISITION CORPORATION, 3909 Genesee St., Buffalo, NY 14225, of all of the operating rights of BOSS-LINCO LINES, INC., 3909 Genesee St., Buffalo, NY 14225, and for acquisition of control of such operating rights by LAIDLAW TRANSPORTATION LIMITED and MICHAEL G. DeGROOTE, P.O. Box 3020, 65 Guise St., Hamilton, Ont. L8L 7X7 and Laidlaw Transportation, Inc., 450 17th Ave., Naples, FL 33940 through the purchase. Applicants' Attorneys are Jack Goodman, 39 S. LaSalle St., Chicago, IL 60603; Harold G. Hernly, Jr., 110 South Columbus St., Alexandria, VA 22314; Hartley Chasen, 270 Madison Ave., New York, NY 10016, and George H. Zimmerman, 2110 Main St., Buffalo,

NY 14202. Operating rights sought to be transferred are as a *common carrier*, by motor vehicle, over regular and irregular routes, of *General Commodities* (with exceptions) *and specified commodities*, between points in the States of MA, RI, CT, NY, NJ, PA, MD, VA, WV, OH, IN, IL, NH, DE and District of Columbia. Application has been filed by Laidlaw Transportation Limited, the parent of Boss Acquisition Corporation, for temporary control through management of Boss-Linco Lines, Inc. under 49 U.S.C.A. 11349 (210a(b)). Common control may be involved. Transferee holds no authority from the Commission.

Transfer Proceedings

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under Section 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include request for oral hearing, must be filed with the Commission on or before November 2, 1979. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, and the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopses form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

Finance Docket No. 29070F, filed June 20, 1979. Transferee: GARRETT FORWARDING COMPANY, a Washington Corporation, 516 James St., Seattle, WA 98104. Transferor: GARRETT FORWARDING COMPANY, a Nevada Corporation, 2055 Garrett Way, Pocatello, ID 83201. Representative: Alan F. Wohlstetter, 1700 K St. NW., Washington, DC 20006. Authority sought for the purchase by transferee of the operating rights of transferor, as set forth in Freight Forwarder Permit No. FF-336, issued May 15, 1969, as follows: *Used household goods, baggage*, and *used automobiles*, between points in the United States (including AK and HI), restricted to traffic having its origin or destination at a point outside the 48 conterminous States and DC. Transferee presently holds no authority from the Commission. Application has not been filed for temporary authority under 49 U.S.C. 11349.

Motor Carrier Intrastate Application(s)—Notice

The following application(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 10931 (formerly Section 206(a)(6)) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's *General Rules of Practice* (49 CFR 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall *not* be addressed to or filed with the Interstate Commerce Commission.

New York Docket No. T-384, filed August 24, 1979. Applicant: DUPREY'S EXPRESS, INC., 424 Columbia Street, Cohoes, NY 12047. Representative: Neil D. Breslin, Esq., 600 Broadway, Albany, NY 12207. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: General commodities, between all points in Albany, Schenectady, Rensselaer, Saratoga, Montgomery, Fulton, Warren, Washington, Herkimer, Oneida, Clinton, Lewis, and Essex Counties. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time and place not yet fixed. Requests for procedural information should be addressed to Department of Transportation, 1220 Washington Ave., State Campus Bldg., # 4, Room G-21, Albany, NY 12232, and should not be directed to the Interstate Commerce Commission.

Irregular-Route Motor Common Carriers of Property—Elimination of Gateway Letter Notices

Date

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination Rules* (49 CFR Part 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before October 15, 1979. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will *not* operate to stay commencement of the proposed operation.

Successive filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

The following applicants seek to operate as a *common carrier*, by motor vehicles, over irregular routes.

MC 107403 (Sub-E790), filed March 22, 1979. Applicant: MATLACK, INC., 10 W. Baltimore Avenue, Landsdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same as above). *Liquid chemicals*, in bulk, in tank vehicles, from points in CA to points in NY (except points on Long Island), VA, PA, MD, OH, points in WV within 150 miles of Monongahela, PA, DE, NJ, RI, CT, VT, MA (Long Beach and Santa Clara, CA, and Akron, OH*), ME and NH (Long Beach and Santa Clara, CA*). (Gateways eliminated: asterisked.)

MC 107403 (Sub-E791) filed March 22, 1979. Applicant: MATLACK, INC., 10 W. Baltimore Avenue, Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same as above). *Liquid petrochemicals*, in bulk, in tank vehicles; from points in CA to points in IN and MI (Contra Costa or Los Angeles Counties, CA, or Bakersfield, CA, and Mapleton, IL*), WV (Contra Costa or Los Angeles Counties, CA, or Bakersfield, CA, and Lawrenceville, IL*), KY, NC and SC (Contra Costa or Los Angeles Counties, CA, or Bakersfield, CA, and Madison, IN*), IL and WI (Contra Costa or Los Angeles Counties, CA, or Bakersfield, CA, and Muscatine, IA*). (Gateways eliminated: Asterisked).

MC 107403 (Sub-E792) filed March 22, 1979. Applicant: MATLACK, INC., 10 W. Baltimore Avenue, Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same as above). *Liquid chemicals, resin plasticizers and synthetic resins,* in bulk, in tank vehicles, from Long Beach and Santa Clara, CA, to points in IN, KY, NJ, DE, MA, VT, CT, RI, PA, OH, MD, NY (except Long Island), ME, NH and WV. (Gateway eliminated: Akron, OH.)

MC 107403 (Sub-E793) filed March 22, 1979. Applicant: MATLACK, INC., 10 W. Baltimore Avenue, Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same as above). *Liquid chemicals* (except benzol), *resin plasticizers and synthetic resins,* in bulk, in tank vehicles, from Long Beach and Santa Clara, CA, to points in MI. (Gateway eliminated: Akron, OH.)

MC 107403 (Sub-E794) filed March 22, 1979. Applicant: MATLACK, INC., 10 W. Baltimore Avenue, Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same as above). *Dry synthetic resins,* in bulk, in tank vehicles, from Long Beach and Santa Clara, CA, to points in VA. (Gateway eliminated: Cincinnati, OH.)

MC 107403 (Sub-E796) filed March 22, 1979. Applicant: MATLACK, INC., 10 W. Baltimore Avenue, Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same as above). *Phenol,* in bulk, in tank vehicles, (1) from Richmond, CA, to points in AL, AR, FL, GA, MS, TN (except Kingsport) (Avon, CA, and Lake Charles, CA*), and Fox, AL (Port Neches, TX*) and (2) from Avon, CA, to points in AL, AR, FL, MS, and TN (except Kingsport) (Lake Charles, CA*). (Gateways eliminated: Asterisked).

MC 107403 (Sub-E797) filed March 22, 1979. Applicant: MATLACK, INC., 10 W. Baltimore Avenue, Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same as above). *Fuel oil treating compounds;* in bulk, in tank vehicles, from Brea, CA, to points in AL, GA, and FL. (Gateways eliminated: Pascagoula, MS.)

MC 107403 (Sub-E798) filed March 22, 1979. Applicant: MATLACK, INC., 10 W. Baltimore Avenue, Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same as above). *Petrochemicals;* in bulk, in tank vehicles, from points in Contra Costa and Los Angeles Counties, CA, to points in SC, GA and points in NC on and west of US Hwy 77. (Gateway eliminated: Lawrenceville, IL.)

MC 107403 (Sub-E799) filed March 22, 1979. Applicant: MATLACK, INC., 10 W. Baltimore Avenue, Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same as above). *Petroleum products,* as described in Apendix XIII to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 (except asphalt and except those commodities listed in the appendix which are listed as chemicals in Appendix XV of the same repart), in bulk, in tank vehicles, from points in Contra Costa County, CA, to points in NY. (Gateways eliminated: Petrolia, PA.)

MC 107403 (Sub-E800) filed March 22, 1979. Applicant: MATLACK, INC., 10 W. Baltimore Avenue, Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same as above). *Petroleum products,* in bulk, in tank vehicles, from points in Contra Costa County, CA, to points in NC (Williamsburg, VA*), DE (Philadelphia, PA*), and KY (Madison, IN*). (Gateways eliminated: asterisked.)

MC 107403 (Sub-E801) filed March 22, 1979. Applicant: MATLACK, INC., 10 W. Baltimore Avenue, Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same as above). *Liquid petroleum products,* (except gasoline, fuel oil, benzene and kerosene), in bulk, in tank vehicles, from points in Contra Costa and Los Angeles Counties, CA, to points in MA, VT, NH, and ME. (Gateway eliminated: Newark, NJ.)

MC 107403 (Sub-E802) filed March 22, 1979. Applicant: MATLACK, INC., 10 W. Baltimore Avenue, Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same as above). *Petroleum products,* (except petrochemicals), in bulk, in tank vehicles, from points in Contra Costa County, CA, to points in NY, MA, NH, RI and SC. (Gateway eliminated: Congo, WV.)

MC 107403 (Sub-E803) filed March 22, 1979. Applicant: MATLACK, INC., 10 W. Baltimore Avenue, Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same as above). *Liquefied petroleum gas,* in bulk, in tank vehicles, from points in Contra Costa County, CA, to points in TN on and west of US Hwy 27 (Opelika, AL*), points in FL, GA, and MS (Escambia County, AL*). (Gateway eliminated: asterisked.)

MC 107403 (Sub-E804), filed March 22, 1979. Applicant: MATLACK, INC., 10 W. Baltimore Avenue, Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same as above). *Dry petrochemicals,* in bulk, in tank vehicles, from points in Contra Costa and Los Angeles Counties, CA, to points in TN, SC, GA, FL and MS. (Gateway eliminated: Pevely, MD.)

MC 107403 (Sub-E805), filed March 22, 1979. Applicant: MATLACK, INC., 10 W. Baltimore Avenue, Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same as above). *Liquefied petroleum gas,* in bulk, in tank vehicles, from points in Los Angeles County, CA, to points in TN on and west of US HWY 27. (Gateway eliminated: Opelika, AL.)

MC 107403 (Sub-E806), filed March 22, 1979. Applicant: MATLACK, INC., 10 W. Baltimore Avenue, Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same as above). *Petroleum products,* in bulk, in tank vehicles, from points in Los Angeles County, CA, to points in DE. (Gateway eliminated: Philadelphia, PA.)

MC 107403 (Sub-E807), filed March 22, 1979. Applicant: MATLACK, INC., 10 W. Baltimore Avenue, Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same as above). *Petroleum products* (except petrochemicals), in bulk, in tank vehicles, from points in Los Angeles County, CA, to points in NY, MA, NH, and SC. (Gateway eliminated: Congo, WV.)

MC 107403 (Sub-E808), filed March 22, 1979. Applicant: MATLACK, INC., 10 W. Baltimore Avenue, Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same as above). *Petroleum products,* in bulk, in tank vehicles, from points in Los Angeles County, CA, to points in NC (York County, VA*) and KY (Madison, IN*). (Gateways eliminated: Asterisked.)

MC 107403 (Sub-E809), filed March 22, 1979. Applicant: MATLACK, INC., 10 W. Baltimore Avenue, Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same as above). *Petroleum products,* as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 (except asphalt and except those commodities listed in Appendix XIII which are also listed as chemicals in Appendix XV to the report), in bulk, in tank vehicles, from points in Los Angeles County, CA, to points in NY. (Gateway eliminated: Petrolia, PA.)

MC 107403 (Sub-E810), filed March 22, 1979. Applicant: MATLACK, INC., 10 W. Baltimore Avenue, Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same as above). *Liquefied petroleum gas,* in bulk, in tank vehicles, from points in Los Angeles County, CA, to points in FL, GA, and MS. (Gateway eliminated: Escambia County, AL.)

MC 107403 (Sub-E811), filed March 22, 1979. Applicant: MATLACK, INC., 10 W. Baltimore Avenue, Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same as above). *Petroleum products,* in bulk, in tank vehicles, from Bakersfield and Santa Maria, CA, to points in NC (Lawrenceville, IL, and York County, VA*), VA (Lawrenceville, IL*), NC, TN, FL and MS (Old Shawneetown, IL*), points in TN on and

east of a line beginning at the KY–TN State line extending along US Hwy 27 to junction TN Hwy 62, then along TN Hwy 62 to junction US Hwy 129, then along US Hwy 129 to the TN–NC State line (Evansville, IN*), KY (Madison, IN*), PA and MD (Akron, OH*), GA, SC, points in NC on and west of US Hwy 27, and points in AL on and south of US Hwy 72 (Lawrenceville, IL*). (Gateway eliminated: Asterisked.)

MC 107403 (Sub-E812), filed March 22, 1979. Applicant: MATLACK, INC., 10 W. Baltimore Avenue, Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same as above). *Dry petrochemicals*, in bulk, in tank vehicles, from Bakersfield, CA, to points in TN, SC, GA, FL and MS. (Gateway eliminated: Pevely, MO.)

MC 107403 (Sub-E813), filed March 22, 1979. Applicant: MATLACK, INC., 10 W. Baltimore Avenue, Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same as above). *Petrochemicals* (except anhydrous ammonia, aqua ammonia and liquid fertilizer), in bulk, in tank vehicles, (1) from Bakersfield, CA, to points in ME, NH, VT, MA, NY, DE, DC, WI, WV, and MN and (2) from Santa Maria, CA, to points in ME, NH, VT, MA, NY, DE, DC, MN, CT, RI, NJ and MO. (Gateway eliminated: Muscatine, IA.)

MC 107403 (Sub-E814), filed March 22, 1979. Applicant: MATLACK, INC., 10 W. Baltimore Avenue, Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same as above). *Fruit juice and fruit juice concentrate*, in bulk, in tank vehicles, from Ontario, CA, to points in PA, NY, NJ, DE, MD, CT, RI and MA. (Gateway eliminated: Glen Roy, PA.)

MC 107403 (Sub-E815), filed March 22, 1979. Applicant: MATLACK, INC., 10 W. Baltimore Avenue, Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same as above). *Prune juice and prune juice concentrate*, in bulk, in tank vehicles, from San Jose, CA, to points in NY, PA, NJ, DE, MD, CT, RI and MA. (Gateway eliminated: Farmingdale, NY.)

MC 107403 (Sub-E816) filed March 22, 1979. Applicant: MATLACK, INC., 10 W. Baltimore Avenue, Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same as above). *Brandy*, in bulk, in tank vehicles, from Hood River, OR, to points in PA, NY, NJ, DE and points in MD within 100 miles of Philadelphia, PA. (Gateway eliminated: Philadephia, PA.)

MC 107403 (Sub-E817) filed March 22, 1979. Applicant: MATLACK, INC., 10 W. Baltimore Avenue, Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same as above). *Urea, urea solution and ammonium nitrate solutions*, in bulk, in tank vehicles, from the facilities of Wynn Chemical Company at Cheyenne, WY, to points in LA, MS, AL, FL, and GA. (Gateway eliminated: Chambers County, TX.)

MC 107403 (Sub-E818) filed March 22, 1979. Applicant: MATLACK, INC., 10 W. Baltimore Avenue, Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same as above). *Petroleum products* (except petrochemicals), in bulk, in tank vehicles, from Santa Maria, CA, to points in NY, MA, NH, RI, SC, CT, DC, DE and NJ. (Gateway eliminated: Congo, WV.)

MC 107403 (Sub-E819) filed March 22, 1979. Applicant: MATLACK, INC., 10 W. Baltimore Avenue, Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same as above). *Vegetable oils*, in bulk, in tank vehicles, from Grimes, CA, to points in CT, MA, RI, KY, WV, VA, NC, SC (Columbus, OH*), MD (Cleveland, OH*), DE (Philadelphia, PA*), AL, MS, (Monroe, IA*) and Fox, AL (Houston, TX*). (Gateways eliminated: asterisked.)

MC 118831 (Sub-E66) filed April 2, 1976. Applicant: CENTRAL TRANSPORT, INC., P.O. Box 5388, Uwharrie Road, High Point, NC 27263. Representative: E. Stephen Heisley, Suite 805, 666 Eleventh St., NW., Washington, D.C. 20001. *Liquid chemicals* (except petrochemicals), in bulk, in tank vehicles, from Leeds, SC, to points in IL (except the St. Louis, IL, commercial zone), IN, MI, MO (except the St. Louis, MO, comercial zone), OH, WI points in IN on, west and north of a line beginning at the TN–AL State line extending along TN Hwy 13 to junction Natchz Trace Hwy., then along Natchz Trace Hwy to junction TN Hwy 99, then along TN Hwy 99 to Hampshire, then along unnumbered hwy to Williamsport, then along unnumbered hwy to Theta, then along unnumbered hwy to Burwood, then along unnumbered hwy to Franklin, then along TN Hwy 96 to junction US Hwy 70 S, then along US Hwy 70S to junction TN Hwy 30, then along TN Hwy 30 to Dayton, then along US Hwy 27 to junction TN Hwy 62, then along TN Hwy 62 to junction TN Hwy 116, then along TN Hwy 116 to Stainville, then along unnumbered hwy to Caryville, then along US Hwy 25 W to junction TN Hwy 90, then along TN Hwy 90 to the TN–KY State line, and points in KY on, north and east of KY Hwy 190. (Gateway eliminated: Charlotte, NC.)

Transportation of Used Household Goods in Connection With a Pack-and-Crate Operation on Behalf of the Department of Defense

Special Certificate Letter Notice(s)

The following letter notices request participation in a Special Certificate of Public Convenience and Necessity for the transportation of used household goods, for the account of the United States Government, incident to the performance of a pack-and-crate service on behalf of the Department of Defense under the Direct Procurement Method or the Through Government Bill of Lading Method under the Commission's regulations (49 CFR 1056.40) promulgated in "Pack-and-Crate" operations in Ex Parte No. MC–115, 131 M.C.C. 20 (1978).

An original and one copy of verified statement in opposition (limited to argument and evidence concerning applicant's fitness) may be filed with the Interstate Commerce Commission on or before October 25, 1979. A copy must also be served upon applicant or its representative. Opposition to the applicant's participation will not operate to stay commencement of the proposed operation.

If applicant is not otherwise informed by the Commission, operations may commence on or before November 5, 1979, subject to its tariff publication effective date.

HG–22–79 (Special certificate—used household goods), filed September 14, 1979. Applicant: SCHNEIDER MOVING & STORAGE, INC., 821 Alma St., P.O. Box 2017, Green Bay, WI 54306. Representative: Nester Skaleski, General Mgr. (same address as applicant). Authority sought: Between points in Marathon, Wood, Portage, Langlade, Shawano, Waupaga, Waushara, Oconto, Outagamie, Winnebago, Fond Du Lac, Marquette, Green Lake, Calumet, Sheboygan, Manitowoc, Brown, Menomonie, Kewaunee, Door, and Marinette Counties, WI, serving Fort Sheridan, Fort Sheridan, IL, Great Lakes Naval Training Center, Great Lakes, IL, Ninth Coast Guard District, Cleveland, OH, and K. I. Sawyer Air Force Base, Gwinn, MI.

HG–23–79 (Special certificate—used household goods), filed September 18, 1979. Applicant: GAYLE T. McGARRY, d.b.a. Eagle Transfer & Storage Co., 2110 First Avenue North, P.O. Box F, Lewiston, ID 83501. Representative: Charles E. Johnson, Riskedhl & Jonson, 418 East Rosser, Box 1982, Biswarek, ND 58501. Authority sought: Between points in Whitman, Asotin, Columbia, Garfield,

and Spokane, Counties, WA, Latah, Nez Perce, Bonner, Boundary, Kooteman, Shoshine, Lewis, Clearwater, Idaho, and Benwah Counties, ID, serving Fairchild Air Force Base, ID.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 79-30568 Filed 10-2-79; 8:45 am]

BILLING CODE 7035-01-M

Privacy Act of 1974; Systems of Records; Annual Publication

The Privacy Act of 1974 (5 U.S.C. 552a(e)(4)) requires agencies to publish annually in the Federal Register a notice of the existence and character of their systems of records. The Interstate Commerce Commission last published the full text of its systems at 43 FR 50804 October 31, 1978. No further changes have occurred since that publication. Therefore, the systems remain in effect as published.

The full text of the systems of records also appears in Privacy Act Issuances, 1978 compilation, Vol. IV, page 209. This volume may be ordered through the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The price of the volume is $10.50.

S. Arnold Smith,

Privacy Officer.

[FR Doc. 79-30626 Filed 10-2-79; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF ENERGY

Office of Assistant Secretary for International Affairs

Additional Agreement Between U.S. Government and EURATOM Concerning the Peaceful Uses of Atomic Energy and Agreements for Cooperation Between United States, Japan, and South Africa; Proposed Subsequent Arrangements

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160), notice is hereby given of proposed "subsequent arrangements" under the Additional Agreement Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning the Peaceful Uses of Atomic Energy and the Agreements for Cooperation Between the Government of the United States of America and the Governments of Japan and the Union of South Africa.

The subsequent arrangements to be carried out under the above mentioned agreements involve approval for the shipment of enriched uranium/aluminum alloy fuels from the locations below to the DOE Savannah River facility for reprocessing and storage of recovered uranium:

Reactor and location:	*Kilograms of spent fuel*
FRM-West Germany	7
ISPRA-Italy	15
JMIR, JRR-2, JRR-4-Japan	55
SAFARI-South Africa	35

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that approval of these subsequent arrangements will not be inimical to the common defense and security. These arrangements for returning U.S. origin highly enriched uranium (HEU) to the U.S. are consistent with U.S. non-proliferation policy in that it serves to reduce the amount of HEU abroad.

These subsequent arrangments will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: October 1, 1979.

Frederick McGoldrick,

Acting Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 79-30855 Filed 10-2-79; 8:45 am]

BILLING CODE 6450-01-M

Sunshine Act Meetings

Federal Register
Vol. 44, No. 193
Wednesday, October 3, 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.

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1

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 11:000 a.m., October 12, 1979.

PLACE: 2033 K Street, N.W., Washington, D.C., 8th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Briefing.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S-1922-79 Filed 10-1-79; 9:48 am]

BILLING CODE 6351-01-M

2

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 11:30 a.m. on Friday, October 5, 1979, the Board of Directors of the Federal Deposit Insurance Corporation will meet in open session to consider the recommendations of the Financial Institutions Examination Council, made to the Federal financial institutions regulatory agencies, regarding the agencies' Regulation Z Enforcement Guidelines issued in December of 1978.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, NW., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-1926-79 Filed 10-1-79; 3:20 pm]

BILLING CODE 6714-01-M

3

September 28, 1979.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 10:00 a.m., Friday, October 5, 1979.

PLACE: Room 600, 1730 K Street, N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. Freeman United Coal Mining Co., Docket No. VINC 78-395-P (Petition for Discretionary Review).
2. Clinchfield Coal Company, Docket No. MI 79-1 (Petition for Writ of Mandamus).
3. Peabody Coal Company, Docket No. VINC 77-12-P, VINC 77-13-P; IBMA 77-57.

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen, 202-653-5632.

[S-1923-79 Filed 10-1-79; 3:20 pm]

BILLING CODE 6820-12-M

4

September 28, 1979.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 10:00 a.m., Tuesday, October 9, 1979.

PLACE: Room 600, 1730 K Street, N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. Pacer Corporation, Docket No. DENV 79-275-PM (Petition for Discretionary Review).
2. Swope Coal Company, Docket No. HOPE 78-644-P, etc. (Petition for Discretionary Review).
3. Local Union 1124, *UMWA* v. *Old Ben Coal Company*, Docket No. LAKE 79-197-C (Petition for Interlocutory Review).

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen, 202-653-5632.

[S-1924-79 Filed 10-1-79; 3:20 pm]

BILLING CODE 6820-12-M

5

NATIONAL LABOR RELATIONS BOARD.

TIME AND DATE: 10 a.m., Wednesday, October 3, 1979.

PLACE: Board Conference Room, Sixth Floor, 1717 Pennsylvania Avenue, N.W., Washington, D.C. 20570.

STATUS: Closed to public observation.

MATTERS TO BE CONSIDERED: Selection of Regional Directors for Region 27, Denver, Colorado, and Region 32, Oakland, California.

CONTACT PERSON FOR MORE INFORMATION: William A. Lubbers, Executive Secretary, Washington, D.C. 20570, telephone (202) 254-9430.

Dated: Washington, D.C., September 28, 1979.

By direction of the Board.

George A. Leet,

Associate Executive Secretary.

[S-1921-79 Filed 9-28-79; 4:18 pm]

BILLING CODE 7545-01-M

6

NATIONAL SCIENCE BOARD.

DATE AND TIME: October 18, 1979, 1:00 p.m., Open Session. October 19, 1979, 9:00 a.m., Closed Session.

PLACE: National Science Foundation, Rm. 540, 1800 G Street, N.W., Washington, D.C.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED AT THE OPEN SESSION:

1. Minutes—Open Session—209th Meeting.
2. Preview of Children's TV Series on Science and Technology—Children's Television Workshop.
3. Chairman's Report.
4. Director's Report:
   a. Report of Grant & Contract Activity—9/20-10/17/79;
   b. Organizational and Staff Changes;
   c. Congressional and Legislative Matters;
   d. NSF Budget for Fiscal Year 1980.
5. Board Committees—Reports on Meetings:
   a. Executive Committee;
   b. Planning and Policy Committee;
   c. Programs Committee;
   d. Committee on Audit and Oversight;

e. Committee on Minorities and Women in Science;
f. Committee on Role of NSP in Basic Research;
g. Committee on Thirteenth NSB Report;
h. Committee on Twelfth NSB Report;
i. Ad Hoc Committee on Big and Little Science;
j. Ad Hoc Committee on Deep Sea and Ocean Mining Drilling Programs; and
k. Ad Hoc Committee on NSF Act Review.
6. NSF Advisory Groups.
7. Board Representation at Future Site Visits to Materials Research Laboratories.
8. Program Review—Arctic Research Programs.
9. Grants, Contracts, and Programs.
10. Review of NSF Act of 1950, as Amended.
11. Other Business.
12. Next meetings: National Science Board, 211th Meeting, November 15–16, 1979.

MATTERS TO BE CONSIDERED AT THE CLOSED SESSION:

A. Minutes—Closed Session—209th Meeting.
B. Grants, Contracts, and Programs.
C. Nominations: NSB, NSF Assistant Directors, and Alan T. Waterman Award Committee.
D. NSB Annual Reports.
E. NSF Budgets for Fiscal Year 1981 and Subsequent Years.

CONTACT PERSON FOR MORE INFORMATION: Miss Vernice Anderson, Executive Secretary, (202) 632–5840.

[S–1925–79 Filed 10–01–79; 3:20 pm]
BILLING CODE 7555–01–M

federal register

Wednesday
October 3, 1979

Part II

Securities and Exchange Commission

Oil and Gas Producers; Supplemental Disclosures

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 210

[Release Nos. 33-6126; 34-16218; 35-21222; IC-10875; AS-269]

Oil and Gas Producers—Supplemental Disclosures on the Basis of Reserve Recognition Accounting

AGENCY: Securities and Exchange Commission.

ACTION: Final rules.

SUMMARY: The Commission is adopting a requirement for oil and gas producers to include in their financial statements a supplemental summary of oil and gas producing activities prepared on the basis of reserve recognition accounting. The summary will present the current year's additions and revisions to proved reserves of oil and gas as well as the costs associated with the discovery and development of proved reserves and all nonproductive costs. The information generated and the experience gained from the presentation of this suppplemental summary will provide much of the basis for an eventual decision by the Commission as to whether reserve recognition accounting should be required as the accounting method for financial statements of oil and gas producers.

EFFECTIVE DATE: The rules published in this release shall be effective initially for financial statements for fiscal years ending after December 25, 1979. The information required by these rules may be presented in a note or separate schedule designated "unaudited" for fiscal years ending before December 26, 1980.

FOR FURTHER INFORMATION CONTACT: James L. Russell, James D. Hall, or Rita J. Gunter, Office of the Chief Accountant, Securities and Exchange Commission, 500 North Capital Street, Washington, D.C. 20549 (202-272-2133).

SUPPLEMENTARY INFORMATION: In Accounting Series Release No. 253 ("ASR No. 253"), August 31, 1978 (43 FR 40688), the Commission concluded that significant improvement in reporting the financial position and operating results of oil and gas producers could be achieved, in part, by developing a method of accounting that would provide for recognition in financial statements of proved oil and gas reserves as assets and changes in proved reserves in earnings. Because the feasibility of such an accounting method—reserve recognition accounting ("RRA")—was not assured, the Commission outlined a series of steps for the development and implementation of RRA. In Securities Act Release No. 6008, December 19, 1978 (43 FR 60418), rules were adopted which incorporated into Regulation S-K requirements for the disclosure of reserve quantities, estimated future net revenues from production of proved oil and gas reserves, and the present value of these future net revenues. Pursuant to rules adoped in ASR No. 253 [1] these disclosures will be required in financial statements for fiscal years ending after December 25, 1979. An additional step in the development of RRA was a proposal (Securities Act Release No. 5969, August 31, 1978 [43 FR 40726]) for a supplemental earnings summary relating to "oil and gas producing activities" [2] prepared on the basis of RRA. A comment period extending through April 30, 1979 was originally provided for comments on the proposal. [3]

In addition, a 21-member advisory committee ("Advisory Commitee") was formed in January 1979 to assist the Commission staff on issues relating to the development of RRA. The Advisory Committee includes public accountants, consulting petroleum engineers, financial analysts, academicians, bankers, and representatives of major and independent oil companies. Five meetings have been held, all open to the public, at which various conceptual and practical questions associated with RRA have been identified and considered. The Advisory Committee has also offered valuable suggestions to the Commission staff concerning the form and content of the supplemental summary.

I. Discussion of Reserve Recognition Accounting

Concepts and Implementation Issues

Although based on a discounted cash flow or "present value" methodology, RRA is not intended to result in a "current value" basis of presentation. As discussed in ASR No. 253, the valuations of proved reserves under RRA are not necessarily a "best estimate" of the fair value of a company's oil and gas properties. For this to be the case, forecasts of future economic conditions, varying discount rates, and consideration of other than proved reserves would have to be incorporated into the valuations. Instead, RRA is based on the recognition of revenue at the time that proved reserves are determined.

This is intended to provide a better measure of a company's success or lack of success in finding proved reserves than is currently reflected in historical cost financial statements. Current economic conditions and a uniform discount factor have been specified in order to achieve uniformity in assumptions and to provide for the use of reasonably objective data in making the valuations.

A number of concerns and criticisms regarding RRA were expressed in the 78 letters submitted to the Commission with comments on the rules proposed in Securities Act Release No. 5969. Many of the commentators stated their disagreement with the Commission's conclusion in ASR No. 253 that assets and income should be recognized at the time that proved reserves are determined. It was argued that doing so ignores the risks that exist until cash revenues are received from production. Another reason for disagreement was the belief that oil and gas reserves cannot be measured with a sufficient degree of reliability to justify recognition in the financial statements. Some commentators argued that the inherent imprecision and subjectivity of determinations of reserve quantities, and the prescribed use of uniform assumptions regarding current prices and costs and a ten percent discount rate in valuing those reserve estimates, could result in information that is misleading or of limited usefulness in assessing the value of a company's oil and gas properties and its future cash flows. It was also asserted that, for vertically integrated petroleum companies, use of reserve recognition accounting for oil and gas producing operations and historical cost accounting for other operations would result in financial statements prepared on multiple, non-compatible measurement bases. Similarly, comparisons with other industries would be impaired by the use of different measurement concepts. Because of these concerns, a substantial number of commentators requested that implementation of the requirement for a supplemental RRA summary be withdrawn or at least delayed in order to permit further experimentation.

[1] As amended by Accounting Series Release No. 257, December 19, 1978 (43 FR 60404).

[2] The term "Oil and gas producing activities" is used in this release as defined in paragraph (a)(1) of § 210-3.18 of Regulation S-X. Briefly stated, these activities include acquisition of property rights, exploration, development, and production of oil and gas. They do not include the transporting, refining, or marketing of oil and gas.

[3] On June 14, 1979, the comment period was reopened (Securities Act Release No. 6080, 44 FR 36070) through July 25, 1979, to permit respondents to consider experience in preparing and reporting oil and gas reserve information for the year ended December 31, 1978.

The Commission recognizes that there are a number of conceptual and implementation issues with respect to RRA that still must be resolved. However, it continues to believe that the objectives set forth in ASR No. 253 are valid and that continued progress in the development of RRA is essential. The requirement for a supplemental summary of oil and gas producing activities is an important part of this effort, and a delay, in its implementation would be inappropriate.

In response to various matters raised by commentators with respect to the proposed rules, several changes have been made in these final rules. The Commission is extending the existing safe harbor provision for disclosures of reserve information to the disclosures made pursuant to these new rules. Further, in recognition of the burden that could be involved in preparing the supplemental summary for 1978, as originally proposed, the final rules do not require the summary for fiscal years ending prior to December 26, 1979 (although comparative data is encouraged for registrants who are able to develop the information). Finally, the supplemental summary may be designated as "unaudited" in the initial year as provided in Accounting Series Release No. 270, issued concurrently with this release, which postpones for one year the requirement that reserve quantity information, present value information, and the supplemental earnings summary be audited.

The Commission believes that substantial progress has been made in the past year in the public reporting of information on proved oil and gas reserves, in the development of standards governing the qualifications and work of petroleum engineers, and in establishing auditing standards.[4] Additional experience in the reporting and use of reserve information and the new supplemental summary of oil and gas producing activities should permit this progress to continue.

The Commission views the development of RRA as an evolutionary process. As further experience is gained, it may be appropriate to reconsider various aspects of the uniform methodology for reserve valuations. For example, it may be possible to develop criteria for the selection of different discount rates to reflect differences in risk. The Commission expects that the Advisory Committee on Oil and Gas Accounting will play a useful role in addressing these and related issues.

As indicated in ASR No. 253, several years' experience with the disclosure of reserve information and the supplemental summary of oil and gas producing activities will be necessary before a decision on requiring the use of RRA can be made. The Commission will evaluate both the relevance and the reliability of the information in making its final determinations on this matter.

Relationship to FASB activities

The ultimate resolution of RRA will depend to a significant degree on progress made by the Financial Accounting Standards Board ("FASB") in developing a conceptual framework for financial accounting and reporting. In November 1978 the FASB adopted objectives of financial reporting in its Statement of Financial Accounting Concepts No. 1, "Objectives of Financial Reporting by Business Enterprises." However, important questions involving the objectives of individual financial statements and the qualitative characteristics of the elements of financial statements are yet to be resolved.[5] In the long run, the accounting method for the oil and gas industry and the basic conclusions arising from the FASB's conceptual framework project should be consistent.

As part of that project, the FASB has proposed that large publicly held companies disclose supplemental information on certain effects of changing prices.[6] The scope of this proposal differs in several significant respects from the Commission's development of RRA, primarily in that the FASB's consideration of alternative accounting measurement techniques is intended to apply to all industries and is directed only toward supplemental disclosures. Although the FASB has not yet completed its deliberations on a final statement, it has tenatively concluded that disclosure of certain asset values can be useful in a current cost context in assessing the effects of changing prices on natural resource companies. The FASB has also reached the tentative conclusion that disclosure of the estimated present value of proved oil and gas reserves should be required beginning in 1980 annual reports and has indicated that it will issue an exposure draft on this subject in the near future. The Commission continues to welcome further initiatives by the FASB in developing meaningful disclosures of information on oil and gas producing activities.

II. Description of the Rules

The rules contained in paragraphs (k)(7) and (k)(8) of § 210-3.18 require the presentation of a supplemental summary of oil and gas producing activities prepared on the basis of RRA and a summary of changes in the present value of future net revenues (collectively, the "supplemental RRA summary"). The final rules reflect a number of modifications to the rules proposed in Securities Act Release No. 5969.

Format of the Supplemental RRA Summary

The format illustrated in Securities Act Release No. 5969 presented the results of oil and gas producing activities along the lines of a traditional income statement, i.e., with separate reporting of revenues and expenses to segregate "income from producing activities" and "income from current exploration and development activities." The result was a format that combined changes in the valuation of proved reserves with the realization of those valuations through sales and transfers. As was pointed out by many commentators on the proposed rules, under the RRA concept of earnings, realization by sale or transfer does not constitute income. Instead, earnings are recognized when proved reserves are added and as the valuations of these reserves are subsequently revised.

Subsequent staff analysis and discussions with the Advisory Committee made it apparent that a substantially different format was appropriate. The supplemental RRA summary should focus on current year additions and revisions to proved reserves, together with the related costs to be charged to expense. "Income from production," including the amortization of reserve values, has no particular relevance in this context. Therefore, these items have been deleted in the final rules.

Various other changes in the proposed format of the supplemental RRA summary have been found to be appropriate. Several companies submitted data showing actual results that would have been reported in previous years using RRA. This information indicated that "income from

[4] On April 13, 1979, the American Institute of Certified Public Accountants published an exposure draft of a proposed audit and accounting guide, "Oil and Gas Reserve Information Required by Regulation S-X," dealing with auditing procedures to be applied to oil and gas reserve information. Also, the Society of Petroleum Engineers has published an exposure draft, dated June 15, 1979, of "Standards Pertaining to the Estimating and Auditing of Oil and Gas Reserve Information" (*Journal of Petroleum Technology*, July 1979, pp. 852-860).

[5] The FASB has issued an exposure draft of a proposed Statement of Financial Accounting Concepts, "Qualitative Characteristics: Criteria for Selecting and Evaluating Financial Accounting and Reporting Policies," dated August 9, 1979.

[6] FASB Exposure Draft of a Proposed Statement of Financial Accounting Standards, "Financial Reporting and Changing Prices," December 1978.

exploration and development activities," measured on a basis that excluded revisions, would often be low or even negative. It was suggested that revisions to estimates made in prior years should be considered together with current year additions and extensions. Accordingly, the supplemental RAA summary has been revised to group current additions and extensions with revisions.

In addition to the summary of oil and gas producing activities, a requirement for a reconciliation of beginning and ending total present value of estimated future net revenues has been added in paragraph (k)(8) of § 210.3–18. This reconciliation is needed to report changes in reserve valuations that do not affect the summary of oil and gas producing activities, e.g., purchases of reserves-in-place and expenditures for development costs that were accrued when valuing reserve additions in prior years. The reconciliation also identifies amounts realized currently from production and sale or transfer of oil and gas and highlights the relationship of current additions and revisions to the total present value of estimated future net revenues.

Some commentators suggested that a statement of cash flows from oil and gas producing activities be required in order to emphasize the differences between amounts reported in the supplemental RRA summary and actual funds realized or expended. Because paragraphs (k)(3) and (k)(4) of § 210.3–18 already require disclosure of net revenue from oil and gas production and disclosure of costs incurred, such a requirement has not been adopted. However, registrants may wish to present this information in a cash flow format and are encouraged to do so.

Registrants are encouraged to develop reporting formats that convey the required information in the manner they consider to be the most meaningful in their particular circumstances. The accompanying rules have intentionally provided for a degree of flexibility in order to permit this. In many cases, it may be desirable to present the reserve quantity and value data and the supplemental RRA summary in a separate schedule following the notes to financial statements rather than in several footnotes.

Two illustrative formats for the supplemental RRA summary are shown below.[7] These illustrations are intended to suggest acceptable formats rather than to prescribe a particular sequence and terminology that must be followed by all registrants. The first example consists of a "conventional" financial statement presentation that would be suited to comparative reporting. Two separate statements are used to report the information required in paragraphs (k)(7) and (k)(8). The content of the first statement is discussed in detail below. The second statement, a reconciliation of reserve values, starts with the total additions and revisions reported in the summary of oil and gas producing activities, deducts the present value of estimated future development and production costs to arrive at a net valuation, and identifies other activities which increase or decrease the total present value of estimated future net revenue—current year's production, purchases and sales of proved reserves, and expenditures for previously projected development costs.

The second illustrative format presents the summary of oil and gas producing activities and the reconciliation of reserve values in an integrated display that also includes cash flow information and a summary of deferred costs. Although this is a more complex presentation, some registrants may find it useful in communicating the relationship of RRA information to historical cost information and cash flows, particularly in the initial year of reporting.

[7] A third example of a presentation of the information is contained in schedules A–1 and A–2 of the June 1979 Interim Report of the FASB Oil and Gas Task Group, "Interim Report on FASB Exposure Drafts: 'Financial Reporting and Changing Prices' and 'Constant Dollar Accounting.'" This Task Group was formed by the FASB to identify special measurement and disclosure problems unique to the oil and gas industry in complying with the FASB's exposure drafts on reporting the impact of inflation and changing prices.

Summary of Oil and Gas Producing Activities on the Basis of Reserve Recognition Accounting, Year Ended December 31, 1979

[Thousands]

Additions and revisions to estimated proved oil and gas reserves:	
Additions to estimated proved reserves, gross	$1,110
Revisions to estimates of reserves proved in prior years:	
Changes in prices	683
Other	(239)
Accretion of discount	749
Subtotal	2,303
Evaluated acquisition, exploration, development, and production costs:	
Costs incurred, including impairments	577
Present value of estimated future development and production costs	873
Subtotal	1,450
Additions and revisions to proved reserves over evaluated costs	853
Provision for income taxes	356
Results of oil and gas producing activities on the basis of reserve recognition accounting	497

Changes in Present Value of Estimated Future Net Revenue From Proved Oil and Gas Reserves, Year Ended December 31, 1979

[Thousands]

Increases:	
Additions and revisions	$2,303
Less related estimated future development and production costs	873
Net additions and revisions	1,430
Purchase of reserves in place	483
Expenditures that reduced estimated future development costs	337
Subtotal	2,250
Decreases:	
Sales of oil and gas and value of transfers, net of production costs of $231	967
Sales of reserves in place	238
Subtotal	1,205
Net increase	1,045
Beginning of year	7,490
End of year	8,535

Summary of Oil and Gas Producing Activities on the Basis of Reserve Recognition Accounting, Year Ended Dec. 31, 1979

[In thousands of dollars]

	Funds flow	Deferred costs	Net present value of proved reserves	Results of oil and gas producing activities
Additions to estimated proved reserves, gross			$1,110	$1,110
Revisions to estimates of reserves proved in prior years:				
Changes in prices			683	683
Other			(239)	(239)
Interest factor			749	749
Subtotal			2,303	2,303
Evaluated acquisition, exploration, development and production costs:				
Costs incurred, including impairments	$(435)	$(142)		(577)
Present value of estimated future development and production costs			(873)	(873)
Expenditures that reduced estimated future development costs	(337)		337	
Sales of oil and gas and value of transfers, net of production costs of $231	967		(967)	
Sales of reserves in place	238		(238)	
Purchase of reserves in place	(675)	192	483	
Subtotal	(242)	50	1,045	853

Summary of Oil and Gas Producing Activities on the Basis of Reserve Recognition Accounting, Year Ended Dec. 31, 1979—Continued

[In thousands of dollars]

	Funds flow	Deferred costs	Net present value of proved reserves	Results of oil and gas producing activities
Provision for income taxes	(38)			(356)
Net change or amount	(280)	50	1,045	497
Balance—beginning of year		621	7,490	
Balance—end of year		671	8,535	

Regardless of the particular format used, registrants should provide an accompanying narrative that explains the information in the supplemental RRA summary and the relationship of this information to the primary financial statements. For purposes of this comparison, the Commission points out that paragraph (k)(2) of § 210.3–18 requires separate disclosure of the costs related to proved properties and to unproved properties that have been capitalized in the primary financial statements.

Accounting for Additions and Revisions

This section of the supplemental RRA summary is intended to report the present value of future revenues from proved reserves added during the year, together with revisions to estimates of reserves proved in prior years and accretion of discount. For purposes of determining additions, the proposed rules specified the computation of the present value of future *net* revenues in accordance with paragraph (k)(6) of § 210.3–18, i.e., net of estimated development and production costs. Various comment letters suggested that this might result in a confusing presentation, because estimated future development and production costs would be netted against current year additions, rather than reported as a cost of discovering, developing and producing the reserves. The Commission believes that the separate reporting of revenues and expenses may be more useful to analysts. Accordingly, the final rules provide that additions to proved reserves may be measured by computing the present value of estimated *gross* revenues (excluding only royalty payments and net profits disbursements). However, some registrants may prefer to base this computation on net revenues (net of production costs or net of both development and production costs). If reserve additions are based on gross revenues, the present value of estimated future costs related to those additions should be included with expenses of the current year. The basis for measuring additions should be indicated in the summary.

Several commentators questioned the level of aggregation that is acceptable in computing estimated future revenues. In valuing proved reserves of oil and gas pursuant to the Commission's rules, it is acceptable to use field or other appropriate groupings, price averages, and abbreviated calculations in cases where this can reasonably be expected to result in data comparable to that which would be computed on a detailed basis. For example, it may often be appropriate to estimate future net revenues on an individual lease or field basis for large properties, while using a higher level of aggregation for properties that are not individually significant.

The proposed rules would have required that revisions to previous additions be segregated to identify separately the effects of changes in estimated reserve quantities, changes in the rate or timing of production, changes in prices and costs, and accretion of discount. Most of the comments on this aspect of the supplemental summary urged that the revisions section be simplified, with many persons suggesting that only a single amount be reported. It was pointed out that several of the factors are interrelated, e.g., a change in price can also affect the reserve quantities estimated to be recoverable, and that a detailed analysis of revisions might suggest more precision than is actually warranted. Also, computational guidelines would be needed if a detailed presentation were required. On the other hand, a few commentators expressed the view that it would be useful to identify variances realized during the current year in order to evaluate the reliability of the company's estimates of future net revenues.

Upon evaluation of these comments, the Commission has concluded that a detailed presentation of revisions should not be required. Because of the likely significance of revisions attributable to changes in prices, the final rules specify that price revisions are to be reported separately. All other revisions (changes in estimated reserve quantities, changes in estimated future development costs, revised production schedules, etc.) may be aggregated. A narrative discussion should indicate the major factors contributing to these other revisions.

For purposes of estimating the effect of price changes, simplified computations will be permitted. For example, changes in unit prices during the year may be applied to the appropriate reserve quantities—beginning, ending (adjusted for production) or average—and the result adjusted for a present value factor. This procedure should result in a reasonable approximation of price effects without requiring detailed computations. Some registrants may also prefer to include changes in estimated lifting costs when measuring the effect of price changes; this will be permitted if appropriately disclosed.

A distinction has been made in the final rules between "accretion of discount" and "revisions." The former is an inherent part of the discounting process rather than a change associated with economic occurrences. It is suggested that accretion of discount be computed by applying the ten percent discount rate to the beginning-of-year present value amount. This should result in a reasonable approximation of the interest factor even though it does not adjust for production and other changes during the year.

Accounting for Costs

An important aspect of the supplemental RRA summary is the reporting of costs associated with current year additions and revisions. The proposed rules stated that expenses for the period should consist of all costs (including estimated future costs) associated with finding and developing additions to proved reserves as well as all costs determined to be nonproductive. Specifically, property acquisition costs would be charged to expense when the property is determined to have proved reserves or when impairment occurs. Costs of exploratory wells would be deferred pending a determination of whether proved reserves have been found, at which time the costs would be charged to expense. All other costs of exploration would be reported as expenses as incurred.

Several commentators suggested that a more meaningful reporting of costs might be achieved by developing criteria for the deferral of significant acquisition and development costs. They pointed out that criteria for the exclusion of certain development costs from the costs that must be amortized are contained in the Commission's rules for the successful efforts and full cost methods of accounting, e.g., in paragraphs (c)(2) and (i)(3)(ii) of § 210.3–

18. In some cases significant development expenditures (e.g., with respect to offshore platforms) are undertaken at a time when only limited quantities of proved reserves have been established for the properties involved. The purpose of the major expenditure is to develop the existing proved reserves plus additional reserves expected to be proved in the same area. An appropriate determination of estimated future net revenues from the intital quantities of proved reserves requires that only a portion of the planned significant development expenditures be associated with these reserves.

Accordingly, the final rules specify that a portion of significant leasehold acquisition costs and development costs may be deferred, based upon an allocation of such costs between initial determinations of proved reserves and anticipated future additions to proved reserves. Any costs deferred are to be assessed periodically for impairment in a manner consistent with the comparable requirements for the successful efforts method of accounting. Supplemental disclosure of any deferred costs and valuation allowances is required.

It should be noted that amounts reported as expenses will consist of a combination of deferred expenditures of prior periods; certain current period expenditures; and, if additions to proved reserves are measured on the basis of gross revenues, the discounted present value of estimated future costs. Actual expenditures for development and production costs previously accrued (in the year that proved reserves were determined) will not appear in the summary of oil and gas producing activities, except to the extent that differences between actual and estimated costs are included in revisions. Because expenditures for development costs reduce the deductions used in computing future net revenues, these expenditures result in a higher present value; accordingly, they appear only in the reconciliation of changes in present value of estimated future net revenues. Actual expenditures for production costs are also to be reported in this reconciliation, as a deduction from sales of oil and gas.

Purchases of Proved Reserves

The purchase price of properties containing proved oil and gas reserves may exceed the present value of estimated future net revenues of the proved reserves acquired. Treating the entire purchase price as the cost of the reserves added would result in a loss being reported in the summary of oil and gas producing activities. Although some commentators asserted that there is no conceptual difference between reserves that are purchased and reserves that are added through exploration, the Commission does not believe that an immediate gain or loss should be reported from a purchase of reserves-in-place. The rules provide that the excess of the purchase price over the present value of the proved reserves purchased, if significant, is to be deferred and offset against subsequent upward revisions on those properties (or expensed when impairment is determined to have occurred). Similarly, an excess of present value over purchase price shall be deferred rather than reported as a "gain"; any deferred credits are to be amortized over the estimated life of the properties. Disclosure is required of the excess purchase costs that have been capitalized during the period and the aggregate amount of deferred costs at the end of the period.

Income Taxes

Only a limited number of comment letters addressed the issue of income taxes. Several of these either expressed support for comprehensive interperiod tax allocation by the deferred method (consistent with Accounting Principles Board Opinion No. 11, "Accounting for Income Taxes") or urged that no provision for income taxes be required. The Advisory Committee considered income tax questions on several occasions and generally supported the liability method proposed in Release No. 33-5969, which would provide for adjustment in income tax provisions for changes in tax rates or for the loss of tax basis of assets in the periods in which the changes occur. The Commission believes that the liability method is more consistent with discounted cash flow concepts and, therefore, is preferable to the deferred method for purposes of the RRA presentation. The Commission also believes that income taxes are an integral part of the oil and gas industry environment and that their effects should be reflected in the summary of oil and gas producing activities.

The accompanying rules provide for income taxes to be computed at the "effective incremental rate" and discounted to a present value amount. Specifically, aggregate taxable income from the production of proved reserves may be approximated by subtracting from the present value of estimated future gross revenues the total of (1) the estimated present value of future development and production costs and (2) the current tax basis of the properties involved (including any carryforwards of operating losses and other deductions). To this amount the statutory income tax rate at the end of the current period is applied and applicable investment tax credits and permanent differences considered. The total tax provision then consists of the amount computed above less the similarly computed amount as of the beginning of the period, plus the current tax provision based on oil and gas producing activities during the period. In computing the tax provision, recognition should not be given to tax benefits attributable either to future exploration costs or to operations of the entity that are unrelated to its oil and gas producing activities, because these items are not factors in the valuation of proved reserves.

Foreign Operations and Equity Investees

Paragraph (k)(5) of § 210.3-18 provides that a company's share of proved oil and gas reserves of investees accounted for by the equity method and proved reserves attributable to long-term supply agreements with foreign governments in which the company acts as producer are to be reported separately from proved reserves owned by the entity. Securities Act Release No. 5969 did not specify the treatment of these operations in the supplemental RRA summary. The operations of equity investees, measured on an RRA basis, should generally be included in the summary of oil and gas activities (as a separate line item). However, it may be difficult to obtain the necessary information on a timely basis. In order to avoid imposing an undue burden, the final rules require the operations of equity investees to be included only if significant to a company's entire oil and gas producing activities. Similarly, the supplemental RRA summary should include the company's share of estimated proved reserves subject to long-term supply agreements with foreign governments in which the company acts as producer, except in cases where the company concludes that certain of its foreign operations should be excluded from the summary because of the nature of the arrangements with the foreign government. A narrative description of any excluded operations should be provided.

Additional Comments

Several commentators objected to the provision in the proposed rules that interest expense and corporate administrative expense be excluded from the summary of oil and gas producing activities. Some companies determine segment profitability on a basis that reflects an allocation of

administrative and interest expense. The final rules have been modified to permit, but not require, such an allocation to the activities included in the supplemental RRA summary.

Some persons suggested that separate presentations of domestic and foreign reserves should be required, because of the significant differences that may exist in the economics and risks associated with reserves located in foreign countries. While such a requirement has not been adopted, the Commission encourages companies to consider presenting domestic and foreign operations separately in the supplemental RRA summary. It is pointed out that existing rules specify the disclosure by appropriate geographic groupings of beginning and end-of-year reserve quantities and present values, as well as changes in reserve quantities.

The Commission believes that it is necessary for companies having integrated oil and gas operations to report information that will provide the means to relate the supplemental RRA summary to the comparable information in the primary financial statements. The proposed rules addressed this need by specifying the disclosure of the profit contribution (before and after income taxes) that would be reflected in the primary financial statements for oil and gas producing activities, assuming that transfers of oil and gas were recorded at current market values, together with the impact on operations other than oil and gas producing activities from valuing transfers in this manner. Only a few commentators addressed this issue. Some of them indicated potential difficulties in computing the data, particularly with respect to income tax allocations. Others stated that they already valued transfers at market value for accounting purposes. The final rules have been modified to require disclosure only of the pre-tax profit contribution reflected in the primary financial statements that corresponds to the activities reported in the supplemental RRA summary.

The rules as proposed in Securities Act Release No. 5969 would have required that comparative data for 1978 be included in the presentation for 1979. Many commentators indicated that the preparation of a supplemental RRA summary for 1978, which would require reserve valuations as of the beginning of that year, would be an unreasonable burden. Consistent reserve estimates, production profiles and cost data might not be readily available. After consideration of these factors, the Commission has determined that the rules should apply initially for fiscal years ending after December 25, 1979. However, registrants are encouraged to present the supplemental RRA summary for years prior to 1979. On a prospective basis, the final rules require that the information be reported for a five-year period in order that overall trends and the relationship between reserve additions and revisions can be assessed.

III. Other Matters

Inclusion of Reserve Information in Financial Statements Contained in Annual Reports to Shareholders

The rules adopted in this release and in ASR No. 253 require the disclosure of the present value of estimated future net revenues from production of proved reserves and of the supplemental RRA summary in financial statements filed with the Commission. The Commission believes that this information normally should be included in annual reports to shareholders. However, the Commission recognizes that the supplemental RRA summary is still in an early stage of development and that it is directed more in this initial year to the "sophisticated" user and professional analyst who normally obtain the Form 10-K. Also, the Commission has been advised that the time needed for the initial preparation of the information could result in significant delays in the distribution of annual reports to shareholders in 1980. Therefore, the Commission enourages, but will not require, the presentation of present value information and the supplemental RRA summary in annual reports to shareholders for fiscal years ending before December 26, 1980. If the information is omitted from the shareholders' report, a note to the financial statements should indicate that this information is available in the Form 10-K. For reports containing financial statements for years ending after December 25, 1980, these disclosures will be required in the annual report to shareholders.

Amendments to Disclosure Requirements

Several revisions to the disclosure requirements of paragraph (k)(6) of § 210.3-18 are appropriate because of the adoption of these new rules. Paragraph (k)(6)(ii) required that the present value of estimated future net revenues be segregated between proved reserves added in the current year and proved reserves added in previous years. Because of the new requirement in paragraph (k)(8) for a reconciliation of the beginning and end-of-year present value of estimated future net revenues, this item in (k)(6)(ii) has been deleted. The remaining disclosure requirements of paragraph (k)(6) (ii) and (k)(6)(iii) have been combined in a revised paragraph (k)(6)(ii). This continues to require the disclosure of the present value of estimated future net revenues as of the end of each fiscal year for which an income statement is required, in total and stated separately for proved developed reserves of oil and gas, proved reserves applicable to long-term supply agreements in which the entity acts as producer, and the entity's share of the proved reserves of equity investees.

Safe Harbor Provision

Paragraph (k)(6)(v) of § 210.3-18 previously contained a safe harbor provision covering the disclosure of information relating to future net revenues from estimated production of proved oil and gas reserves. This safe harbor provision, redesignated as paragraph (k)(9) of § 210.3-18, has been amended to indicate that disclosures pursuant to the requirement for a supplemental RRA summary are similarly covered.

Exemption

Registrants are reminded that paragraph (k) of § 210.3-18 contains an exemption (for filings under the federal securities laws) from the disclosure requirements of that paragraph for registrants whose revenues, income and assets relating to oil and gas producing activities are less than ten percent of the corresponding consolidated amounts for each of the two most recent fiscal years. This exemption applies as well to the disclosure requirements contained in these new rules.

The Commission also wishes to point out that the introduction to § 210.3-18 discusses the application of that section to those oil and gas producing operations that are regulated for rate-making purposes on an individual-company-cost-of-service basis. Appropriate recognition may be given to differences arising because of the effect of the rate-making process.

Request for Comment

As noted previously, the Commission is interested in comments on various matters relating to the new supplemental RRA summary. A flexible approach to the presentation of the information has been adopted in order to encourage experimentation and to permit adaptation to individual company situations. Some aspects of the rules may require further analysis and subsequent modifications, such as reporting of foreign operations, supply agreements with foreign governments,

and operations of equity investees. Any unique problems encountered in developing the data required by these rules will also need to be considered.

Interested persons are invited to submit their written comments (refer to File S7-753) in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. All comments will be available for public inspection.

IV. Effective Date

The rules contained in § 210.3-18 are generally effective for fiscal years ending after December 25, 1978 that are contained in filings that include fiscal years ending after December 25, 1979. However, the summaries of oil and gas producing activities and changes in present value of estimated future net revenues specified by paragraphs (k)(7) and (k)(8) are required only for fiscal years ending after December 25, 1979. The information required by paragraphs (k)(5) through (k)(8) may be presented in a note or separate schedule designated "unaudited" for fiscal years ending before December 26, 1980.

V. Text of Amendments

The Commission hereby amends 17 CFR Part 210 by revising certain disclosure requirements of paragraph (k)(6) of § 210.3-18, by deleting paragraphs (k)(6) (iv) and (v), by adding paragraphs (k)(7) and (k)(8) to that section, and by designating the safe harbor provision previously in paragraph (k)(6)(v) as a new paragraph (k)(9).

§ 210-3.18 Financial accounting and reporting for oil and gas producing activities pursuant to the federal securities laws and the Energy Policy and Conservation Act of 1975.

* * * * *

(k) * * *

(6) * * *

(ii) The present value of the Estimated Future Net Revenues (the "Present Value of Estimated Future Net Revenues"), as of the end of each fiscal year for which an income statement is required, computed using a discount factor of ten percent, for each of the categories for which Estimated Future Net Revenues are disclosed pursuant to subparagraph (k)(6)(i) of this section.

(iii) Any additional information of which management is aware and which it believes is necessary to prevent the above information from being misleading.

(7) *Summary of oil and gas producing activities.* For each of the last five fiscal years (not required for fiscal years ending before December 26, 1979) a summary shall be presented that sets forth the current year's additions and revisions to the Present Value of Estimated Future Net Revenues, and the costs associated with the additions and revisions to proved oil and gas reserves, together with all costs determined to be nonproductive during the period. Identify separately the total of extensions, discoveries and additions; revisions of previous estimates; and accretion of discount. A provision for income taxes shall be deducted from the difference between total additions and revisions and the total amount of current period expenses. For purposes of this requirement, the following rules shall apply:

(i) Additions from current exploration and development activities shall be computed by applying current prices of oil and gas (as of the end of the period) to estimated future production of proved oil and gas reserves added during the period and discounting the result at a rate of 10 percent. Estimated future development and production costs may either be deducted in determining additions or reported separately as expenses of the current period.

(ii) Revisions shall include the effects of all changes in Present Value of Estimated Future Net Revenues resulting from changes in estimates during the period, including differences between beginning-of-year valuations and actual proceeds or costs. Amounts attributable to changes in prices during the period shall be reported separately from other revisions. Significant gains on sales of reserves-in-place shall also be disclosed. A narrative description shall be provided of the major factors causing other revisions (e.g., changes in estimated future costs, quantities, rates of production, etc.).

(iii) Property acquisition costs shall be charged to expense at the time the property is determined to have proved reserves of oil or gas, or when evidence of impairment is ascertained pursuant to the criteria of paragraphs (c) and (d) of this section. In cases involving major leasehold costs for properties being evaluated, an allocation may be made of the leasehold costs between initial discoveries of proved reserves and reserves expected to be proved.

(iv) Consistent with the provisions of paragraph (g) of this section for the successful efforts method of accounting, costs of uncompleted exploratory wells shall be deferred pending determination of whether or not the well has found proved reserves. At the time such determination is made, the deferred costs of drilling the well shall be charged to expense. Other current exploration costs (e.g., geological and geophysical costs, costs of carrying and retaining undeveloped properties, dry hole and bottom hole contributions, and the costs of drilling exploratory wells that do not find proved reserves) shall be included in expenses of the period.

(v) Expenses of the period shall include all development costs (including the discounted present value of estimated future development costs not deducted in measuring additions to proved reserves) associated with current extensions and discoveries, plus any development costs determined to be non-productive. Major development projects (e.g., the installation of an offshore drilling platform from which development wells are to be drilled, the installation of improved recovery programs, etc.) may require that significant costs be incurred prior to ascertaining the quantities of proved reserves attributable to the properties. In such cases, a portion of the development costs may be deferred until the proved reserves added as a result of the project are ascertainable or until it is determined that impairment has occurred (with any impairment being charged to expense). Costs deferred shall be based on the relationship of identified proved reserves to the anticipated future additions to proved reserves used in evaluating the economic feasibility of the project.

(vi) Purchases of oil and gas properties may involve payment of an amount different from the Present Value of Estimated Future Net Revenues as computed under paragraph (k)(6) of this section. Where appropriate, an allocation of the purchase price shall be made between proved properties and unproved properties. Any remaining excess of the allocated purchase price over the computed present value as of the date of purchase shall be capitalized and offset against subsequent upward revisions to the present value of the related properties (or expensed when impairment is determined to have occurred). If the purchase price is less than the computed present value, the difference shall be deferred and amortized over the estimated life of the properties, unless earlier used to offset downward revisions to estimated present values. Disclosure shall be made of excess purchase costs capitalized during the period and the aggregate amount of such deferred costs at the end of the period.

(vii) Significant gains or losses on the sale of unproved properties, recognized in accordance with paragraph (h) of this section, shall be reported separately in the summary.

(viii) The provision for income taxes shall be computed by first applying current statutory tax rates to the future taxable income to be generated from producing proved reserves (the Present Value of Estimated Future Net Revenues less the current tax basis of the properties involved and related carry-forwards) as of the end of the year, giving effect to applicable permanent differences (such as the effect of statutory depletion and investment tax credits), and deducting the similarly computed amount as of the beginning of the year. To this amount shall be added the current tax provision for oil and gas producing activities during the year.

(ix) The summary shall generally include all items of revenue and expense applicable to oil and gas producing activities, but should not include other oil and gas operations, operations in other business segments, or extraordinary items. Corporate administrative expense and interest expense, however, may be allocated to oil and gas producing operations and reported separately in the summary. Proved reserves of oil and gas applicable to long-term supply agreements with foreign governments in which the entity acts as producer shall be included in the summary, unless the registrant concludes that the nature of its arrangements with the foreign government justifies exclusion. Operations of investees accounted for by the equity method shall be included unless insignificant to the registrant's total operations. A narrative description of the nature of any excluded operations shall be provided.

(x) Report the pre-tax profit contribution reflected in the primary financial statements for the oil and gas producing activities corresponding to the pre-tax amount reported in the supplemental summary.

(xi) Disclose the aggregate property acquisition costs, costs of uncompleted exploratory wells and major development costs that have been deferred pending determination of proved reserves, in accordance with paragraphs (k) 7(iii), 7(iv), and 7(v) of this section. Also, indicate the amount of any valuation allowances provided during the period with respect to these properties and the aggregate amount of such valuation allowances at the end of the most recent period.

(8) *Summary of changes in Present Value of Estimated Future Net Revenues.* For the five most recent fiscal years (not required for fiscal years ending before December 26, 1979), provide a reconciliation between the total Present Value of Estimated Future Net Revenues of the entity's proved oil and gas reserves at the beginning and end of the year. Changes resulting from each of the following shall be shown separately: (i) The total of additions, revisions and accretion of discount, computed in accordance with paragraph (k)(7) of this section, less related estimated future development and production costs; (ii) purchases of minerals-in-place; (iii) previously estimated future development costs incurred during the year; (iv) sales of oil and gas and value of transfers, net of production costs; and (v) proceeds from sales of minerals-in-place.

(9) *Safe harbor provision.* Disclosures made pursuant or supplemental to the requirements of paragraphs (k)(6), (k)(7) and (k)(8) of this section relating to future net revenues from estimated production of proved oil and gas reserves, the present value of estimated future net revenues, and the summaries of oil and gas producing activities and changes in present value of estimated future net revenues, shall be deemed not to be an untrue statement of a material fact; a statement false or misleading with respect to any material fact; an omission to state a material fact necessary to make a statement not misleading; or the employment of a manipulative, deceptive, or fraudulent device, contrivance, scheme, transaction, act, practice, course of business or an artifice to defraud; as those terms are used in the Securities Act of 1933, the Securities Exchange Act of 1934, or the Public Utility Holding Company Act of 1935, or rules and regulations thereunder, unless such information: (i) Was prepared without a reasonable basis; or (ii) was disclosed other than in good faith.

* * * * *

These amendments are adopted pursuant to authority in sections 6, 7, 8, 10 and 19(a) [15 U.S.C. 77f, 77g, 77h, 77j, 77s] of the Securities Act of 1933; sections 12, 13, 15(d) and 23(a) [15 U.S.C. 78l, 78m, 78o(d), 78w] of the Securities Exchange Act of 1934; sections 5(b), 14 and 20(a) [15 U.S.C. 79e, 79n, 79t] of the Public Utility Holding Company Act of 1935; sections 8, 30, 31(c) and 38(a) [15 U.S.C. 80a-8, 80a-29, 80a-30(c), 80a-37(a)] of the Investment Company Act of 1940; and section 503 [42 U.S.C. 6383] of the Energy Policy and Conservation Act of 1975.

Pursuant to section 23(a)(2) of the Securities Exchange Act, the Commission has considered the impact of these amendments on competition and is not aware of any burden that they would impose on competition.

By the Commission.

George A. Fitzsimmons,

Secretary.

September 24, 1979.

[FR Doc. 79-30460 Filed 10-2-79; 8:45 am]

BILLING CODE 8010-01-M

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17 CFR Part 210

[Release Nos. 33-6128; 34-16219; 35-21223; IC-10876; AS-270]

Oil and Gas Producers—Postponement of Audit Requirement for Reserve Information

AGENCY: Securities and Exchange Commission.

ACTION: Final rules.

SUMMARY: The Commission has published rules in Accounting Series Release No. 253 that establish financial accounting and reporting practices for oil and gas producing activities, including disclosure of reserve quantities, estimated future net revenues, and present value of future net revenues. In addition, it has adopted rules in Accounting Series Release No. 269, issued concurrently with this release, requiring the presentation of a supplemental summary of oil and gas producing activities prepared on the basis of reserve recognition accounting ("supplemental RRA summary"). The Commission has determined that the audit requirement in its rules may not be practicable at this time because of the state of development of standards for reserve evaluation and reporting. Therefore, the Commission is adopting an amendment which permits the financial statement disclosure of oil and gas reserve information and supplemental RRA summary required by Regulation S-X, Rule 3-18(k)(5), (k)(6), (k)(7) and (k)(8) to be made in a note or separate schedule designated "unaudited" for fiscal years ending before December 26, 1980. The postponement of the audit requirement is intended to allow additional time to establish and implement uniform guidelines and standards for reserve evaluation and reporting.

EFFECTIVE DATE: The rule amendment published in this release shall be effective for fiscal years ending after December 25, 1979.

FOR FURTHER INFORMATION CONTACT: James L. Russell, James D. Hall or Rita J. Gunter, Office of the Chief Accountant, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549 (202-272-2133).

SUPPLEMENTARY INFORMATION: In Accounting Series Release No 253

("ASR No. 253"), August 31, 1978 (43 FR 40688), the Commission adopted requirements for the disclosure of oil and gas reserve information (reserve quantities, estimated future net revenues, and present value of estimated future net revenues) as part of audited financial statements for years ending after December 25, 1979. In addition, Accounting Series Release No. 269, issued concurrently with this release, requires a supplemental RRA summary to be included as part of audited financial statements for years ending after December 25, 1979.

Subsequent to the publication of ASR No. 253, there have been a number of developments that are relevant to the requirement that oil and gas reserve information be audited. In April 1979, the AICPA issued for public comment a proposed industry audit and accounting guide which provides that the auditor ordinarily should obtain a consulting reservoir engineer's opinion covering all, or in certain cases a substantial portion, of the entity's reserve information to satisfy the requirement that he obtain sufficient, competent evidential matter concerning information included in the financial statements.

The Society of Petroleum Engineers and the Society of Petroleum Evaluation Engineers appointed committees to draft professional standards for the evaluation and estimation of oil and gas reserves. These standards have been drafted and representatives of these groups anticipate that final standards will be adopted in 1979. However, there will be little opportunity for "field-testing" by the engineering profession prior to December 31, 1979. Various petroleum engineers have stated, in written comments on Securities Act Release No. 5969, August 31, 1978 (43 FR 40726), which proposed the supplemental RRA summary, that additional time will be needed to establish and implement uniform guidelines and standards for reserve evaluations and reporting.

Concerns were also expressed as to whether there is a sufficient number of petroleum engineers to provide independent verifications of oil and gas reserve information for all companies subject to the Commission's reporting requirements. The availability of sufficient petroleum engineers appears to be related to the question of whether professional liability insurance can be obtained. Members of the engineering profession have indicated in comment letters on Securities Act Release No. 5969 that underwriters are reluctant to write insurance in the absence of standards for the reporting of reserve information.

After considering the progress and developments discussed above and the Commission's ultimate objective of timely development of a uniform method of accounting to be used by oil and gas producers, the Commission continues to believe that auditor association with the disclosure of reserve information is important. However, it has concluded that requiring the audit of this reserve information for years ending before December 26, 1980 would be premature.

Accordingly, on June 14, 1979, the Commission issued Securities Act Release No. 6079, (44 FR 36068), which proposed an amendment to its reporting requirements for oil and gas producers which would permit the financial statement disclosure of certain oil and gas reserve information to be designated "unaudited" for fiscal years ending before December 26, 1980. The release specified that written comments were to be received on or before July 31, 1979.

The eighteen comment letters received in response to Securities Act Release No. 6079 supported the proposed postponement of the audit requirement, although several letters suggested that the audit requirement be deleted or postponed indefinitely rather than postponed for just one year. However, the Commission continues to believe that an audit requirement is important to the evaluation of reserve recognition accounting as the primary method of accounting by oil and gas producers. Therefore, it has rejected deletion or indefinite postponement.

A one-year postponement of the requirement that reserve information be audited should allow sufficient time for the engineering profession to establish and implement the necessary standards, and for additional investigation into questions of manpower requirements and availability of professional liability insurance. The Commission does not expect that a postponement of the audit requirement for one year will delay the Commission's consideration of further implementation of reserve recognition accounting.

Accordingly, the Commission is amending § 210.3-18(k) of Regulation S-X to permit oil and gas reserve information and supplemental RRA summaries to be designated "unaudited" in financial statements for fiscal years ending before December 26, 1980. The provisions of § 210.3-18(k) are otherwise unchanged.

COMMISSION ACTION: The Commission hereby amends 17 CFR Part 210 by adding a sentence to the introductory text of § 210.3-18(k).

The introductory text is revised to read as follows:

§ 210.3-18 Financial accounting and reporting for oil and gas producing activities pursuant to the Federal securities laws and the Energy Policy and Conservation Act of 1975.

* * * * *

(k) *Disclosure of quantities of proved oil and gas reserves and historical financial data.* The following data shall be disclosed in the body of the financial statements, in the notes thereto, or in a separate schedule or other presentation that is an integral part of the financial statements. For fiscal years ending before December 26, 1980, the information in paragraphs (k) (5), (6), (7), and (8) of this section may be disclosed in a note or separate schedule designated "unaudited."

* * * * *

This amendment is adopted pursuant to authority in sections 6, 7, 8, 10 and 19(a) [15 U.S.C. 77f, 77g, 77h, 77j, 77s] of the Securities Act of 1933; sections 12, 13, 15(d) and 23(a) [15 U.S.C. 78l, 78m, 78o(d), 78w] of the Securities Exchange Act of 1934; sections 5(b), 14 and 20(a) [15 U.S.C. 79e, 79n, 79t] of the Public Utility Holding Company Act of 1935; sections 8, 30, 31(c) and 38(a) [15 U.S.C. 80a-8, 80a-29, 80a-30(c), 80a-37(a)] of the Investment Company Act of 1940; and section 503 [42 U.S.C. 6383] of the Energy Policy and Conservation Act of 1975.

Pursuant to section 23(a)(2) of the Securities Exchange Act, the Commission has considered the impact of this amendment on competition and is not aware of any burden that such rule amendment would impose on competition.

By the Commission.

September 24, 1979.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-30461 Filed 10-2-79; 8:45 am]

BILLING CODE 8010-01-M

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17 CFR Part 211

[Release No. SAB-35]

Staff Accounting Bulletin No. 35

AGENCY: Securities and Exchange Commission.

ACTION: Publication of Staff Accounting Bulletin.

SUMMARY: These interpretations of the staff deal with matters relating to the application of the financial accounting and disclosure rules for oil and gas producers adopted in Accounting Series Release Nos. 253, 257, and 269. In

particular, the interpretations set forth the staff's views on questions pertaining to estimation of quantities of proved oil and gas reserves, computation of future net revenues, and additional disclosures of reserve information. Also, an example of income tax calculations under reserve recognition accounting is provided.

DATE: September 26, 1979.

FOR FURTHER INFORMATION CONTACT: James L. Russell or Rita J. Gunter, Office of the Chief Accountant, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549 (202-272-2133).

SUPPLEMENTARY INFORMATION: The statements in Staff Accounting Bulletins are not rules or interpretations of the Commission nor are they published as bearing the Commission's official approval; they represent interpretations and practices followed by the Division of Corporation Finance and the Office of the Chief Accountant in administering the disclosure requirements of the Federal Securities laws.

September 26, 1979.

George A. Fitzsimmons,

Secretary.

Staff Accounting Bulletin No. 35

The staff hereby adds Topics 6-M and 6-N, setting forth the staff's views on various matters related to the financial accounting and disclosure requirements for oil and gas producers adopted in Accounting Series Release Nos. 253 (as amended by ASR No. 257) and 269.

Topic 6: Interpretation of Accounting Series Releases

* * * * *

M. Accounting Series Release No. 257—Requirements for Financial Accounting and Reporting Practices for Oil and Gas Producing Activities.

1. Estimates of Quantities of Proved Reserves

Facts: Section 210.3-18 contains definitions of proved reserves, proved developed reserves, and proved undeveloped reserves to be used in determining quantities of oil and gas reserves to be reported in filings with the Commission.

Question 1: The definition of proved reserves states that reservoirs are considered proved if "economic producibility is supported by either actual production or conclusive formation test." May oil and gas reserves be considered proved if economic producibility is supported only by core analyses and/or electric or other log interpretations?

Interpretive Response: Economic producibility of estimated proved reserves can be supported to the satisfaction of the Office of Engineering if geological and engineering data demonstrate with reasonable certainty that those reserves can be recovered in future years under existing economic and operating conditions. The relative importance of the many pieces of geological and engineering data which should be evaluated when classifying reserves cannot be identified in advance. In certain instances, proved reserves may be assigned to reservoirs on the basis of a combination of electrical and other type logs and core analyses which indicate the reservoirs are analogous to similar reservoirs in the same field which are producing or have demonstrated the ability to produce on a formation test.

Question 2: In determining whether "proved undeveloped reserves" encompass acreage on which fluid injection (or other improved recovery technique) is contemplated, is it appropriate to distinguish between (i) fluid injection used for pressure maintenance during the early life of a field and (ii) fluid injection used to effect secondary recovery when a field is in the late stages of depletion? The definition in § 210-3.18(a)(4) does not make this distinction between pressure maintenance activity and fluid injection undertaken for purposes of secondary recovery.

Interpretive Response: The Office of Engineering believes that the distinction identified in the above question may be appropriate in a few limited circumstances, such as in the case of certain fields in the North Sea. The staff will review estimates of proved reserves attributable to fluid injection in the light of the strength of the evidence presented by the registrant in support of a contention that enhanced recovery will be achieved.

Question 3: What volumes of natural gas liquids should be reported as net reserves, that portion recovered in a gas processing plant and allocated to the leasehold interest or the total recovered by a plant from net interest gas?

Interpretive Response: Companies should report reserves of natural gas liquids which are net to their leasehold interests, i.e., that portion recovered in a processing plant and allocated to the leasehold interest. It may be appropriate in the case of natural gas liquids not clearly attributable to leasehold interests ownership to follow instruction (b) of Item 2(b)(3) of Regulation S-K and report such reserves separately and describe the nature of the ownership.

Question 4: What pressure base should be used for reporting gas production, 14.73 psia or the pressure base specified by the state?

Interpretive Response: The reporting instructions to the Department of Energy's Form EIA-28 specify that natural gas reserves are to be reported at 14.73 psia and 60 degrees F. There is no pressure base specified in Regulations S-X or S-K. At the present time the staff will not object to natural gas reserves and production data calculated at other pressure bases, if such other pressure bases are identified in the filing.

2. Estimates of Future Net Revenues

Facts: Paragraph (k)(6) of § 210.3-18 requires the disclosure of the estimated future net revenues from production of proved oil and gas reserves, computed by applying current prices of oil and gas (with consideration of price changes only to the extent provided by contractural arrangements) to estimated future production as of the latest balance sheet date, less estimated future expenditures (based on current costs) of developing and producing the proved reserves, and assuming continuation of existing economic conditions.

Question 1: For purposes of determining reserves and estimated future net revenues, what price should be used for gas which will be produced after an existing contract expires or after the redetermination date in a contract?

Interpretive Response: The price to be used for gas which will be produced after a contract expires or has a redetermination is the current market price at the end of the fiscal year for that category of gas plus any fixed and determinable price escalations applicable to that category of gas under the Natural Gas Policy Act of 1978 (NGPA) through the date of expiration or redetermination. This price may be increased thereafter only for additional fixed and determinable escalations, as appropriate, for that category of gas. A fixed and determinable escalation is one which is specified in amount and is not based on future events such as rates of inflation.

Question 2: What price should be applied to gas which at the end of a fiscal year is not yet subject to a gas sales contract?

Interpretive Response: The price to be used is the current market price for similarly situated gas at the end of the fiscal year plus, for estimated future production, fixed and determinable escalations to be allowed by the NGPA, provided the company can reasonably expect to sell the gas at the prevailing market price.

Question 3: What price should be used for gas which will be produced in the future after a well is comtemplated to become a "stripper" well?

Interpretive Response: At the time in the future when it is contemplated that a gas well will qualify for stripper classification, the current price for stripper gas (adjusted for fixed and determinable escalations to the date that stripper status is attained) may be used. This assumes that the gas is not subject to a contract at a lower price.

Question 4: In connection with the pricing of oil, what price should be used for oil which will be produced after a well becomes a stripper well?

Interpretive Response: Oil that is estimated to be produced after a well qualifies as a stripper should be valued using the current price for stripper oil in effect at the end of the fiscal year.

Question 5: The NGPA appears to retain certain pricing provisions of the 1938 Natural Gas Act for natural gas dedicated to interstate commerce prior to the enactment of the 1978 Act (November 9, 1978). If natural gas dedicated to interstate commerce prior to November 9, 1978, is subject to a gas purchase contract that expressly incorporates the price escalation provisions of the Federal Power Commission Opinion No. 770-A under the 1938 Act, may a determination of the price of such gas take into account these escalation provisions even though Rule 3-18(a)(2) of Regulation S-X prohibits adjustments for inflation?

Interpretive Response: The rules specify the use of current prices plus future fixed and determinable escalations. If the company

determines that FPC Opinion No. 770–A prices are to be received and the escalation provisions of that Opinion are incorporated in the gas purchase contract, those specified escalations are considered fixed and determinable. If NGPA prices are to be received, only those escalations not based on inflation can be considered.

Question 6: Under what condition can appropriate NGPA prices and escalations be used for contracts which have area rate escalations and are now being amended to specify NGPA prices?

Interpretive Response: The response to this question is similar to the preceding response. If the NGPA price will be received under the present contract, escalations that are fixed and determinable may be considered.

Question 7: Since April 1979, as directed by the President, the Department of Energy has issued a series of regulations designed to phase out price controls on domestic crude oil by October 1, 1981. Lower tier oil is being moved to upper tier prices at the rate of 1.5 percent per month starting June 1, 1979, and at the rate of 3 percent per month starting January 1, 1980. Eighty percent of production from marginal wells was allowed upper tier prices in June 1979, with the remainder to move to that higher pricing in January 1980. It is proposed that, beginning January 1, 1980, producers will be permitted to sell each month an additional 4.6% of their upper tier oil at the uncontrolled market price. A "windfall profits" tax on the increased selling price of controlled oil attributed to this phased decontrol has also been proposed. To what extent should these pricing changes and taxes be taken into consideration in estimating future net revenues?

Interpretive Response: Registrants should give effect to price increases associated with phased decontrol only to the extent that the increases are reflected in prices being received for the applicable categories of crude oil at the date of the reserved valuation. The staff believes that continued application of the new DOE regulations could depend on enactment of the "windfall profits" tax. Accordingly, future monthly reclassifications of oil from lower to upper tier and from upper tier to uncontrolled market price should not be anticipated until Congress has taken action on the proposed tax. Thereafter, these changes in classification and the tax itself should be considered in computing future net revenues.

Prior to passage of a "windfall profits" tax, no adjustment is required to be applied to that crude oil now receiving uncontrolled market prices. However, disclosure should be made of the estimated effect of the Administration's tax proposal on the computation of future net revenues in cases where the tax would be significant in amount.

Question 8: To what extent should price increases announced by OPEC or by certain government agencies not yet effective at the date of the reserve report be considered in determining current prices?

Interpretive Response: Current prices should not reflect price increases announced but not yet effective at the date of the reserve valuation, i.e., the end of the fiscal year.

3. Disclosure of Reserve Information

a. *Income tax effects.*

Facts: Income taxes are excluded from the computation of future net revenues and present values required pursuant to paragraph (k)(6) of § 210.3–18.

Question: Is it acceptable to compute the estimated income taxes related to the future net revenues and report net-of-tax present value amounts in addition to the pre-tax present value amounts?

Interpretive Response: Yes. The staff encourages registrants to present net-of-tax disclosures. The method used to compute the estimated income tax should be adequately explained.

b. *Unproved properties.*

Facts: Disclosures of reserve information are based on estimated quantities of proved reserves of oil and gas. Regulation S–K prohibits disclosure of estimated quantities of probable or possible reserves of oil and gas and any estimated value thereof in any document publicly filed with the Commission.

Question: What types of disclosures will be permitted by registrants who wish to indicate that some of their properties have value other than that attributable to proved reserves?

Interpretive Response: The Office of Engineering has, for the past several years, suggested to registrants the following form of disclosure for undeveloped lease acreage: "In addition to proved reserves, the estimated (or appraised) value of leases or parts of leases to which proved reserves cannot be attributed is $xxx."

The registrant should describe the basis on which the estimate was made. For example, such estimated values are often based on the market demand for leasehold acreage which, in turn, is based on a number of qualitative factors such as proximity to production. If the disclosed amount is based on an appraisal, the person making the appraisal should be named.

N. Accounting Series Release No. 269—Oil and Gas Producers—Supplemental Disclosures on the Basis of Reserve Recognition Accounting.

1. Provision for Income Taxes

Facts: The rules for the supplemental summary of oil and gas producing activities on the basis of reserve recognition accounting require a provision for income taxes based on the liability method.

Question: How should this provision for income taxes be computed?

Interpretive Response: Assume the following costs and estimated future net revenues for proved properties added in Year 0:

	Years				Total	Present value
	0	1	2	3-5		
Lease costs	$3,000					
Exploration costs:						
IDC	2,000					
Tangible	1,000					
Development costs	6,000					
Total costs	12,000					
Sales		$10,000	$30,000	$60,000	$100,000	$75,620
Production costs		2,000	6,000	14,000	22,000	16,360
Development costs		9,000		4,000	13,000	10,664
Estimated future net revenues		(1,000)	24,000	42,000	65,000	48,590

Additional assumptions are as follows:

At the beginning of Year 0:	
Present value of future net revenues	$30,000
Tax basis of proved properties	$5,000
Tax liability related to prior additions	$12,500
Year 0 activity:	
Sales	0
Revisions	$2,000
Accretion of discount (30,000×10%)	$3,000
Tax basis of Year 0 properties (3,000+1,000+6,000)	$10,000
Tax rates:	
Prior years	50%
Current year	46%

* * * * *

The Summary of Oil and Gas Producing Activities for Year 0 would show the following:

Additions to proved reserves	$75,620
Revisions	$2,000
Accretion of discount	$3,000
Total	$80,620

Costs of exploration and development:	
Incurred in current year	$12,000
Estimated future development and production costs (present value)	$27,030
Total	$39,030
Additions and revisions to proved reserves over evaluated costs	$41,590
Provision for income taxes (see computation)	$16,365
Results of oil and gas producing activities on the basis of reserve recognition accounting	$25,225

Tax computation—Year 0:

Present value of future net revenues—	
Current year additions	$48,590
Additions in prior years (30,000+2,000+3,000)	$35,000
Total	$83,590
Less tax basis (5,000+10,000)	($15,000)

Future taxable income	$68,590
Current tax rate	46%
	$31,551
Less: Investment tax credit on future development costs (present value)	($1,066)
Liability for taxes payable in the future	$30,485
Less: Income taxes previously accrued	($12,500)
Provision for taxes payable in future years	$17,985 (A)
Current tax provision:	
Taxable income (loss)	($2,000)
Tax rate	46%
	($920)
Investment tax credit (10% of $7,000 tangible exploration and development costs)	($700)
	($1,620) (B)
Total tax provision	$16,365 (A & B)

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federal register

Wednesday
October 3, 1979

Part III

Department of the Treasury

Customs Service

Proposed Revision of the Customs Regulations Relating to Countervailing Duties

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Parts 155, 159

Proposed Revision of the Customs Regulations Relating to Countervailing Duties

AGENCY: United States Customs Service, Department of the Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: It is proposed to amend the Customs Regulations relating to countervailing duties in order to effect the changes made in the countervailing duty law by the Trade Agreements Act of 1979. Proposed amendments to the Countervailing Duty Regulations published in the Federal Register on September 21, 1976, are hereby withdrawn.

The principal change in the countervailing duty law effected by the Act is the introduction of a "material injury" test for products from countries which assume the obligations of the Agreement Relating to Subsidies and CVD Measures.

Other significant changes include the acceleration of countervailing duty proceedings; greater public participation in, and access to, information developed during investigations and during the assessment phase of proceedings; and earlier and more effective application of provisional measures to imports during the course of an investigation. These changes in the law require that conforming amendments be made to the Customs Regulations.

DATE: Written comments must be received on or before November 19, 1979. An open conference will be held on October 24 and 25, 1979, at 9:30 a.m.

ADDRESS: Comments should be addressed to the Commissioner of Customs, Attention: Regulations and Legal Publications Division, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229. The open conference will be held in Room 4121 of the Main Treasury Building, 1500 Pennsylvania Avenue NW., Washington, D.C., and will provide an additional opportunity for comment on the proposed amendments to the Regulations.

FOR FURTHER INFORMATION CONTACT: Lynn Barden, Office of the General Counsel, Department of the Treasury, Washington, D.C. 20220, 202-566-2688, or James Lyons, Office of the Chief Counsel, U.S. Customs Service, 202-566-2938.

SUPPLEMENTARY INFORMATION:

Background

The provisions of the Customs Regulations relating to countervailing duties are based on section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303). In view of the changes made to that section by Title I, Subtitles A, C and D (Countervailing Duties) of the Trade Agreements Act of 1979, Pub. L. 96-39, effective January 1, 1980, certain amendments to the Customs Regulations relating to countervailing duties should be adopted. Certain changes or additions to the existing Regulations are also necessary to implement the Statements of Administrative Action which were approved by Congress in enacting Pub. L. 96-39. A number of the proposed regulations, moreover, would incorporate existing administrative interpretations and practices which were not previously formalized in regulations but which are intended to be continued under the new statute.

The principal change in the countervailing duty law effected by the Act is the introduction of a "material injury" test for products from countries which assume the obligations of the Agreement Relating to Subsidies and CVD Measures.

Other significant changes include the acceleration of countervailing duty proceedings; greater public participation in, and access to, information developed during investigations and during the assessment phase of proceedings; and earlier and more effective application of provisional measures to imports during the course of an investigation. These changes in the law require that conforming amendments be made to the Customs Regulations.

It, therefore, is proposed that the provisions presently set forth in § 159.47 of the Customs Regulations (19 CFR 159.47), pertaining to countervailing duties be revised and expanded, and that those provisions be placed in a separate new part of the Customs Regulations, Part 155, to be entitled "Countervailing Duties." An earlier proposed revision of the Customs Regulations relating to countervailing duty investigations which was published in the Federal Register on September 21, 1976 (41 FR 41093) is hereby withdrawn. The changes set forth in the September 21, 1976 notice of proposed rulemaking have been superseded by the provisions of the Trade Agreements Act.

Subsections 771 (5) and (6) of the Trade Agreements Act describe practices considered subsidies for purposes of the U.S. countervailing duty law. These provisions, although not exhaustive, bring a new certainty to the subject. The proposed regulations, in §§ 155.1 through 155.4, further clarify the issues. However, no attempt was made in this notice of proposed rulemaking to catalogue all of the administrative practices, which remain relevant under the new law, used to identify and calculate subsidies. Among the administrative and interpretative guidelines which have been developed and which are proposed to be continued are:

1. The physical incorporation test: Generally the non-excessive rebate of indirect taxes (sales and consumption taxes) would not be regarded "a subsidy" if the rebated taxes are fiscal charges on items physically incorporated in the exported product. Rebated taxes on services, catalysts and other items (e.g. energy) not incorporated in the product (or necessary waste), however, directly related to the production and exportation of the merchandise, would be treated as an excessive rebate and, therefore, a subsidy.

2. Export payments as an estimate of indirect taxes paid: Generally the payment to an exporter, of a lump sum calculated and identified as a non-excessive rebate of the indirect tax incidence on the exported product, and its components, will not be treated as a subsidy if the government has reasonably calculated and documented the actual tax experience of the product under investigation.

3. Drawback of duties: The drawback, rebate or remission of Customs duties not in excess of the actual duties due or paid, on imported items physically incorporated in the final product is not regarded as a subsidy. The drawback remission or drawback of duties on imported capital goods or other items involved in the production but not physically incorporated in the exported merchandise would be counteravailable.

4. Income and social security taxes: The rebate of or reduction in the amount of direct taxes imposed on an exported product is generally regarded as a subsidy. Similarly, special (industry specific) income tax provisions which apply irrespective of export performance may constitute a subsidy to the extent that the provisions deviate from the normal tax provisions of the country in question. For purposes of assessing a countervailing duty, the savings derived from this benefit ordinarily would be allocated over the recipient company's production of the merchandise during the most recent business year. However, actions by sovereign tax authorities to reduce tax burdens would not be regarded as a subsidy if the reduction is,

in fact, universally applicable to all sectors of the economy.

5. Effect of inflation or devaluation on the value of the net subsidy: The value of a subsidy may be diminished in certain circumstances because of delayed payment during a period of inflation or currency devaluation. Allowance for the reduction in value of the subsidy will be made only where the Government of the exporting country specifically provides by decree or regulation that the payment of the subsidy amount be delayed. Administrative delays in payment are not regarded as "mandated" within the meaning of section 771(6)(B) of the Act. The loss in value is calculated on the basis of the potential interest earned in the country of exportation during the period of delayed payment.

The principal changes in the requirements and procedures under the proposed regulations, which would result in the deletion of § 159.47 and the inclusion of the provisions contained in that section in a new part, Part 155 of the Customs Regulations (19 CFR Part 155), are described below:

1. Section 155.0 amends the existing provision of § 159.47 to include reference to Title VII of the Tariff Act of 1930 (19 U.S.C. 1303 *et.seq.*), as amended. (Hereinafter referred to as "the Act"). This section also provides that determinations by the Secretary under the Act shall not be considered major federal actions significantly affecting the environment within the meaning of the National Environmental Policy Act of 1969, as amended, or relevant Executive Orders.

2. Sections 155.1 through 155.7 are new provisions which define words and phrases used in section 303 and Title VII of the Act. Sections 155.3 and 155.4 specifically set forth the method by which the amount of a net subsidy shall be calculated.

3. Section 155.15 implements the statutory requirement for the development of a record by the administering authority.

4. Section 155.16 is a new provision which sets forth the manner in which *ex parte* meetings with decision-makers are to be recorded and made a part of the record.

5. Sections 155.17, 155.18, 155.19, and 155.21 set forth new provisions dealing with the treatment of confidential information. Section 155.21 specifies information exempt from disclosure.

6. Section 155.20, relating to the limited disclosure of certain confidential information pursuant to protective order, provides the mechanism by which such information may be released, the conditions attached to that release, and the sanctions for breach of those conditions. The details of the mechanism by which it will be determined whether a violation of a protective order has occurred and the most appropriate sanction to be applied in the case of a breach are still under consideration. Regulations governing those procedures will be published in proposed form for comment at a later date.

7. Section 155.25 sets forth the procedures by which an investigation may be self-initiated by the administering authority.

8. Section 155.26 amends and expands upon the existing provisions of § 159.47(b) and sets forth the type of information required in a petition for such petition to be considered as being in acceptable form. Section 155.27 establishes the time limits and notice requirements relating to the administering authority's determination respecting the sufficiency of a petition.

9. Section 155.28, which would replace the provisions presently set forth in § 159.47(d) and which relates to preliminary countervailing duty determinations, sets forth the time limits for making such determinations and indicates the information to be contained in such determinations. Where the preliminary determination is affirmative the liquidation of all entries of merchandise subject to the determination shall be suspended and security in the form of a cash deposit, bond, or otherwise shall be required in an amount equal to the net subsidy.

10. Section 155.29 implements the statutory provision for a 90-day retroactive suspension of liquidation where "critical circumstances" have been determined to exist.

11. Section 155.30 sets forth new provisions which deal with the termination of a countervailing duty proceeding upon withdrawal of the petition and upon publication of any negative final determination by either the Secretary or the U.S.I.T.C.

12. Sections 155.31 and 155.32 allow for the suspension of an investigation in those proceedings in which the subsidy is eliminated, completely offset, or the injury resulting from the subsidy is eliminated. The procedures for and the conditions upon which the investigation may be suspended are set forth in these provisions. Section 155.31 also provides for the continuation of a suspended investigation in certain circumstances and § 155.32 describes the consequence which may follow upon the violation of an agreement which is the basis for the suspension of an investigation.

13. Section 155.33, which would replace the provisions presently set forth in § 159.47(d) and which relates to final countervailing duty determinations, sets forth the time limits for making such determinations and indicates the information to be contained in such determinations.

14. Sections 155.34 and 155.35 provide respectively for the submission of written views and for countervailing duty hearings during a proceeding.

15. Section 155.36 sets forth the time period within which a countervailing duty order shall be issued, the information to be contained in the order and the period within which assessments shall be made. Pursuant to section 706(a)(3) of the Act, the deposit of estimated duties will be required with regard to all merchandise subject to a countervailing duty order which is entered, or withdrawn from warehouse, for consumption after December 31, 1979. The deposit of estimated duties will not be required with regard to merchandise subject to a waiver described in section 105 unless that waiver is no longer in effect as of that date.

16. Section 155.37 provides for adjustments to be made where the estimated countervailing duty differs from that finally determined as due.

17. Section 155.38 sets forth the procedure by which a firm not benefitting from a subsidy may be excluded from a countervailing duty order.

18. Section 155.39 provides for the verification of information used in a proceeding and for publication in the Federal Register of the means by which verification was made. Section 155.39(c) specifically indicates that information shall be requested regarding alleged subsidies as well as data respecting individual sales (including the identity of customers) made to the United States by foreign manufacturers, producers or exporters during the investigatory period. Such information will be gathered to assist the International Trade Commission in making its injury determination.

19. Section 155.40 sets forth the rate of interest to be paid on certain overpayments and underpayments.

20. Section 155.41 sets forth new provisions for the administrative review of determinations and suspension agreements both on an annual basis beginning on the anniversary of the date on which a Countervailing Duty Order is published and whenever changed circumstances, including violation of suspension agreements, are alleged.

21. Section 155.42 provides for the revocation, in whole or in part of a Countervailing Duty Order, or the termination of a suspended investigation

if, for 3 successive years, the rate of imposition of countervailing duties is zero or there are no imports subject to such duties.

22. Section 155.43 implements the statutory requirement concerning subsidy practices discovered during the course of an investigation.

23. Section 155.50 instructs each district director of Customs to suspend liquidation on merchandise where appropriate pursuant to statutory authority and to notify appropriate parties of the amount of estimated or determined countervailing duty where relevant.

24. Section 155.51 sets forth a new provision governing the exchange rate used in the conversion of currencies for purposes of determining the value of a subsidy. The conversion of currencies shall be made pursuant to the procedures described in section 522 of the Trade Act of 1930, as amended (31 U.S.C. 372) and Part 159, Subpart C of the Customs Regulations (19 CFR 159.31)

25. Sections 155.60 to .64 are new provisions which set forth the Treasury Department's obligations under section 702 of the Trade Agreements Act with respect to determining or confirming the amount of subsidy, if any, on quota cheese alleged to be involved in price-undercutting.

Authority

The authority for the proposed amendments is R.S. 251, as amended (19 U.S.C. 66), section 624, 46 Stat. (19 U.S.C. 1624), and the Trade Agreements Act of 1979, dated July 26, 1979, Pub. L. 96-39, Section 3(b), 93 Stat. 148.

Comments

The Customs Service invites written comments (in triplicate) from all interested parties on the proposed amendments. Prior to final adoption of the proposed revised regulations consideration will be given to all relevant data, views or arguments submitted. Comments submitted will be available for public inspection in accordance with § 103.8(b) of the Customs Regulations (19 CFR 103.8(b)) during regular business hours at the Regulations and Legal Publications Division, Headquarters, U.S. Customs Service, 1301 Constitution Avenue NW, Washington, D.C. 20229.

Moreover, an open conference will be held on October 24 and 25, 1979, at 9:30 a.m. in Room 4121 of the Main Treasury Building, 1500 Pennsylvania Avenue, NW, Washington, D.C., to discuss the proposed amendments to the Regulations.

Drafting Information

The principal authors of this document were Christopher Parlin, Office of the General Counsel, Department of the Treasury and James Lyons, Office of the Chief Counsel, U.S. Customs Service. However, other personnel in the Customs Service and the Department of the Treasury assisted in its development.

Regulations Determined To Be Significant

In a directive published in the Federal Register on November 8, 1978 (43 FR 52120), implementing Executive Order 12044, "Improving Government Regulations", the Treasury Department stated that it considers each regulation or amendment to an existing regulation published in the Federal Register and codified in the Code of Federal Regulations to be "significant". It has been determined that the proposed amendments meet the Treasury Department criteria in the directive for a "significant" regulation.

Proposed Amendment

Accordingly, it is proposed to amend Part 159 of the Customs Regulations (19 CFR Part 159) by deleting § 159.47 and to establish the new provisions set forth below in a new Part 155 of the Customs Regulations (19 CFR Part 155), entitled "Countervailing Duties".

Robert E. Chasen,
Commissioner of Customs.

Approved September 26, 1979.

Robert H. Mundheim,
General Counsel of the Treasury.

PART 159—LIQUIDATION OF DUTIES

§ 159.47 [Deleted]

PART 155—COUNTERVAILING DUTIES

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Authority: R.S. 251, as amended (19 U.S.C. 66), sec. 624, 46 Stat. (19 U.S.C. 1624), Trade Agreements Act of 1979, dated July 26, 1979, Pub. L. 96-39, sec. 3(b), 93 Stat. 148.

§ 155.0 Scope.

This part sets forth procedures and rules applicable to proceedings under section 303 and Title VII of the Tariff Act of 1930, as amended (19 U.S.C. 1303 *et seq.)* hereinafter referred to as "the Act") relating to the imposition of countervailing duties. The regulations established in this part shall be applicable under section 303 of the Act except that in the case of any imported article or merchandise which is dutiable—

(a) No determination by the Commission under sections 703(a), 704, or 705(b)(1) of the Act shall be required;

(b) No investigation may be suspended under section 704(c) of the

Act, and § 155.31(b) and related sections hereof shall be inapplicable;

(c) No determination of critical circumstances shall be made, and § 155.28 hereof shall be inapplicable.

Determinations by the Secretary under the Act shall not be considered major federal actions signficantly affecting the environment within the meaning of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.)* and Executive Order 11514, March 5, 1970, as amended by Executive Order 11991, May 24, 1977; and Executive Order 12114, January 4, 1979.

Subpart A—Definitions

§ 155.1 Definition of subsidies.

(a) The term "subsidy" shall be defined as having the same meaning as the term "bounty or grant" as used in section 303 of the Act and includes, but is not limited to, the following:

(1) Any export subsidy described in the Annex to the Agreement on Subsidies and Countervailing Measures;

(2) Domestic subsidies, if provided or required by government action to a specific enterprise or industry, or group of enterprises or industries, whether publicly or privately owned, and whether paid or bestowed directly or indirectly on the manufacture, production, or export of any class or kind of merchandise:

(i) The provision, on terms inconsistent with commercial considerations, of capital, loans or loan guarantees. The term "commercial considerations" generally refers to conditions in the country in which such capital, loans, or loan guarantees are provided without government benefit to

(A) The same enterprise, or

(B) If none, then to enterprises of comparable size in the same country (preferably in the same industry and under otherwise comparable conditions and terms, to the extent these can reasonably be ascertained), or

(C) If there are no such enterprises, then to enterprises (preferably in the same industry and under comparable conditions and terms, to the extent these can reasonably be ascertained) in a non-state-controlled economy at a comparable stage of economic development;

(In the absence of information under paragraph (a)(2)(i) (A), (B) or (C) of this section, the Secretary will estimate, on the basis of the best available information, the extent to which such loans or guarantees are on terms inconsistent with commercial considerations.)

(ii) The provision of goods or services at preferential rates when compared to rates for comparable goods or services provided for the manufacture, production or sale of products other than those that are the subject of a proceeding by the same enterprise, and if, none, then to enterprises of comparable size, preferably in the same industry and under otherwise comparable conditions and terms to the extent these can reasonably be ascertained;

(iii) The grant of funds or forgiveness of debt to cover operating losses sustained by a specific industry (determined in accordance with generally accepted accounting principles), which are distinguishable from the provision of capital, loans or loan guarantees under paragraph (a)(2)(i) of this section. For the purposes of this regulation "operating losses" refer to losses from the operations of manufacturing, producing, or selling the merchandise subject to the proceeding; and

(iv) The assumption of any costs or expenses of manufacture, production, or distribution.

§ 155.2 Provision of subsidy.

(a) For purposes of the Act, a subsidy may be provided either by a government of governmental entity, subdivision or customs union, or by a private party, group of private parties, or combination of public and private sources.

(b) A subsidy described in § 155.1 shall be considered as such only to the extent that it is, in fact, utilized by the enterprise or group of enterprises subject to a proceeding.

§ 155.3 Definition of "Net Subsidy".

The "net subsidy" shall be calculated by deducting from the "subsidy":

(a) Any application fee, deposit, or similar payment paid in order to qualify for, or to receive, the benefit of the subsidy;

(b) Any loss in the value of the subsidy resulting from its deferred receipt, if the deferral is mandated by Government order; and

(c) Export taxes, duties, or other charges levied on the export of merchandise to the United States specifically intended to offset the subsidy received.

§ 155.4 Calculation of subsidy.

(a) The amount of a subsidy shall be calculated by reference to its value as of the time it is received and used by the recipient. In calculating the *ad valorem* effect of non-recurring subsidies, such as grants, loans or loan guarantees, used to acquire productive assets, the value of such subsidies shall be allocated over the production of the products benefitting from the subsidy, during the anticipated useful life of the productive asset, based on generally accepted accounting principles, or, when deemed appropriate by the Secretary, during any other period of time determined to reflect more accurately the value of the subsidy. The value of subsidized loans or guarantees shall generally be considered as the difference between the rates of interest actually paid or payable by the beneficiary and rates of interest on loans or guarantees provided without government benefit, of comparable amount, duration and terms payable by:

(1) The same enterprise; or

(2) If none, by other enterprises of comparable size and resources in the same country (preferably in the same industry); or

(3) If there are no such enterprises, then to enterprises (preferably in the same industry and under comparable conditions and terms, to the extent these terms can reasonably be ascertained) in a non-state-controlled economy at a comparable stage of economic development.

(In the absence of information under paragraph (a) (1), (2) or (3) of this section, the Secretary will estimate, on the basis of the best available information, the extent to which such loans or guarantees are on terms inconsistent with commercial considerations.)

(b) The term "rate of interest" will include not only the nominal annual rate but such other factors as placement fees, obligations for compensating balances and similar directly related costs of acquiring the loan or guarantee.

(c) If the imported merchandise which is the subject of the investigation is manufactured or produced in a state-controlled economy, so that the existence or nonexistence of a subsidy cannot be determined by reference to market information available in that country, the existence or nonexistence and the amount of subsidy will be determined by whether, and the extent to which, such merchandise would be found to have been sold at less-than-fair-value pursuant to § 153.8 of the Customs Regulations.

(d) The calculation of any subsidy which shows a benefit which is *de minimis* shall not require the assessment of countervailing duties. Ordinarily, a benefit of 0.5 percent or less shall be considered *de minimis*.

§ 155.5 Definition of "Agreement on Subsidies and Countervailing Measures."

The term "Agreement on Subsidies and Countervailing Measures" means the "Agreement on Interpretation and

Application of Articles VI, XVI, and XXIII of the General Agreement on Tariffs and Trade" (Relating to Subsidies and Countervailing Measures), approved under section 2(a) of the Trade Agreements Act of 1979, as the same may be amended, and as such amendments are approved, or otherwise accepted by or for the United States from time to time.

§ 155.6 Definitions of countervailing duty "Proceedings," "Investigations," "Determinations" and "Orders."

(a) A "proceeding" refers that time from the filing of a petition (or self-initiation under section 702(a) of the Act) until the publication of the earliest of (1) a notice of termination, (2) a negative determination that has the effect or terminating the administrative proceedings; or (3) a notice of revocation of an order.

(b) An "investigation" refers to that time between the publication of a notice of initiation and the publication of the earliest of (1) a notice of termination, (2) a negative determination that has the effect of terminating the administrative proceedings; or (3) an "Order".

(c) A "determination" is an official decision in the course of a proceeding.

(d) An "Order" is a notice issued following final determinations of subsidy and injury, which provides for the imposition of countervailing duties.

§ 155.7 Other definitions.

(a) *Country.* "Country" shall mean a foreign country, a political subdivision, dependent territory, or possession of a foreign country, and may include an association of two or more foreign countries, political subdivisions, dependent territories, or possessions of countries into a customs union outside the United States.

(b) *Industry.* "Industry" means the domestic producers as a whole of a like product, or those producers whose collective output of the like product constitutes a major proportion of the total domestic productions of that product in accordance with section 771(4) of the Act. An "industry" may also consist of domestic producers in a particular market in the United States where such producers sell all or almost all of their production of the like product in question in that market and where the demand for the like product in that market is not supplied to any substantial degree by producers of the product located elsewhere in the United States.

(c) *Interested party.* "Interested party" shall mean—

(1) A foreign manufacturer, producer, or exporter, or the United States importer, of merchandise which is the subject of an investigation under section 303 or Title VII of the Act or a trade or business association a majority of the members of which are importers of such merchandise;

(2) The government of a country in which such merchandise is produced or manufactured;

(3) A manufacturer, producer, or wholesaler in the United States of a like product;

(4) A certified union or recognized union or group of workers which is representative of an industry engaged in the manufacture, production, or wholesale in the United States of a like product; and

(5) A trade or business association, a majority of whose members manufacture, produce, or wholesale a like product in the United States.

(d) *Person.* "Person" shall include all "interested parties" as well as other individuals, enterprises or entities, as appropriate to the context.

(e) *Secretary.* "Secretary" shall mean the Secretary of the Treasury, unless such functions are by law transferred to another Administering Authority under the Act, in which event, it shall refer to such Administering Authority.

(f) *Commission.* "Commission" shall mean the U.S. International Trade Commission.

(g) *Customs Service.* "Customs Service" shall mean the Customs Service of the Treasury Department, unless the functions relative to this part shall be transferred to another agency, in which event it will refer to the entity performing such functions in such agency.

(h) *Department.* "Department" shall mean the Treasury Department for as long as the Secretary of the Treasury is the Administering Authority under the Act and thereafter shall refer to the agency or department of which the Administering Authority is a part.

(i) *Party to the proceeding.* "Party to the proceeding" shall mean (1) the petitioner; (2) the government of the country in which the merchandise subject to the investigation is manufactured or produced or from which it is exported; (3) foreign manufacturers, producers and exporters of the merchandise subject to the investigation; and (4) any other interested party, within the meaning of paragraph (c), of this section who informs the Secretary in writing of his intent to become a party.

(j) *Generally accepted accounting principles.* "Generally accepted accounting principles" shall mean those accounting principles generally applied and consistently followed in the country in question, provided that the Secretary may apply generally accepted accounting principles of the United States, if, and to the extent that, generally accepted accounting principles in the country in question, (1) do not exist; (2) have not been applied by the person claiming their application; or (3) significantly distort the presentation of the information to which they are applied.

Subpart B.—Access to Information

§ 155.15 Information generally available.

(a) *Duty to maintain Material in Record.* The Customs Service will maintain the official record of all proceedings, including all information submitted or collected in the course of a proceeding. The record will contain three types of materials (see Sec. 516A(b)(2) of the Act):

(1) Materials protected from disclosure;

(2) Non-confidential material submitted by any person other than an employee or officer of the U.S. Government; and

(3) Non-Confidential and non-privileged material submitted or developed by an employee or officer of the U.S. Government.

With respect to documents prepared by an officer or employee of the United States, factual matter, as distinguished from recommendations and evaluations, contained in any such documents will be made available by summary or otherwise on the same basis as information contained in documents submitted by other persons.

(b) *Examination and copying of information.* In general, all information in subparagraphs (2) and (3) of the record described in paragraph (a) of this section will be available for inspection or copying by any person at the Customs Service during business hours. The fees charged for providing copies of documents shall be the same as for providing copies of documents pursuant to requests made under the Freedom of Information Act (5 U.S.C. 552). (See 31 CFR 1.6).

(c) *Reports of progress of investigation.* The Customs Service shall, from time to time upon request, inform any party to the proceeding of the progress of an investigation. Ordinarily, no such report shall be provided until 60 days after the petition is filed. Such progress reports shall not contain privileged or confidential information and, if in written form, shall be included in the official record.

(d) *Protection of the record.* Unless otherwise ordered in a particular case by the Commissioner, the record shall not be removed from the Customs

Service. A certified copy of such record shall be made available to any court before which any aspect of proceeding is under review, with appropriate safeguards to prevent disclosure of confidential or privileged information that may be included therein.

§ 155.16 Ex parte meetings.

A written memorandum will be prepared of any *ex parte* meeting between (a) any interested party or other person providing facutal information material to a determination in the proceeding and (b) the person to whom the authority to make determinations under the Act has been delegated or the person making a final recommendation for decision to such person, presently the General Counsel or the Deputy Assistant Secretary (Tarriff Affairs), respectively, of the Treasury Department. The memorandum of the *ex-parte* meeting shall include the identity of the persons present at the meeting, and a non-confidential summary of the matters discussed or then submitted. Such memorandum shall be included in the record described in § 155.15(a), and ordinarily shall be prepared contemporaneously with such meeting.

§ 155.17 Confidential submissions.

Any confidential information received in the course of a proceeding may be disclosed or released if it is determined to be in a form which cannot reasonably be associated with, or otherwise used to identify, the operations of a particular person. Any information submitted in connection with a proceeding which is not designated as confidential by the person submitting it shall not be treated as confidential.

§ 155.18 Requests for confidential treatment of information.

(a) *Submission and contents of requests.* Any person who submits information in connection with a proceeding may request that such information, or any specified part thereof, be treated as confidential. Information which is subject to such a request shall be set forth in separate pages and each such page shall be clearly marked "Confidential Treatment Requested." Each separate request for confidential treatment of information, other than information submitted in confidence by a foreign government which is properly classified and exempted from disclosure pursuant to statute or Executive Order, shall be accompanied by a full statement of the reason or reasons why the submitting party believes that each piece of information subject to such request is entitled to confidential treatment within the guidelines set forth in § 155.19 below. All requests for confidential treatment shall be accompanied by one of the following:

(1) A summary or approximated presentation of all information which may be disclosed to the public and which is sufficiently full and descriptive of the confidential information. Generally, data in numerical form relating to prices and costs of individual firms shall be considered adequately summarized (and not incapable of summary) if presented (or capable of being presented) in terms of indices or in figures within 10% of the actual figure;

(2) A statement by the person submitting the information that the information is not susceptible to such a summary or presentation, accompanied by a full statement of the reasons supporting this conclusion; or

(3) An agreement to permit disclosure under protective order, accompanied by a brief nonconfidential statement describing the confidential data submitted, which need not be as detailed as the summary provided under paragraph (a)(1) of this section.

(b) *Return of information as a result of non-conforming requests.* Any information for which confidential treatment is requested which does not conform to the requirement of paragraph (a) of this section (including the requirement that any summary or approximated presentation be sufficiently full and descriptive) may be returned to the submitting person, and not considered in connection with the proceeding. Information so returned may be submitted with a new request for confidential treatment which complies with the requirements of this section, and will be dealt with in the same manner as an original submission of information accompanied by a request in acceptable form, if received within the time for the original submission. Belated submissions may be rejected.

(c) *Consideration of requests.* A determination will be made upon the receipt of information for which confidential treatment is requested, whether, and to what extent, the request for confidential treatment shall be granted and whether claims submitted under paragraph (a)(2) of this section are justified.

(d) *Treatment of information.* If a request for confidential treatment of information is granted, the information covered thereby will not be made available except pursuant to § 155.20 for inspection or copying by any person other than an officer or employee of the United States Government directly involved with carrying out the investigation in connection with which the information is submitted, or by a person who has been specifically authorized to receive such information by the person who requests the confidential treatment. National security information shall be made available only to the extent, and under the procedures, provided in Executive Order 12065 of June 28, 1978 (43 FR 28949) or any superseding Order. Should it be determined that any part of the material for which confidential treatment has been requested should be made available in whole or in part, or that information claimed not susceptible to a summary is in fact capable of such treatment, the person submitting the information will be so notified. Unless the person submitting the information thereafter agrees that the information (including any summarized or approximated presentation thereof) may be treated as non-confidential information, or provides a summary of matters found to be capable of such treatment, such information (including any summarized or approximated presentation thereof) shall be returned to the submitting person and not considered in the proceeding.

§ 155.19 Standards for determining confidentiality of information.

(a) *In general.* Information ordinarily will be considered to be privileged or confidential only if its disclosure would be likely:

(1) To cause substantial harm to the competitive position of the person submitting the information;

(2) To have a substantial adverse effect upon the person supplying the information or upon the person from whom the information was obtained; or

(3) To impair the ability of the United States Government to obtain in the future necessary information, not required by law to be provided, from the same person or others similarly situated.

(b) *Information ordinarily regarded as appropriate for disclosure.* Except as provided in paragraph (c) of this section, information ordinarily will be regarded as appropriate for disclosure if it relates to:

(1) Prices, market conditions, terms of sale or similar information that is published or otherwise available to the public; or

(2) Laws, regulations, Executive Orders, or other official documents which are published in the country by which adopted, as well as translations thereof.

(c) *Information ordinarily regarded as privileged or confidential.* Information other than national security information will ordinarily be regarded as privileged

or confidential if its disclosure would disclose:

(1) Business or trade secrets;

(2) Production costs;

(3) Distribution costs;

(4) Prices of actual transactions or offers;

(5) The names of particular customers or suppliers;

(6) The exact amounts of the gross subsidies received and used by an enterprise; or

(7) The names of particular persons from whom confidential information was obtained, if nondisclosure of the names has been requested and approved by the Secretary.

§ 155.20 Limited disclosure of certain confidential information under a protective order.

(a) *In general.* Upon receipt of an application from an attorney or other representative of an interested party which describes with particularity the information requested, sets forth the reasons for the request, and indicates the procedures to be followed to avoid unauthorized disclosure of the information requested, any confidential information other than national security information, including some or all of the information described in § 515.19(c), may be made available to such attorney or representative under a protective order as described in paragraph (b) of this section. Forms for submitting requests for disclosure pursuant to a protective order incorporating the terms of this regulation may be adopted for time to time. In determining whether to release information under a protective order, account shall be taken of the probable effectiveness of the sanctions described under paragraph (c) of this section, or other sanctions as may be prescribed for breach of the order.

(b) *Protective order.* The protective order under which information is made available to the attorney or representative of an interested party shall require that attorney or representative to submit a personal sworn statement that he will:

(1) Not divulge any of the information so obtained and not otherwise available to him to any other person other than:

(i) Personnel of agencies of the United States Government directly responsible for conducting the proceeding in question who are involved in such proceeding;

(ii) The party from whom the information was obtained;

(iii) An attorney in good standing employed on behalf of the party requesting the disclosure who has furnished an appropriate, similar statement; or

(iv) Those persons employed by or supervised by the attorney or representative having a need therefore in connection with preparing oral or written statements in the proceeding, who shall have furnished a similar statement;

(2) Use such information solely for the purposes of the proceeding then in progress;

(3) Not consult with any person other than a person described in paragraph (b)(1) of this section concerning such confidential information without obtaining the approval of the Customs Service and the party or the attorney for the party from whom such confidential information was obtained;

(4) Take adequate precautions to ensure the security of the confidential materials and the information contained therein subject to the protective order; and

(5) Promptly report any breach of such agreement to the Secretary.

(c) *Acknowledgment of sanctions for breach of protective order.* The sworn statement referred to in paragraph (b) of this section shall include an acknowledgment by the person providing it that breach thereof:

(1) May subject to disbarment from practice before any constituent agency of the Department for up to seven years following publication of a determination that the order has been breached—

(i) The person submitting the statement;

(ii) Any firm of which such person is a partner, associate, or employee; and

(iii) Such person's partners, associates, employer and employees;

(2) Shall, in the case of an attorney, lead to referral of such breach to the ethics panel of the appropriate bar associations; and

(3) Shall subject the offender and the party he represents to such other administrative sanctions determined to be appropriate, including striking from the record any information or briefs submitted by, or on behalf of, the party represented by the offender, terminating any investigation then in progress, or revoking any Order then in effect.

(d) *Final disposition of materials released under protective order.* Upon completion of a proceeding, or at such earlier date as may be determined appropriate for particular data, the security of confidential information shall be protected by the return of all copies of materials released to representatives of parties pursuant to this section accompanied by a certificate from the attorney or representative to whom the material was delivered or disclosed and each person specified in paragraph (b)(1)(iii) or (iv) of this section, attesting to his personal, good faith effort to determine that no other copies of such material have been made available to or retained by the party he represents or any other person to whom disclosure was not specifically authorized.

(e) *Sanctions for breach of protective order.* The Secretary shall determine whether any person has violated a protective order, and, as a sanction, may:

(1) Bar any such person and any firm of which such person is a partner, associate, or employee, or any partner, associate, employer, or employee of such person, from representing any other person's interest before any constituent agency of the Department in any capacity for a period of up to seven years from the date of publication in the Federal Register of a notice that the existence of a breach has been determined to exist;

(2) In the case of a violation of this section by an attorney, refer such breach to the ethics panel of the appropriate bar associations; or

(3) Subject the offender and the party he represents to such other administrative sanctions as are determined by the Secretary to be appropriate, including striking from the record any information or briefs submitted by, or on behalf of, the party represented by the offender, terminating any investigation then in progress, or revoking any Order then in effect.

Any person to whom such sanction is proposed to be applied shall be afforded a reasonable opportunity to be heard before the determination is made.

§ 155.21 Information exempt from disclosure.

Information which might otherwise be available under this subpart shall be exempt from disclosure if it relates to any matter which is required to be kept confidential pursuant to privilege, statute or Executive Order. This includes classified information received from a foreign government which is restricted from disclosure pursuant to Executive Orders No. 11652 of March 8, 1972 (37 FR 3762) and 12065 of June 28, 1978 (43 FR 28949) (see 31 CFR 2.6).

Subpart C—Countervailing Duty Procedures and Determinations

§ 155.25 Procedures for self-initiation.

Whenever the Secretary determines, from information available to him, that a countervailing duty investigation is warranted into the question of whether the duty is imposed by Sec. 701(a) of the Act should be imposed with respect to a particular class or kind of merchandise imported into the United States, he shall

publish in the Federal Register a "Notice of Initiation of Countervailing Duty Investigation:" *Provided*, That if such merchandise is produced or exported from a country which is a signatory to the Agreement on Subsidies and Countervailing Measures, such notice shall be published only after consultation with such signatory. The Notice will include:

(a) A description of the merchandise involved;

(b) The name of the country of exportation to the United States and, if the merchandise is produced in a country other than that from which it is exported, the name of the country in which the merchandise is produced; and

(c) A summary of the information received that would, if found to be accurate, require the imposition of duties pursuant to section 701(a) of the Act.

Upon initiation of the investigation, the Commission will be notified promptly, and will be provided with such information as is available relating to the matter under investigation, including any available information on the amount of the net subsidy and the volume of trade.

§ 155.26 Procedures for Initiation by Petition.

(a) *Contents of petition.* Any interested party, as defined in subparagraph (C), (D), or (E) of section 771(9) of the Act, who has reason to believe that a subsidy is being provided with respect to merchandise imported into the United States, by reason of which an industry in the U.S. is being or is likely to be materially injured or its establishment is materially retarded, may file a petition on behalf of an industry pursuant to section 701(a) of the Act with the Commissioner of Customs, 1301 Constitution Avenue NW., Washington, D.C. 20229, requesting the imposition of additional duties in an amount equal to the alleged subsidy. The petition shall contain, or be accompanied by, information, to the extent reasonably available to the petitioner, in substantially the following form:

(1) The name and address of the petitioner and any other person, firm, or association the petitioner represents, if appropriate;

(2) The industry on whose behalf the petition is filed, including the names of other enterprises included in such industry;

(3) A statement indicating whether the applicant has initiated proceedings pursuant to sections 337 and 732 of the Act (19 U.S.C. 1337, 1673a) or section 301 of the Trade Act of 1974 (19 U.S.C. 2411), or has filed, or is filing, for import relief pursuant to section 201 of the Trade Act of 1974 (19 U.S.C. 2251), or has initiated proceedings pursuant to section 232 of the Trade Expansion Act of 1962 (19 U.S.C. 1862);

(4) A detailed description of the imported merchandise, including its technical characteristics and uses, and, where appropriate, its tariff classification under the Tariff Schedules of the United States;

(5) The name of the country or countries from which the merchandise is being, or is likely to be, exported to the United States and, if the merchandise is produced in a country other than that from which it is exported, the name of the country in which it is produced; if the country is one whose economy is State-controlled, the non-State-controlled economy country or countries that in petitioner's judgment is at a stage of economic development most comparable to such State-controlled economy, for the purposes of applying § 155.4(c);

(6) The names and addresses of enterprises believed to be benefitting from the subsidy and exporting the merchandise so benefitted to the United States;

(7) All pertinent facts with regard to the alleged subsidy including, if known, the statutory or other authority under which it is provided, the manner in which it is paid and the value of such subsidy when received and used by producers or sellers of the merchandise;

(8) In addition to information concerning alleged subsidies, information as to individual sales (including customers) and prices thereof on sales to the United States during the period to be investigated by foreign manufacturers, producers or exporters.

(9) The volume and value of imports of the merchandise from the country in question in the most recent two-year period, and also other periods if the petitioner believes such other periods to be more representative, or, if the merchandise is not presently imported into the United States or is not imported in significant quantities, information as to the likelihood of its importation;

(10) The names and addresses of enterprises believed to be importing the merchandise;

(11) The names and addresses of the other enterprises in the United States engaged in the production, manufacture or sale of like merchandise. If numerous, information need not be provided with respect to any enterprises that accounted for less than 2 percent of domestic production, manufacture or sale of like merchandise during the most recent 12-month period;

(12) Information as to the material injury or threat thereof to, or the material retardation of the establishment of, a United States industry by reason of the imported merchandise alleged to be subsidized, including information, to the extent relevant, on the factors to be considered by the Commission enumerated in section 771(7) of the Act; and

(13) If "critical circumstances" are alleged, information as to:

(i) Material injury which is difficult to repair;

(ii) Massive imports in a relatively short period;

(iii) How the product benefits from an export subsidy which is inconsistent with the Agreement.

Forms for the submission of petitions may be adopted from time to time. The use of such forms shall not be mandatory, provided the information required thereby and reasonably available to the petitioner is otherwise included in the petition.

(b) *Translations to English.* Unless such requirement is waived in individual cases, any information submitted in the petition or in support thereof, which is in a foreign language, must be accompanied by an English translation.

(c) *Simultaneous filing with Commission.* The Petitioner shall file a copy of the petition with the Commission on the same day as the petition is filed with the Commissioner of Customs and shall so certify in submitting the petition to the Commissioner.

(d) *Confidentiality of information.* Any petition which contains information for which confidential treatment has been requested and which is essential to support the petition will not be considered to have been received in acceptable form unless the requirements of § 155.18(a) are met.

(e) *Amendment of petition.* Upon timely receipt of additional information, the Secretary shall allow amendment of the petition. Any such amendments must be filed with the Commission on the same day as they are filed with the Commissioner of Customs.

(f) *Form and number of copies.* The petition and, to the extent feasible, all supporting information, shall be submitted on letter-size paper, double spaced typewritten or printed, in 10 copies.

(g) *Notification of affected Country's Representative.* Upon receipt of a petition, a copy thereof shall promptly be delivered to a representative in Washington, D.C. of the affected country or countries in which merchandise subject to the investigation is

manufactured or produced or from which it is exported.

§ 155.27 Determination of sufficiency of petition.

(a) *Determination of sufficiency.* Within 20 days after having received a petition, a determination shall be made whether the petition alleges the basis on which countervailing duties may be imposed under section 701(a) of the Act.

(b) *Notice.* If that petition properly alleges the basis on which a countervailing duty may be imposed under section 701(a) of the Act, an investigation shall be initiated and a notice of "Initiation of Countervailing Duty Investigation" shall be published in the Federal Register. The notice shall contain a description of the merchandise subject to the investigation, based upon consultation between the Secretary and the Commission.

(c) *Insufficiency of petition.* If it is determined that a petition does not properly allege the basis on which a countervailing duty may be imposed under section 701(a) of the Act, the petition shall be dismissed and the proceeding terminated. The petitioner shall be notified in writing of the reasons for dismissal, and a notice of "Dismissal of Countervailing Duty Petition" shall be published in the Federal Register, which shall summarize the reasons for dismissal of the petition.

(d) *Notice to Commission.* A copy of any determination hereunder shall be furnished promptly to the Commission. If the investigation is initiated, such information as has been received relating to the matter under investigation shall be made available to the Commission pursuant to the procedures developed under § 155.28(e) of these Regulations.

§ 155.28 Preliminary determinations.

(a) *In general.* Within 85 days after the date on which a petition is filed under Section 702(b) of the Act, or an investigation is commenced under Section 702(a) of the Act, but not before an affirmative preliminary determination by the Commission under Section 703(a) of the Act, a preliminary determination shall be made, based upon the best information available at the time of the determination, as to whether there is a reasonable basis to believe or suspect that a subsidy is being provided with respect to the merchandise which is the subject of the investigation. If the determination is affirmative, the amount of the net subsidy shall be estimated and stated. If separate enterprises have received materially different benefits, such differences shall also be estimated and stated. Notice of the determination, the parties affected, and the estimated net subsidy shall be published in the Federal Register. The determination, which shall contain a statement of the facts and conclusions of law upon which it is based, shall be mailed or otherwise delivered to all interested parties party to the proceeding and the Commission and shall be published in the Federal Register.

(b) *Extraordinarily complicated cases.* (1) If a case is determined to be extraordinarily complicated, the preliminary determination shall be made no later than the 150th day after the petition is filed under section 702(b) of the Act, or an investigation is commenced under section 702(a) of the Act.

(2) Any determination that a case is "extraordinarily complicated" shall be based on express findings that:

(i) The importing and exporting parties are cooperating with the investigation;

(ii) The case is extraordinarily complicated by reason of (A) the number and complexity of the alleged subsidy practices under investigation, (B) the novelty of the issues presented, (C) the need to determine the extent to which particular subsidies are used by individual manufacturers, producers, exporters, or (D) the number of firms whose activities must be investigated; and

(iii) Additional time is needed to make the preliminary determination.

(3) All parties to the proceeding shall be notified in writing of any determination to treat the case as "extraordinarily complicated," not later than 20 days before the date on which the preliminary determination would otherwise be required under section 703(b) of the Act. Upon making such a determination, a notice of "Postponement of Preliminary Determination" shall be published in the Federal Register, which notice shall summarize the reasons for the postponement.

(c) *Request for extension by petitioner.* If a request for an extension is received from the petitioner no later than 25 days before the preliminary determination would otherwise be required under section 703(b) of the Act, the preliminary determination may be postponed until not later than the 150th day after the date on which the petition is filed. Upon acting on such a request a notice of "Postponement of Preliminary Determination" shall be published in the Federal Register, stating it has been made at the petitioner's request.

(d) *Contents of preliminary determination.* The preliminary determination shall include conclusions with regard to all facts and issues of law considered material to the determination, and shall, if affirmative:

(1) Order the suspension of liquidation of all entries of merchandise subject to the determination which are entered, or withdrawn from warehouse, for consumption on or after the date of publication of the notice of the determination in the Federal Register; and

(2) Impose provisional measures by directing each district director of Customs to require a cash desposit, or the posting of a bond or other security, as he deems appropriate, for each entry of the merchandise concerned equal to the estimated amount of the net subsidy applicable to such merchandise.

(e) *Commission access to information.* All information upon which the determination was based and which the Commission may consider relevant to its injury determination shall be made available to the Commission pursuant to such procedures as the Commission, together with the Commissioner of Customs, may establish to prevent disclosure, other than with the consent of the party providing it or under protective order, of any information to which confidential treatment has been given.

§ 155.29 Critical circumstances determinations.

(a) *Determination.* If, not less than 30 days before the date on which a final determination is due, a petitioner alleges critical circumstances, then at the time the preliminary determination is made or, if such determination is due within 20 days or has already been made, then within 1 month after the allegation is received, a determination shall be made whether there is a reasonable basis to believe or suspect that there have been massive imports of the merchandise subject to the investigation over a relatively short period, and if so, whether the alleged subsidy is an export subsidy inconsistent with the Agreement on Subsidies and Countervailing Measures. If, not more than 30 but not less than 20 days before the date on which a final determination is due, a petitioner alleges critical circumstances, then no preliminary determination as to critical circumstances shall be made. A finding as to critical circumstances shall be included pursuant to § 155.33(b) in the Affirmative Final Determination. In making such determination, account shall be taken of such factors as the import penetration of the subject merchandise and historic patterns of importation.

(b) *Notification of Commission.* The Commission shall be notified promptly of any determination under this section.

(c) *Suspension of liquidation.* Upon an affirmative preliminary determination of critical circumstances, any suspension of liquidation ordered under Section 703(d)(1) of the Act shall apply, or if notice of suspension of liquidation has already been published, such suspension shall be amended to apply, to unliquidated entries of merchandise entered, or withdrawn from warehouse, for consumption on or after the date which is 90 days before the date on which suspension of liquidation was first ordered.

(d) *Publication of notice.* Upon an affirmative preliminary determination of critical circumstances, a notice thereof shall be published in the Federal Register, either as part of the notice of preliminary determination, or, if occurring later, as a separate notice of "Preliminary Determination of Critical Circumstances."

§ 155.30 Termination of investigation.

(a) *Termination upon withdrawal of petition.* A countervailing duty investigation may be terminated by the Secretary at any time upon withdrawal by the petitioner of the petition on which the investigation was initiated, after notice to all other parties to the investigation and consultation with the Commission. No investigation shall be terminated unless it is determined such termination is in the public interest. Notice of any termination shall be published in the Federal Register, together with a copy of any correspondence exchanged with the petitioner on the basis of which the petitioner withdrew the petition and the investigation was terminated.

(b) *Termination upon negative determinations.* An investigation shall be deemed terminated, without further comment or action, upon publication of any negative final determination, including a negative determination by the Commission on the issue of injury.

§ 155.31 Suspension of investigations.

(a) *Agreements to eliminate or completely offset a subsidy or to cease exports.* An investigation may be suspended at any time before a final determination if the government of the country in which the subsidy practice allegedly occurs agrees, or exporters who account for substantially all of the imports of the merchandise which is the subject of the investigation agree:

(1) To eliminate completely the subsidy or to offset completely the amount of the net subsidy, with respect to the merchandise exported directly or indirectly to the United States; or

(2) To cease exports of that merchandise to the United States.

within 6 months after the date on which the proceeding is suspended.

(b) *Agreements eliminating injurious effect.*—(1) *Generally.* An investigation may be suspended at any time before a final determination upon acceptance of an agreement from a government of the country in which the subsidy practice exists, or from exporters accounting for substantially all of the imports of the merchandise which is the subject of the investigation, if it is determined.

(i) Extraordinary circumstances are present; and

(ii) The agreement will eliminate completely the injurious effect of the exports to the United States of the merchandise which is the subject of the investigation.

(2) *Additional requirements.* Except for the case of an agreement by a foreign government to restrict the volume of imports of merchandise into the United States which is the subject of the investigation, no agreement under this subsection may be accepted unless:

(i) The suppression or undercutting of prices of like domestic products by imports of the merchandise will be prevented; and

(ii) At least 85 percent of the net subsidy will be eliminated or offset with respect to each exporter subject to the agreement.

(3) *Quantitative restrictions agreements.* An agreement to restrict the volume of imports of merchandise which is the subject of the investigation may be accepted only from the government of the country from which such merchandise is exported.

(c) *Definition of "substantially all".* For purposes of section 704 (b) and (c) of the Act, exporters who account for "substantially all" of the imports in question shall mean exporters who have accounted for no less than 85 percent by volume of the subject merchandise imported into the United States during the period of investigation, or such other recent, representative period determined appropriate. The number and identity of affected exporters shall be considered no less frequently than once annually in connection with the determination required under section 751 of the Act, and, if appropriate, additional or different exporters may be required to furnish assurances to ensure continued applicability of the assurance to the requisite percentage of the affected trade.

(d) *Definition of "extraordinary circumstances."* For purposes of Section 704(c) of the Act, "extraordinary circumstances" shall mean circumstances in which (1) suspension of the investigation will be more beneficial to the domestic industry than continuation of the investigation, and (2) the investigation is complex. For purposes of this section, "complex" shall mean there are a large number of alleged subsidy practices which are complicated, the issues raised are novel, or the number of exporters involved is large.

(e) *Monitoring of agreements.* No agreement under section 704 of the Act shall be accepted unless effective monitoring of the agreement is practicable. In accepting assurances and in monitoring compliance therewith, the Secretary shall not be obliged to ascertain on a continuing basis the level of domestic prices of merchandise like that covered by the agreement.

(f) *Public interest.* No agreement under section 704 of the Act shall be accepted unless the agreement is determined to be in the public interest.

(g) *Exports not to increase during interim period.* No agreement under section 704(b) of the Act shall be accepted unless that agreement provides an adequate means of ensuring that the quantity of the merchandise covered by that agreement and exported to the United States during the period provided for the elimination or offset of the subsidy or cessation of exports does not exceed the quantity of such merchandise exported to the United States during the most recent representative period determined to be appropriate to the case. In ordinary circumstances, the representative period shall refer either to the six months preceding the month in which the petition was filed or the comparable six month period of a year earlier. If deemed necessary, an order excluding from entry, or withdrawal from warehouse, for consumption, any entries of the subject merchandise in excess of the quantity exported to the U.S. during the period determined to be representative shall be ordered.

(h) *Procedures for suspension of investigations.* Prior to accepting any agreement under section 704:

(1) A copy of the proposed agreement shall be furnished to the petitioner no less than 30 days prior to the proposed suspension of the investigation. Any such agreement shall contain the procedures to be followed to monitor compliance, and a statement of the compatability of the agreement with the requirements of subsections (b) and (d) or (c) and (d) of section 704 of the Act;

(2) All parties to the proceeding shall be notified of the proposed suspension not less than 30 days prior thereto; and

(3) All parties to the proceeding and other government agencies which may have an interest in the effects of the agreement shall be afforded an opportunity to submit written comments and information for the record with respect to the proposed suspension.

(i) *Issuance of an affirmative preliminary determination.* Upon acceptance of an agreement to suspend an investigation, a "Notice of Suspension of Countervailing Duty Investigation" shall be published in the Federal Register, including a summary of the principal provisions of the agreement on the basis of which the investigation was suspended. Unless an Affirmative Preliminary Determination has already been issued, an "Affirmative Preliminary Determination" shall be published together with the notice suspending the investigation.

(j) *Suspension of liquidation*—(1) *Elimination of subsidy; complete offset of net subsidy or cessation of exports.* If an agreement is accepted which provides for the elimination of a subsidy, complete offset of the net subsidy, or cessation of exports of the subsidized merchandise to the United States pursuant to section 704(b) of the Act, then, notwithstanding the issuance of an Affirmative Preliminary Determination, the liquidation of entries of merchandise covered by the agreement shall not be suspended. If liquidation has previously been suspended in the investigation, such suspension shall, without further comment or action, terminate on the date the notice is published and estimated duties shall be refunded, or other bonds or security shall be released.

(2) *Other suspension agreements.* Agreements to suspend an investigation other than those described in paragraph (j)(1) of this section shall not affect the suspension of liquidation of entries of merchandise (except that the security required may be adjusted to reflect the effect of the agreement) until the Commission has completed its review of the suspension agreement, if such review is requested. If no request for review of suspension is received by the Commission within 20 days after the "Notice of Suspension of Countervailing Duty Investigation" is published, the suspension of liquidation shall, without further comment or action, terminate on the 21st day after such publication.

(k) *Commission review.* Where the Commission, having undertaken a review of an agreement to suspend an investigation other than one described in paragraph (j)(1) of this section, makes a negative determination, the Secretary shall resume his investigation on the date of publication of such determination as if the affirmative preliminary determination under § 155.28 had been made on that date. Where the Commission makes an affirmative determination in such a case, the Secretary shall terminate the proceeding, including any suspension of liquidation which may then be in effect, and all estimated duties shall be refunded and all bonds or other security shall be released.

(1) *Continuation of investigation.* By filing a request with both the Commissioner of Customs and the Commission on the same date, the foreign government of the country, the products of which are the subject of an agreement to suspend an investigation, or the petitioner or any other domestic interested party (within the meaning of subparagraph (C), (D), or (E) of section 771(9) of the Act), which is a party to the proceeding, may during the 20-day period following the date of publication of the notice of suspension, request a continuation of the investigation. Upon receiving such a request, the Secretary and Commission shall continue the investigation. If, as a result of such continued investigation, a Final Negative Determination is made or the Commission makes a negative injury determination, the investigation shall be terminated, without further comment or action, and notice thereof published in the Federal Register. If an Affirmative Final Determination is made and the Commission makes an affirmative injury determination, the suspension shall remain in effect in accordance with its terms. The provisions of paragraph (j) of this section regarding the suspension of liquidation of entries of merchandise covered by the agreement are unaffected by this subsection.

§ 155.32 Violations of agreements.

(a) *In general.* If it is determined that an agreement on the basis of which an investigation was suspended is being, or has been, violated, or no longer meets the requirements of subsections (b) and (d) or (c) and (d) of section 704 of the Act:

(1) Liquidation of unliquidated entries of merchandise shall be suspended effective as of the later of the date which is 90 days before the date of publication of the notice of suspension of liquidation, or the date on which the merchandise, the sale or export to the United States of which was in violation of the agreement, was first entered, or withdrawn from warehouse, for consumption;

(2) If the investigation was not completed, the investigation shall be resumed as if an Affirmative Preliminary Determination was made on the day on which the investigation is resumed;

(3) If the investigation was completed, a Countervailing Duty Order shall be issued, effective with respect to entries the liquidation of which was suspended upon the determination that the agreement had been violated; and

(4) The petitioner, interested parties who are or were party to the proceedings, and the Commission shall be notified and notice of the determination shall be published in the Federal Register, including a summary of the reasons therefor.

(b) *Notice of possible breach.* If there is reason to believe that an agreement no longer meets the requirements of the Act or that an agreement is being breached even though there has been no overt action on the part of any party to the agreement, each party to the agreement shall be notified at the earliest moment, so that alternative or amended agreements may be considered before the agreement is deemed violated.

(c) *Intentional violations.* The intentional violation of any agreement entered into under section 734 of the Act shall subject any person who is party to the agreement and is determined to have intentionally violated it to the same penalties as for a fraudulent violation of section 592 of the Tariff Act of 1930 (19 U.S.C. 1592). The procedural requirements of section 592 and 19 CFR Part 171 shall be applicable to any action to collect penalties.

§ 155.33 Final determinations.

(a) *In general.* Within 75 days after the date of a Preliminary Determination, a Final Determination shall be made of whether a subsidy is being provided with respect to the merchandise subject to the investigation.

(b) *Critical circumstances.* If critical circumstances have been alleged and an Affirmative Final Determination reached, then it shall include a finding of whether the subsidy is inconsistent with the Agreement, and whether there have been massive imports of the class or kind of merchandise involved over a relatively short period.

(c) *Disclosure of information.* Promptly after making the Preliminary Determination, there shall be disclosed to each interested party then a party to the proceedings who request such disclosure, all non-confidential information and, where appropriate,

pursuant to a protective order, confidential information, on the basis of which the preliminary determination was made.

(d) *Opportunity of parties to present views.* Prior to making the Final Determination, an opportunity shall be provided for all parties to be heard orally in person or by counsel before a designated official pursuant to § 155.35. Written views will be received from any person at any time: *Provided,* That, unless an order entered in a particular proceeding otherwise provides, consideration of written views may be declined if received more than 10 days after the transcript of any hearing is available to the public or less than 30 days before the Final Determination is due, whichever is earlier.

(e) *Notice of determination.* Notice of the Final Determination, the parties affected and the estimated net subsidy, if any, shall be published in the Federal Register. Copies of the determination shall be mailed or otherwise delivered to all interested parties, party to the proceeding and the Commission.

(f) *Contents of final determinations.* The Final Determination shall include conclusions with regard to all facts and issues of law considered material to the Determination. If the Determination is affirmative, the amount of the net subsidy shall be estimated and stated, and the nature of the subsidy determined. If separate enterprises have received materially different benefits, such differences shall be estimated and stated.

(g) *Effect of negative final determination.* If the Final Determination is negative, the proceeding shall be terminated including any suspension of liquidation which may then be in effect, and all duties refunded and all bonds or other security released.

(h) *Effect of negative final determination by Commission.* If the Final Determination by the Commission under section 735(b) is negative, the proceeding shall be terminated including any suspension of liquidation which may then be in effect, and all duties refunded and all bonds or other security released.

§ 155.34 Submission of information and written views.

(a) *Submission of information and written views.* Except in situations where it would be manifestly unjust, any information or written views submitted in connection with a proceeding shall be considered only if received within the time established by these regulations or specific instructions applicable to such submission; any information or written views received after such time shall not be considered in the proceeding. Any written views intended to be considered in connection with a proceeding shall be submitted on letter-size paper, double spaced, in 10 copies, to the Commissioner of Customs. A copy shall also be served at the same time, by mail or personal service, on counsel for each party to the proceeding as of the date of such filing, or if not represented by counsel, then the person designated for such purpose by the party. A certificate of such service shall accompany any such filing.

(b) *Designation of agent.* Every party to the proceeding shall designate a person to receive service of all papers filed in a proceeding. A list of such designated agents shall be made available by the Customs Service.

§ 155.35 Hearings.

During the course of an investigation, normally within 30 days after the Preliminary Determination is published, a hearing shall be held, upon the request of any party to the proceeding, to provide interested persons an opportunity to present views orally. Such hearing shall be conducted before a designated official. A verbatim record shall be transcribed and copies of the transcript made available to the public. The hearing shall not be subject to the Administrative Procedures Act, and shall not involve the examination or cross examination of witnesses under oath. At the discretion of the officer conducting the hearing, persons not parties to the proceeding, including officials of other agencies or departments of the United States Government, may present views. If not included in the notice of the preliminary determination, notice of such a hearing shall be published in the Federal Register. All requests for hearings shall be accompanied by a statement outlining the issues which the person wishes to discuss. Reasonable notice of the hearing will be given to all parties to the proceeding. One week prior to such a hearing, pre-hearing briefs shall be submitted to the Secretary and exchanged among parties to the proceeding. Persons will be restricted, in their oral presentations, to issues raised in this pre-hearing brief. Any person not submitting such a brief ordinarily will be restricted to rebuttal of points made by other persons. Ordinarily, the presiding officer at a hearing will provide an opportunity for the submission of post-hearing briefs, within the time limits prescribed at the hearing. The Secretary may at any time invite any person to supply him with information or argument.

§ 155.36 Countervailing duty order.

Within seven days of notification by the Commission that it has made an affirmative determination on the issue of injury, a Countervailing Duty Order shall be published that:

(a) Directs customs officers to assess a countervailing duty, on the merchandise found to be benefitting from a subsidy, equal to the amount of the net subsidy determined or estimated to exist, such assessment to be made within 6 months after the date on which the Commissioner has received satisfactory information upon which such assessment may be based, but in no event later than 12 months after the end of the exporter's annual accounting period within which the merchandise is entered, or withdrawn from warehouse, for consumption;

(b) Includes a description of the class or kind of merchandise to which it applies, in such detail as is deemed necessary;

(c) Pending liquidation of entries of the merchandise, requires the deposit of estimated countervailing duties in an amount equal to the amount of the net subsidy found to exist, at the same time as estimated normal customs duties on that merchandise are deposited; and

(d) Includes information concerning "critical circumstances," if found to exist.

§ 155.37 Differences in determined and estimated countervailing duties.

If the amount of the estimated countervailing duty deposited pursuant to a Preliminary Affirmative Determination is different from the amount of the countervailing duty determined pursuant to a Countervailing Duty Order, the difference for entries of merchandise entered, or withdrawn from warehouse, for consumption before notice of the Commission's affirmative Final Determination shall be:

(a) Disregarded, to the extent that the estimated duty is lower than the duty determined to be assessable under the Order; or

(b) Refunded, to the extent that estimated duties collected were higher than the duty determined to be assessable under the Order.

§ 155.38 Effect on firms not benefiting from subsidy.

Any firm which does not benefit from a subsidy alleged or found to have been granted to other firms producing or exporting the merchandise subject to the investigation shall, on timely application therefor, be excluded from a Countervailing Duty Order.

§ 155.39 Verification of information; use of best information available.

(a) Information upon which a Final Determination or a revised Countervailing Duty Order is based shall be verified, whether submitted by a foreign or domestic party. The methods and procedures used to verify information in a particular case shall be published in the Federal Register in the "Notice of Affirmative Final Countervailing Duty Determination," "Notice of Negative Final Countervailing Duty Determination," or revised Countervailing Duty Order as appropriate.

(b) Whenever information cannot be satisfactorily verified, or is not submitted in timely fashion or in the form required, the affected determination required will be made on the basis of the best information then otherwise available, which may include the information submitted in support of the petition. Where a party to the proceeding unreasonably refuses to provide requested information, that fact may be taken into account in determining what is the best available information.

(c) In verifying information under this section, access to files, records and personnel with relevant information may be requested by personnel of the Customs Service as a part of the verification process. In addition to information relating to alleged subsidies, information as to sales (including customers) and prices thereof on sales to the United States during the period of investigation by foreign manufacturers, producers or exporters shall be requested. Failure to permit such access may prevent satisfactory verification and require the application of paragraph (b) of this section.

(d) All responses to requests for information must be in English and in the form requested unless such requirement is waived. Failure to supply information in the form requested may require the application of paragraph (b) of this section.

(e) Responses to all questionnaires directed to foreign parties shall be forwarded by airmail or faster means simultaneously to the Commissioner of Customs and to the U.S. Embassy in the country in question and shall be deemed timely received if received at either office within the time required by any specific request, order or regulation.

§ 155.40 Interest on certain overpayments and underpayments.

Interest shall be payable, at the rate in effect under section 6621 of the Internal Revenue Code of 1954 on the date on which the rate or amount of duty is finally payable, or 8 percent, whichever is higher, on overpayments and underpayments of amounts deposited on merchandise entered, or withdrawn from warehouse, for consumption on or after the date on which notice of an affirmative determination by the Commission with respect to that merchandise is published.

§ 155.41 Administrative review of determinations.

(a) *In general.* At least once during each 12-month period beginning on the anniversary of the date of Countervailing Duty Order is published, the amount of any net subsidy and the status of, and compliance with, any agreement by reason of which an investigation was suspended, shall be redetermined.

(b) *Changed circumstances.* Whenever the Secretary receives information concerning, or a request for the review of, an agreement on the basis of which an investigation was suspended or a Countervailing Duty Order, which shows changed circumstances sufficient to warrant review of such agreement or Order, he shall, before conducting such review, publish a "Notice of Intention to Review Suspension Agreement (or Countervailing Duty Order)" in the Federal Register. Such Notice shall indicate the merchandise concerned and any changed circumstances or other significant issues then known which will be considered during the review. In the absence of good cause shown, no review based on allegations of changed circumstances shall be conducted within 24 months after the date of an Affirmative Final Determination.

(c) *Procedures.* Written views on proposed revisions of a Countervailing Duty Order, including new facts for examination, will be accepted at any time, but unless substantially changed circumstances are alleged, normally will not be processed sooner than 90 days before such redetermination is due for publication. Questionnaires requesting current relevant data will normally be sent 75 days before such date, requesting reply within 15 days of receipt. A disclosure may be made, generally about 30 days prior to the date the redetermination is due for publication, on request by parties then party to the proceedings, to such interested parties of all non-confidential information and, where appropriate, pursuant to a protective order, confidential information, on the basis of which the redetermination will be made. Written views may be presented, and an opportunity to present oral views may be requested, by any party to whom disclosure was made. After providing an opportunity for comment by interested parties on the proposed determination, a revised Countervailing Duty Order, including any revised bases for the assessment of duties on the merchandise, shall be published in the Federal Register.

§ 155.42 Revocation of countervailing duty order and termination of suspension.

A Countervailing Duty Order may be revoked, in whole or in part, or a suspended investigation terminated, if, for a period of 3 successive years, the rate of imposition of countervailing duties is zero or there are no imports subject to such duties. The procedures for such revocation shall be the same as those set sorth in § 155.41.

§ 155.43 Subsidy practices discovered during an investigation.

If, during an investigation, a practice is discovered which appears to be subsidy with respect to the merchandise under investigation, which practice was not included in the allegations in the petition, that practice shall be included in the scope of the investigation if the Secretary determines it is practicable in light of the time limits applicable to such investigation. In all cases, the parties to the proceeding shall be notified of any practice discovered and whether it will be included in the investigation. Failure to include any practice so discovered in a pending investigation is without prejudice to its consideration pursuant to § 155.41.

Subpart D—Action by District Director of Customs

§ 155.50 Action by the District Director; Suspension of liquidation.

Upon receipt of notification from the Commissioner, each district director of Customs shall suspend liquidation on merchandise entered, or withdrawn from warehouse, for consumption, on or after the date of publication of the "Notice of Preliminary Affirmative Countervailing Duty Determination," "Notice of Final Affirmative Countervailing Duty Determination" or "Notice of Violation of Agreement." Each district director shall immediately notify the importer, consignee, or agent of each entry of merchandise in question with respect to which liquidation is suspended. Such notice shall indicate the relevant ascertained and determined or estimated countervailing duty.

§ 155.51 Conversion of currencies.

For purposes of this part, any necessary conversion of a foreign currency into its equivalent in United States currency shall be made in

accordance with the provisions of section 522 of the Tariff Act of 1930, as amended (31 U.S.C. 372) and Part 159, Subpart C of this chapter.

Subpart E—Action with Respect to Quota Cheese

§ 155.60 Scope.

This subpart sets forth procedures and rules applicable to the determination and listing of net subsidies by the Department with respect to quota cheese under section 702 of the Trade Agreements Act of 1979, Pub. L. 96-39 (July 26, 1979), 93 Stat. 144 (hereinafter referred to as "the Trade Act").

§ 155.61 Annual listings and quarterly determinations.

(a) *Publication of annual listing.* Not later than January 1 of each year beginning with 1980, the Department, in consultation with the Secretary of Agriculture, shall determine on the basis of the best information then available whether any foreign government is providing a net subsidy with respect to any article of quota cheese (as defined in section 701(c)(1) of the Trade Act), and shall publish in the Federal Register a list of the type and amount of each such net subsidy determined to exist. With regard to annual listings published on or after January 1, 1981, such list shall incorporate the changes and additional net subsidies determined for the preceding calendar year under paragraph (b) and § 155.62.

(b) *Quarterly publication.* Not later than April 1, 1980, and July 1, October 1, January 1, and April 1 of each year thereafter, the Department shall, in consultation with the Secretary of Agriculture, determine on the basis of the best information then available whether there have been any changes in the type or amount of any net subsidy included in the current annual list under paragraph (a) of this section and whether any net subsidy not included in such list is being provided by a foreign government, and shall publish in the Federal Register its findings with respect to any such changes and additional net subsidies.

§ 155.62 Determinations upon request.

(a) *Request for determination.* Any person, including the Secretary of Agriculture, who has reason to believe there have been changes in the type or amount of any net subsidy included in the current annual listing under § 155.61(a) (as modified by any quarterly modification under § 155.61(b)) or that a net subsidy not included in such list (as modified) is being provided by a foreign government, may, by filing a petition, request the Department to determine whether there have been any changed or additional net subsidies.

(b) *Contents of petition.* Any petition requesting a determination under paragraph (a) of this section shall be filed jointly with the Commissioner of Customs, 1301 Constitution Avenue, N.W., Washington, D.C. 20229, and with the Secretary of Agriculture. Such petition shall allege either a change in the type or amount of any net subsidy included in the current annual listing under § 155.61(a) (as modified by any quarterly modification under § 155.61(b)) or an additional net subsidy provided by a foreign government not included in such list (as modified), and shall contain, or be accompanied by, information reasonably available to the petitioner in substantially the following form:

(1) The name and address of the petitioner and any other person the petitioner represents, if appropriate;

(2) The article of quota cheese allegedly benefitting from the changed or additional subsidy;

(3) The country of origin of such article of quota cheese;

(4) The names and addresses of enterprises believed to be benefitting from the net subsidy and exporting the merchandise so benefitted to the United States; and

(5) All pertinent facts with regard to the alleged changed or additional net subsidy including, if known, the statutory or other authority under which it is provided, the manner in which it is paid, and the value of such net subsidy when received and used by producers or sellers of the article.

The petition and, to the extent feasible, all supporting information, shall be submitted on letter-size paper, double spaced typewritten or printed, in 10 copies. Unless such requirement is waived in individual cases, any information submitted in the petition or in support thereof, which is in a foreign language, must be accompanied by an English translation.

(c) *Determination.* Not later than 30 days after receiving an acceptable request, the Department shall—

(1) In consultation with the Secretary of Agriculture, determine on the basis of the best information then available whether there have been any changes in the type or amount of any net subsidy included in the current annual listing under § 155.61(a) (as modified by any quarterly modification under § 155.61(b)) or whether any net subsidy not included in such list (as modified) is being provided by a foreign government;

(2) Notify the person making the request of such determination; and

(3) Publish in the Federal Register notice of any such changes in, or additional, net subsidies.

Any determination under this section shall be in addition to the annual listings and quarterly determinations under § 155.61.

§ 155.63 Complaints of price-undercutting by subsidized imports.

Upon receipt of a complaint filed under section 702(b) of the Trade Act concerning price-undercutting by subsidized imports, the Department shall promptly determine whether the alleged net subsidies are included in the current annual listing under § 155.61(a) (as modified by any quarterly modification under § 155.61(b)) or are identical in type or amount from any net subsidy included in such listing or modification. The Secretary of Agriculture shall be notified immediately if this determination is affirmative. If, however, it is determined that the complaint alleges a net subsidy not included in the current annual list or different in type or amount from any subsidy so included, the Department shall, not later than 30 days after receipt of such notification, make a determination under § 155.62(c); and, in addition to notifying the complainant of the determination and publishing notice thereof in the Federal Register, as provided in § 155.62(c), the Department also shall report such determination to the Secretary of Agriculture. All complaints under section 702(b) of the Trade Act shall be filed jointly with the Secretary of Agriculture and with the Commissioner of Customs, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

§ 153.64 Access to Information.

The procedures concerning access to, and confidential treatment of, information, contained in Subpart B of this part, shall apply to information submitted in connection with this subpart.

[FR Doc. 79-30845 Filed 10-2-79; 8:45 am]
BILLING CODE 4810-22-M

federal register

Wednesday
October 3, 1979

Part IV

Office of Management and Budget

Budget Deferral; Revision

Office of Management and Budget

Budget Deferral; Revision

To the Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith report a routine revision to a previously transmitted deferral for the Department of Transportation. This revision increases the amount deferred by $5.0 million. the details of this revised deferral are contained in the attached report.

The White House,

September 28, 1979.

BILLING CODE 3110-01-M

CONTENTS OF SPECIAL MESSAGE
(in thousands of dollars)

Deferral No.	Item	Budget Authority
	Department of Transportation	
	Federal Aviation Administration	
D79-19A	Civil supersonic aircraft development termination	$5,004

* *

SUMMARY OF SPECIAL MESSAGES
FOR FY 1979
(in thousands of dollars)

	Rescissions	Deferrals
Fourteenth special message:		
Change to amount previously submitted	---	5,001
Effect of fourteenth special message	---	5,001
Previous special messages	908,692	4,680,336
TOTAL AMOUNT PROPOSED IN SPECIAL MESSAGES	908,692	4,685,337

D79-19A

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of Public Law 93-344

This report updates deferral no. D79-19 transmitted to the Congress on October 2, 1978, and printed as House Document 95-392.

This revision to a deferral for the Federal Aviation Administration's (FAA) Civil supersonic aircraft development termination account increases the amount deferred from $3,123 to $5,003,623. This increase of $5,000,500 is due to (a) a recovery of $10,000,000 in prior-year obligations, (b) an increase of $500 in unobligated balances brought forward from FY 1979, and (c) a $5,000,000 transfer from this account to the FAA's Operations account made in P.L. 96-38 to cover increased pay costs.

Deferral No: D79-19A

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Transportation	New budget authority (P.L._____) $ _____
Bureau: Federal Aviation Administration	Other budgetary resources 5,003,623*
Appropriation title & symbol: Civil Supersonic Aircraft Development Termination 1/ 69X0106; Civil Supersonic Aircraft Development 1/ 69X1358	Total budgetary resources 5,003,623*
	Amount to be deferred: Part of year $ _____
	Entire year 5,003,623*
OMB identification code: 69-0106-0-1-402	Legal authority (in addition to sec. 1013): [X] Antideficiency Act
Grant program [ ] Yes [X] No	[ ] Other _____
Type of account or fund: [ ] Annual; [ ] Multiple-year _____ (expiration date); [X] No-year	Type of budget authority: [X] Appropriation; [ ] Contract authority; [ ] Other _____

Coverage*	Total Budgetary Resources and Amount Deferred
Civil Supersonic Aircraft Development Termination	$ 2,264
Civil Supersonic Aircraft Development	5,001,359
TOTAL	$5,003,623

Justification: This account finances the termination of the supersonic transport development program. The total cost of settlement of contractor claims and closeouts, airline refunds, completion of specifically designated technology programs, and necessary governmental administrative costs incidental to these activities is included. These funds were appropriated by the Department of Transportation and Related Agencies Appropriation Acts, 1971 and 1972. Because of the difficulty in ending such a complex and massive undertaking, termination has taken a number of years. Settlement is being accomplished as quickly as possible consistent with the legitimate claims of the contractors and the protection of government interests.

Estimated Effect: This deferral action has no programmatic or budgetary effect.

Outlay Effect: There is no outlay effect of this deferral because the funds could not be used if made available.

1/ This account was the subject of a similar deferral during FY 1978.
* Revised from previous report.

[FR Doc. 79-30625 Filed 10-2-79; 8:45 am]
BILLING CODE 3110-01-C

Reader Aids

Federal Register
Vol. 44, No. 193
Wednesday, October 3, 1979

INFORMATION AND ASSISTANCE

Questions and requests for specific information may be directed to the following numbers. General inquiries may be made by dialing 202-523-5240.

Federal Register, Daily Issue:

202-783-3238	Subscription orders (GPO)
202-275-3054	Subscription problems (GPO)
	"Dial-a-Reg" (recorded summary of highlighted documents appearing in next day's issue):
202-523-5022	Washington, D.C.
312-663-0884	Chicago, Ill.
213-688-6694	Los Angeles, Calif.
202-523-3187	Scheduling of documents for publication
523-5240	Photo copies of documents appearing in the Federal Register
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523-5235	Public Briefings: "How To Use the Federal Register."

Code of Federal Regulations (CFR):

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Presidential Documents:

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523-5235	Public Papers of the Presidents, and Weekly Compilation of Presidential Documents

Public Laws:

523-5266 -5282	Public Law Numbers and Dates, Slip Laws, U.S. Statutes at Large, and Index
275-3030	Slip Law Orders (GPO)

Other Publications and Services:

523-5239	TTY for the Deaf
523-5230	U.S. Government Manual
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523-3517	Privacy Act Compilation

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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, 1978.)

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

Note: There were no items eligible for inclusion in the list of Rules Going Into Effect Today.

Next Week's Deadlines for Comments On Proposed Rules

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

46288 8-7-79 / Beef Research and Information Order, procedure for conduct of referendums; comments by 10-9-79

52690 9-10-79 / Irish potatoes grown in Colorado; comments by 10-10-79

Agricultural Stabilization and Conservation Service—

46288 8-7-79 / Beef Research and Information Order, procedure for conduct of referendums; comments by 10-9-79

Animal and Plant Health Inspection Service—

46290 8-7-79 / Label requirements for certain canine vaccines; comments by 10-9-79

46290 8-7-79 / Viruses, serums, toxins, and analogous products; revised packaging requirements; comments by 10-9-79

Commodity Credit Corporation—

47096 8-10-79 / Cotton; price support program; comments by 10-9-79

Farmers Home Administration—

39432 7-6-79 / Planning and Performing Development Work; comments by 10-12-79

[Corrected and comments period extended at 44 FR 47774, 8-15-79]

Federal Crop Insurance Corporation—

46468 8-8-79 / Soybean crop insurance procedures; comments by 10-9-79

Food Safety and Quality Service—

47096 8-10-79 / Eggs, egg products and plants; mandatory inspection; comments by 10-10-79

Food and Nutrition Service—

47037 8-10-79 / Food Stamp Program; payment of certain administrative costs of state agencies; comments by 10-9-79

Forest Service—

46480 8-8-79 / Grazing fee system, southern region; amending procedures; comments by 10-9-79

COMMERCE DEPARTMENT

Maritime Administration—

46492 8-8-79 / Documentation, transfer or charter of vessels; amendment of charges for processing certain applications; comments by 10-9-79

ENERGY DEPARTMENT

Economic Regulatory Administration—

48696 8-20-79 / Distribution of strategic petroleum reserve crude oil; comments by 10-10-79

Federal Energy Regulatory Administration—

53493 9-14-79 / Natural gas policy and procedures; comments by 10-9-79

ENVIRONMENTAL PROTECTION AGENCY

52850 9-11-79 / Air quality planning; attainment status designations; Calif.; comments by 10-11-79

52000 9-6-79 / Approval and promulgation of implementation plans; Request for 18-month extensions: Florida, North Carolina, and Tennessee; comments by 10-9-79

47959 8-16-79 / Approval and promulgation of implementation plans; comments by 10-12-79

49402 8-22-79 / Forty-five wastes added to proposed list; comments by 10-12-79

40784 7-12-79 / Gaseous emission regulations for 1983 and later model year light-duty trucks; comments by 10-10-79

49277 8-22-79 / Hazardous waste and hazardous waste management; comments by 10-9-79 (2 documents)

49402 8-22-79 / Hazardous waste guidelines and regulations; comments by 10-12-79

47350 8-13-79 / Michigan; approval and promulgation of nonattainment plan; comments by 10-12-79

46482 8-8-79 / New Jersey State Implementation Plan; proposed revision; comments by 10-9-79

49275 8-22-79 / State program requirements; public participation in enforcement; comments by 10-9-79

52851 9-11-79 / State underground injection control programs; comments period extended to 10-12-79

[Originally published at 43 FR 34244, 6-14-79]

48723 8-20-79 / West Virginia; attainment status designations; comments by 10-10-79

FEDERAL COMMUNICATIONS COMMISSION

48988 8-21-79 / Accounting for station connections, optional payment plan, revenues, and related capital costs, customer provider equipment and sale of terminal equipment; comments by 10-9-79

54511 9-20-79 / Connection of telephone, systems, and protective apparatus to certain private line services; and accommodating 4-wire telephone network connections and interfaces; comments by 10-8-79

44573 7-30-79 / FM broadcast stations in Athens and New Boston, Ohio, and Greenup and Vanceburg, KY.; Table of Assignments; reply comments by 10-8-79

44576 7-30-79 / FM broadcast station in Tahoe City, Calif. Table of Assignments; reply comments by 10-11-79

54734 9-21-79 / One-way radio paging in the special emergency radio service; comments extended to 10-13-79

[Originally published at 44 FR 49704, 8-24-79]

FEDERAL DEPOSIT INSURANCE CORPORATION

52692 9-10-79 / Termination of insured status; comments by 10-9-79

GENERAL SERVICES ADMINISTRATION

Automated Data and Telecommunications Service—

46305 8-7-79 / ADP management; annual validation of COBOL compilers; comments by 10-9-79

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Food and Drug Administration—

52189 9-7-79 / Indirect food additives; Polymers; comments by 10-9-79

Health Care Financing

46899 8-9-79 / Medical Assistance Programs; family planning services; comments by 10-9-79

47117 8-10-79 / Medicare; reimbursement for costs of approved internship and residency programs; comments by 10-9-79

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Government National Mortgage Association—

46891 8-9-79 / Guaranty of mortgage-backed securities; amendment to permit combination mobile home and mobile home lot loans to be included in GNMA mortgage-backed securities program; comments by 10-9-79

Office of the Assistant Secretary for Community Planning and Development—

46836 8-9-79 / Community Development block grants; households who could reasonably be expected to reside; comments by 10-9-79

47512 8-13-79 / Section 312 Rehabilitation Loan Program; interim rule; comments by 10-12-79

Office of Assistant Secretary for Housing—Federal Housing Commissioner—

46885, 46886 8-9-79 / Mutual Mortgage insurance and insured home inprovement loans; comments by 10-9-79 (2 documents)

46835 8-9-79 / Mutual mortgage insurance and improvement loans; dollar limitation increase for solar energy systems; comments by 10-9-79

46996 8-9-79 / Public housing development; revision of requirements; comments by 10-9-79

Office of the Secretary—

47508 8-13-79 / Uniform relocation assistance and real property acquisition; comments by 10-12-79

INTERIOR DEPARTMENT

Geological Survey—

47109 8-10-79 / Unitizations of operations for oil and gas leases; comments by 10-9-79

Heritage Conservation and Recreation Service—

47018 8-9-79 / Urban park and recreation recovery; grant procedure regulations; comments by 10-9-79

Office of Surface Mining Reclamation and Enforcement—

52698 9-10-79 / Abandoned mine reclamation funds; comments by 10-8-79

Reclamation Bureau—

52699 9-10-79 / Recovering costs for use of lands under reclamation control; comments by 10-10-79

JUSTICE DEPARTMENT

Immigration and Naturalization Service—

46853 8-9-79 / False information and criminal activity by nonimmigrants; comments by 10-9-79

LABOR DEPARTMENT

Occupational Safety and Health Administration—

48275 8-17-79 / Guarding of low-pitched-roof perimeters during roof work; comments by 10-12-79

NATIONAL SCIENCE FOUNDATION

46901 8-9-79 / National environmental policy act regulations; supplemental rules to Council on Environmental Quality; comments by 10-9-79

PERSONNEL MANAGEMENT OFFICE

47029 8-10-79 / Pay under other systems; reductions; interim regulations; comments by 10-9-79

46288 8-7-79 / Senior Executive Service, absence and leave; comments by 10-9-79

TRANSPORTATION DEPARTMENT

Federal Aviation Administration—

46858 8-9-79 / Airport aid program; airport development and planning grant projects; comments by 10-9-79

Federal Highway Administration—

46831 8-9-79 / Equal Employment Opportunity Reports; changes to final rule; comments by 10-9-79

46882 8-9-79 / Interstate maintenance guidelines; comments by 10-9-79

Materials Transportation Bureau

36211 6-21-79 / Cryogenic liquids; comments period extended to 10-9-79 and previous proposal modified

[*See also* 44 FR 12826, 3-8-79 and 44 FR 20461, 4-5-79]

Urban Mass Transportation Administration—

50067 8-27-79 / Maintenance of effort requirements; comments by 10-11-79

VETERANS ADMINISTRATION

47336 8-13-79 / Loan guaranty; implementation of new legislation; condominiums; comments by 10-9-79

Next Week's Meetings

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

55615 9-27-79 / Committee on Judicial Review, Washington, D.C. (open), 10-8-79

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

53555 9-14-79 / Hop Marketing Advisory Board, Yakima, Washington (open), 10-10-79

Forest Service—

53260 9-13-79 / Deschutes National Forest Grazing Advisory Board, Bend, Oreg. (open), 10-10-79

52708 9-10-79 / National Forest System Advisory Committee, Eatonville, Wash. (open), 10-9 through 10-11-79

ARMS CONTROL AND DISARMAMENT AGENCY

55405 9-26-79 / General Advisory Committee, Washington, D.C. (closed), 10-11 and 10-12-79

ARTS AND HUMANITIES, NATIONAL FOUNDATION

52057 9-6-79 / Humanities Panel, Washington, D.C. (closed), 10-9 through 10-11-79

53592 9-14-79 / Humanities Panel (closed), Washington, D.C., 10-12 and 10-13-79

53114 9-12-79 / Media Arts Advisory Panel, Washington, D.C. (open), 10-10-79

54368 9-19-79 / Opera-Musical Theater Advisory Panel, Washington, D.C. (partially open), 10-11 through 10-13-79

CIVIL RIGHTS COMMISSION

54530 9-20-79 / New Hampshire Advisory Committee (open), Manchester, New Hampshire, 10-11-79

54530 9-20-79 / North Carolina Advisory Committee (open), Raleigh, North Carolina, 10-9-79

54081 9-18-79 / Tennessee Advisory Committee, Memphis, Tenn. (open), 10-12-79

COMMERCE DEPARTMENT

Census Bureau—

54082 9-18-79 / Census Advisory Committee on Population Statistics, Suitland, Md. (open), 10-12-79

Industry and Trade Administration—

55023 9-24-79 / Computer Systems Technical Advisory Committee, Washington, D.C. (partially open), 10-10-79

55024 9-24-79 / Hardware Subcommittee of the Computer Systems Technical Advisory Committee, Washington, D.C. (partially open), 10-9-79

55025 9-24-79 / Licensing Procedures Subcommittee of the Computer Systems Technical Advisory Committee, Washington, D.C. (open), 10-9-79

National Oceanic and Atmospheric Administration—

53556 9-14-79 / Gulf of Mexico Fishery Management Council's Reef Fishes Advisory Subpanel, Philadelphia, Pa. (open), 10-10 through 10-12-79

54539 9-20-79 / Marine Fisheries Advisory Committee, New Bedford, Mass. (open), 10-10 through 10-11-79

51294 8-31-79 / Pacific Fishery Management Council & Scientific and Statistical Committee, Couer d'Alene, Idaho, 10-10 through 10-12-79

55025 9-24-79 / Pacific Fishery Management Council and Its Scientific and Statistical Committee, Portland, Oreg. (partially open), 10-9 and 10-10-79

[Originally published at 44 FR 51294, 8-31-79]

DEFENSE DEPARTMENT

Corps of Engineers—

50627 8-29-79 / Notice of Intent to prepare draft Environmental Impact Statement, Hauppauge, New York, 10-10-79

50627 8-29-79 / Notice of Intent to prepare draft Environmental Impact Statement, Southampton, New York, 10-9-79

Office of the Secretary—

49009 8-21-79 / Department of Defense Wage Committee, Washington, D.C. (closed), 10-9-79

54538 9-20-79 / DOD Advisory Group on Electron Devices (closed), New York, N.Y., 10-10-79

55027 9-24-79 / Task Force on Evaluation of Audit, Inspection and Investigative Components of the Department of Defense, Washington, D.C. (open), 10-12-79

ENVIRONMENTAL PROTECTION AGENCY

54768 9-21-79 / Federal Insecticide, Fungicide, and Rodenticide Act Scientific Advisory Panel, Arlington, Va. (open), 10-9 and 10-10-79

49402 8-22-79 / Hazardous waste guidelines and regulations; Washington, D.C. (open), 10-9-79

55053 9-24-79 / Science Advisory Board, Subcommittee on Health Risk Assessment, Washington, D.C. (open), 10-11-79

54547 9-20-79 / State-FIFRA Issues Research and Evaluation Group (SFIREG); Working Committee on Registration and Classification, Des Moines, Iowa (open), 10-10 and 10-11-79

FEDERAL COMMUNICATIONS COMMISSION

55223 9-25-79 / Radio Technical Commission for Marine Services, Washington, D.C. (open), 10-10 and 10-11-79

FEDERAL EMERGENCY MANAGEMENT AGENCY

U.S. Fire Administration—

54549 9-20-79 / Board of Visitors for the National Fire Academy, Emmitsburg, Md. (open and closed), 10-8 and 10-9-79

FEDERAL PREVAILING RATE ADVISORY COMMITTEE

53570 9-14-79 / Open Committee, Washington, D.C. (open), 10-11-79

HEALTH, EDUCATION, WELFARE DEPARTMENT

Alcohol, Drug Abuse and Mental Health Administration—

54121 9-18-79 / Epidemiologic and Services Research Review Committee, Washington, D.C. (open and closed), 10-8 through 10-10-79

Food and Drug Administration—

52337 9-7-79 / Antimicrobial Panel, Rockville and Bethesda, Md. (open), 10-12 and 10-13-79

52337 9-7-79 / Oncologic Drugs Advisory Committee, Rockville, Md. (open), 10-11 and 10-12-79

National Institute of Health—

50659 8-29-79 / Aging National Advisory Council, Bethesda, Md. (open) 10-10 through 10-12-79

50657 8-29-79 / Arteriosclerosis, Hypertension and Lipid Metabolism Advisory Committee, Bethesda, Md. (open), 10-12-79

50658 8-29-79 / Board of Scientific Counselors, Bethesda, Md. (open), 10-11 and 10-12-79

55422 9-26-79 / Clinical Trials Review Committee, Boston, Mass. (partially open), 10-11-79

50659 8-29-79 / Child Health and Human Development National Advisory Council, Bethesda, Md. (open), 10-11 and 10-12-79

53107 9-12-79 / Diabetes National Advisory Board, Reston, Va. (open), 10-11 and 10-12-79

50660 8-29-79 / Symposium on Molecular Approaches to Vaccine Development, Bethesda, Md. (open), 10-10-79

49308 8-22-79 / Neurological and Communicative Disorders and Stroke Council Planning National Advisory Subcommittee, Bethesda, Md. (open), 10-10-79

49308 8-22-79 / Neurological and Communicative Disorders and Stroke National Advisory Council, Bethesda, Md. (open), 10-11 and 10-12-79

Office of the Assistant Secretary for Health—

55067 9-24-79 / Health Services Research Review Subcommittee, Bethesda, Md. (partially open), 10-11 and 10-12-79

50920 8-30-79 / National Council on Health Care Technology, Washington, D.C. (open), 10-10-79

Office of the Secretary—

53579 9-14-79 / Advisory Council on Education Statistics, Washington, D.C. (open), 10-10-79

49308 8-22-79 / Environmental Health Sciences National Advisory Council, Research Triangle Park, North Carolina (open), 10-12-79

53108 9-12-79 / Health Care Technology National Council, Washington, D.C., 10-9 and 10-10-79

INTERIOR DEPARTMENT

Fish and Wildlife Service—

54653 9-20-79 / Critical Habitat for the Virginia Big-Eared Bat; Public meeting, Elkins, West Virginia (open), 10-11-79

Land Management Bureau—

54554 9-20-79 / Outer Continental Shelf Advisory Board; Mid-Atlantic Technical Working Group Committee, New York, N.Y. (open), 10-10 through 10-12-79

NATIONAL SCIENCE FOUNDATION

55252 9-25-79 / Advisory Committee for the Division of International Programs, Washington, D.C. (open), 10-11-79

55253 9-25-79 / Advisory Committee for Environmental Biology Subcommittee on Systematic Biology, Washington, D.C. (closed), 10-11 and 10-12-79

55253 9-25-79 / Advisory Committee for Information Science and Technology, Washington, D.C. (open), 10-11 and 10-12-79

55071 9-24-79 / Advisory Committee for Polar Programs Subcommittee on Glaciology, Amherst, N.Y. (open), 10-10 and 10-11-79

55253 9-25-79 / Advisory Committee for Social Sciences, Subcommittee on Law and Social Sciences, Washington, D.C. (open and closed), 10-11 and 10-12-79

NUCLEAR REGULATORY COMMISSION

54708 9-21-79 / Study of Nuclear Power Plant Construction During Adjudication, Bethesda, Md. (open), 10-9 through 10-11-79

PENSION POLICY, PRESIDENT'S COMMISSION

42831 7-20-79 / Study Group on Pension Policy and the Economy, Washington, D.C. (open), 10-10-79

SMALL BUSINESS ADMINISTRATION

53596 9-14-79 / National Advisory Council, Washington, D.C. (open), 10-10 and 10-11-79

54574 9-20-79 / Region VI Advisory Council, Houston, Texas (open), 10-11-79

STATE DEPARTMENT

Office of the Secretary—

54801 9-21-79 / Shipping Coordinating Committee, Subcommittee on Safety of Life at Sea, Washington, D.C. (open), 10-10-79

TRANSPORTATION DEPARTMENT

Coast Guard—

53834 9-17-79 / National Boating Safety Advisory Council, Las Vegas, Nev. (open), 10-9 and 10-10-79

Federal Aviation Administration—

52694 9-10-79 / Informal airspace meeting, San Juan, Puerto Rico, 10-9-79

53835 9-17-79 / Radio Technical Commission for Aeronautics (RTCA), Special Committee 143-Ground Based, Automated Weather, Observation Equipment, Washington, D.C. (open), 10-10-79

National Highway Traffic Safety Administration—

15823 3-15-79 / NHTSA—Public Industry Technical Meetings, Ann Arbor, Mich. (open), 10-10-79

50947 8-30-79 / Safety, Bumper, and Consumer Information Programs, Ann Arbor, Mich. (open), 10-10-79

TREASURY DEPARTMENT

Internal Revenue Service—

52784 9-10-79 / Art Advisory Panel, Washington, D.C. (closed), 10-10 and 10-11-79

49275 8-22-79 / Exemption for certain amateur athletic organizations; Washington, D.C., 10-9-79

VETERANS ADMINISTRATION

51393 8-31-79 / Cooperative Studies Evaluation Committee, Washington, D.C. (open and closed), 10-10 through 10-12-79

Next Week's Public Hearings

ENERGY DEPARTMENT

54336 9-19-79 / Standardization of Motor Fuel Marketing, Memphis, Tenn., 10-10-79

FEDERAL RESERVE SYSTEM

51331 8-31-79 / Bank America Corporation application on expansion of data processing activities, hearing, Philadelphia, Pa., 10-10-79

INTERNATIONAL TRADE COMMISSION

51348 8-31-79 / Marine radar systems from United Kingdom, hearing, Washington, D.C., 10-10-79

LABOR DEPARTMENT

Mine Safety and Health Administration—

53540 9-14-79 / Independent contractors, Lexington, Kentucky, 10-10-79

LIBRARY OF CONGRESS

Copyright Office—

47555 8-14-79 / Claim registration of graphic elements involved in book and printed publication design, Arlington, Va., 10-10-79

POSTAL RATE COMMISSION

12306 3-6-79 / Express Mail Metro Service, Washington, D.C., 1978, 10-10-79

SOCIAL SECURITY NATIONAL COMMISSION

35324 6-19-79 / Social Security, Milwaukee, Wisc., 10-12-79

TRANSPORTATION DEPARTMENT

Research and Special Programs Administration—

53187 9-13-79 / Transportation of liquids by pipelines; Valve spacing on pipelines carrying high volatile liquids, Washington, D.C., 10-11-79

TREASURY DEPARTMENT

Internal Revenue Service—

50064 8-27-79 / Creditability of foreign taxes, Washington, D.C, 10-11-79

49275 8-22-79 / Exemption for certain amateur athletic organizations, Washington, D.C., 10-9-79

Listing of Public Laws

Last Listing September 28, 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).

S.J. Res. 105 / Pub. L. 96-71 To provide for a temporary extension of certain Federal Housing Administration authorities, and for other purposes. (Sept. 28, 1979; 93 Stat. 501) Price: $.75

S. 737 / Pub. L. 96-72 "Export Administration Act of 1979" (Sept. 29, 1979; 93 Stat. 503) Price: $1.75

H.R. 3996 / Pub. L. 96-73 To amend the Rail Passenger Service Act to extend the authorization of appropriations for Amtrak for 2 additional years, and for other purposes. (Sept. 29, 1979; 93 Stat. 537) Price: $1.25

H.R. 4393 / Pub. L. 96-74 "Treasury, Postal Service, and General Government Appropriations Act, 1980" (Sept. 29, 1979; 93 Stat. 559) Price: $1.25

H.R. 5380 / Pub. L. 96-75 To continue in effect any authority provided under the Department of Justice Appropriation Authorization Act, Fiscal Year 1979, for a certain period. (Sept. 29, 1979; 93 Stat. 578) Price: $.75

S. 230 / Pub. L. 96-76 To amend title VIII of the Public Health Service Act to extend through fiscal year 1980 the program of assistance for nurse training, and for other purposes. (Sept. 29, 1979; 93 Stat. 579) Price: $1.00

H.J. Res. 406 / Pub. L. 96-77 To extend by one hundred and twenty days the expiration date of the Defense Production Act of 1950. (Sept. 29, 1979; 93 Stat. 588) Price: $.75

H.R. 5369 / Pub. L. 96-78 To provide for a temporary increase in the public debt limit, and to amend the Rules of the House of Representatives to make possible the establishment of the public debt limit in the future as a part of the congressional budget process. (Sept. 29, 1979; 93 Stat. 589) Price: $.75

Documents Relating to Federal Grant Programs

This is a list of documents relating to Federal grant programs which were published in the Federal Register during the previous week.

DEADLINES FOR COMMENTS ON PROPOSED RULES

55378 9-26-79 / HEW/PHS—Grants for floridation of water for communities and schools; effective 9-26-79; comments by 11-26-79

APPLICATIONS DEADLINES

55437 9-26-79 / HUD/CPD—Deadlines for submission of preapplications for small cities discretionary grants under Community development Block Grant Program; Alabama, 10-29-79; Mississippi, 11-5-79

MEETINGS

55419 9-26-79 / HEW/NIH—Animal Resources Review Committee, Bethesda, Md. (partially open), 11-7-79

55420 9-26-79 / HEW/NIH—Biomedical Library Review Committee, Bethesda, Md. (partially open), 11-13 and 11-14-79

55420 9-26-79 / HEW/NIH— Cancer Control and Rehabilitation Advisory Committee, Bethesda, Md. (open), 10-22-79

55420 9-26-79 / HEW/NIH—Genetic Basis of Disease Review Committee, Bethesda, Md. (partially open), 11-19 and 11-20-79

55421 9-26-79 / HEW/NIH—Maternal and Child Health Research Committee, Bethesda, Md. (partially open), 11-15-79

55421 9-26-79 / HEW/NIH—National Advisory Eye Council, Bethesda, Md. (partially open), 10-25 and 10-26-79

55420 9-26-79 / HEW/NIH—National Heart, Lung, and Blood Institute Board of Scientific Counselors, Bethesda, Md. (partially open), 11-29 and 11-30-79

55422 9-26-79 / HEW/NIH—National Institute of Arthritis, Metabolism, and Digestive Diseases, Board of Scientific Counselors, Bethesda, Md. (partially open), 10-19 and 10-20-79

55421 9-26-79 / HEW/NIH—Transplantation Biology and Immunology Committee, Bethesda, Md. (partially open), 11-2-79

OTHER ITEMS OF INTEREST

55534 9-26-79 / DOE—Grant programs for schools and hospitals and buildings owned by units of local government and public care institutions; regulatory analysis

55392 9-26-79 / HUD/Sec'y—Community development block grant closeout procedures; transmittal to Congress of interim rule

55393 9-26-79 / HUD/Sec'y—Neighborhood Self-Help Development Program; grant program requirements; transmittal of interim rule to Congress

55602 9-27-79 / HEW/CDC—Grants for detection, treatment, and prevention of lead-based paint poisoning; intention to develop regulations

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