

# FEDERAL REGISTER

Thursday  
April 26, 1979

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## Highlights

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

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

- 24547 Homes** HUD increases FHA maximum interest rate to 10.00 percent per annum
- 24554 New Homes and Condominiums** VA increases maximum interest rate on guaranteed, insured and direct loans; effective 4-23-79
- 24638 Indochinese Refugees** HEW/SSA issues a notice governing the award of grants made available for resettling in the U.S., apply by 6-11-79
- 24616 Public Telecommunications Facilities** Commerce/NTIA invites applications for its grants program; apply by 6-4-79
- 24629 Financial Analysis Model** DOE develops discounted cash flow procedure which can provide quantitative measures of the impact of proposed governmental actions on private investment decisions

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## Highlights

- 24800 Energy Use; Federal Buildings** DOE proposes procedure for reporting of preliminary audit; comments by 5-29-79 (Part V of this issue)
- 24696 Conduct of Employees** DOE promulgates prescribed standards for individuals under hire with the Department except for persons working under the Federal Energy Regulatory Commission; effective 4-26-79 (Part II of this issue)
- 24587 Conduct of Employees** HEW/Secy' withdraws proposal to liberalize policy on outside work activities of certain employees
- 24584 Narcotic Drug** Justice/DEA proposes to specify the method to calculate amount for certain schedule's; comments by 5-29-79
- 24820 Handicapped Research** HEW/HDSO publishes statement of organization, function, delegation of authority and agenda of prospective activities (2 documents) (Part VII of this issue)
- 24678 Floodplain Management** DOT publishes final policies and procedures of protection; effective 4-26-79
- 24626 Energy Emergency Management** DOE/EIA announces the publication of a program for development of the information system
- 24591 Motor Vehicle Safety and Fuel Economy** DOT/NHTSA propose five year plan
- 24613 Air Carriers: Schedule Failure** CAB issues order to show cause on Rule 380, which discusses failure to operate on schedule or failure to carry
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- 24778 Noise Limits** DOT/FAA proposes amendments to the aircraft operating rule; comments by 6-25-79 (2 documents) (Part III of this issue)
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- 24778 Part III, DOT/FAA
- 24790 Part IV, Interior/NPS
- 24800 Part V, DOE
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Federal Register

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

## DEPARTMENT OF ENERGY

### 10 CFR Part 211

#### Amendment to Include Gasoline Retailers Within State Set-Aside Program

**AGENCY:** Economic Regulatory Administration, Department of Energy

**ACTION:** Final rule.

**SUMMARY:** The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby adopts an amendment to the Mandatory Petroleum Allocation Regulations that will, for the months of April and May 1979, permit a state to use the state set-aside for gasoline to assist retailers experiencing supply emergencies. The amendment will assist gasoline retailers that are currently experiencing difficulties in obtaining adequate supplies of gasoline due to the adjustments required in the national gasoline distribution system to comply with the newly established gasoline allocation base period of July 1, 1977 through June 30, 1978.

**EFFECTIVE DATE:** April 19, 1979.

**FOR FURTHER INFORMATION CONTACT:**

Robert C. Gillette (Comment Procedures), Economic Regulatory Administration, Room 2222-A, 2000 M Street, N.W., Washington, D.C. 20461 (202) 254-5201.

William L. Webb (Office of Public Information), Economic Regulatory Administration, Room B-110, 2000 M Street, N.W., Washington, D.C. 20461 (202) 634-2170.

William E. Caldwell (Regulations and Emergency Planning), Economic Regulatory Administration, Room 2304, 2000 M Street, N.W., Washington, D.C. 20461 (202) 254-8034.

Alan T. Lockard (Office of Fuels Regulation), Economic Regulatory Administration, Room 6222, 2000 M Street, N.W., Washington, D.C. 20461 (202) 254-7422.

Ben McRae (Office of General Counsel), Department of Energy, Room 6A-127, 1000 Independence Avenue, S.W., Washington, D.C. 20585 (202) 252-6739.

**SUPPLEMENTARY INFORMATION:**

*I. Background.*

*II. Amendment Adopted.*

*III. Procedural Requirements.*

*A. Section 553 of the Administrative Procedure Act.*

*B. Section 404 of the DOE Act.*

*C. Section 7 of the FEA Act.*

**I. Background**

On March 30, 1978, we issued a notice proposing a new Special Rule No. 8 for Subpart A of Part 211 which would permit a state to use the state set-aside for gasoline to assist gasoline retailers experiencing difficulties in obtaining adequate supplies of gasoline (44 FR 20444, April 5, 1979). The discussion in that notice of the difficulties of gasoline retailers, and the industry generally, in adapting to the revised motor gasoline base period remains valid and is incorporated herein by reference.

In order that Special Rule No. 8 might be made effective for use in April, we waived certain procedural requirements of section 501 of the Department of Energy Organization Act (Pub. L. 95-91, DOE Act) and of DOE Order 2030 in order to provide for an abbreviated period for public comment in this proceeding. We have considered all written comments received on or before April 12, 1979, as well as the oral comments presented at the public hearing on this matter held on April 12, 1979.

Seven state energy offices and four representatives of the industry commented on the proposal. One state energy office opposed adoption of the rule because of the increased administrative burden that operation of the rule would place on the states. The other commenters favored the inclusion of gasoline retailers within the state set-aside program. Several of these commenters felt that the proposed rule was too restrictive, especially that provision of the rule which prohibited

assignments to retailers prior to the twentieth day of a month.

**II. Amendment Adopted**

In light of these comments and our further analysis of the situation, we have determined to adopt Special Rule No. 8 substantially as proposed and to make it effective immediately for the months of April and May 1979.

Special Rule No. 8 will permit a State to include gasoline retailers that are experiencing gasoline supply emergencies among the eligible recipients of gasoline from the State set-aside program during the months of April and May 1979. The Special Rule will be effective only in a State that elects to include gasoline retailers within the set-aside program for that particular State and notifies ERA of its decision. Notification should be sent to Alan T. Lockard, Office of Fuels Regulation, Economic Regulatory Administration, Room 6222, 2000 M Street, N.W., Washington, D.C. 20461.

Applications for assignment of set-aside volumes will be made to the appropriate State energy office which will approve or disapprove the application. Since an assignment will only be made in response to emergency situations, an applicant will not be required to make its application in writing. Each applicant will be required, however, to submit a written certification that it is experiencing a gasoline supply emergency within five days of its verbal or written application.

Applications for gasoline to meet hardship and emergency requirements of wholesale purchaser-consumers and end-users will have priority over those of gasoline retailers. We urge State energy offices to take appropriate steps to insure that sufficient set-aside volumes exist to meet the priority requirements of wholesale purchaser-consumers and end users throughout the month.

In this regard, we originally proposed that a State energy office not be permitted to issue an assignment to a gasoline retailer prior to the twentieth day of the month. Several States commented that this provision would restrict their ability to respond to the needs of some retailers and to administer the program efficiently. Therefore, we have determined to adopt a rule that permits a State energy office to issue assignments to gasoline

retailers at any time during a month, provided that no more than fifty percent of the total set-aside volume for that State for that particular month is assigned to gasoline retailers prior to the sixteenth day of the month.

### III. Procedural Requirements

#### A. Section 553 of the Administrative Procedure Act

Section 553(d) of the Administrative Procedure Act (5 USC 551 *et seq.*) requires that a substantive rule not become effective less than thirty days after its publication unless the agency promulgating the rule finds good cause to waive this requirement and publishes this finding together with the rule. We have determined that good cause exists to waive the section 553(d) requirement because of the difficulties in obtaining adequate supplies of gasoline currently being experienced by certain gasoline retailers.

#### B. Section 404 of the DOE Act

Section 404(a) of the DOE Act requires that the Federal Energy Regulatory Commission (FERC) be notified whenever the Secretary of Energy proposes to prescribe rules, regulations, and statements of policy of general applicability in the excess of functions transferred to him under section 301 or section 306 of the DOE Act. If the FERC determines, within such period as the Secretary may prescribe, that the proposed action may significantly affect any of its functions under sections 402 (a)(1), (b) and (c)(1) of the DOE Act, the Secretary shall immediately refer the matter to the FERC.

Following an opportunity to review Special Rule No. 8, the FERC has declined to determine that the rule may significantly affect one of its functions under the sections noted above.

#### C. Section 7 of the FEA Act

As required by section 7(a) of the Federal Energy Administration Act (Pub. L. 93-275), we submitted a copy of the notice of proposed rulemaking on Special Rule No. 8 to the Administrator of the Environmental Protection Agency for his comments concerning the impact of the proposal on the environment. The Administrator had no comments.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended, Pub. L. 93-511, Pub. L. 94-99, Pub. L. 94-133, Pub. L. 94-163, and Pub. L. 94-385; Federal Energy Administration Act of 1974, Pub. L. 93-275, as amended, Pub. L. 94-385; Energy Policy and Conservation Act, Pub. L. 94-163, as amended, Pub. L. 94-385; E.O. 11790, 39 FR 23185; Department of Energy Organization Act, Pub. L. 95-91; E.O. 12009, 42 FR 46267.)

In consideration of the foregoing, Part 211 of Chapter II of Title 10 of the Code of Federal Regulations is amended as set forth below.

Issued in Washington, D.C., April 19, 1979.  
Hazel R. Rollins,  
Deputy Administrator, Economic Regulatory Administration.

The Appendix to Subpart A of Part 211 is amended by adding Special Rule No. 8 to read as follows:

#### Appendix to Subpart A Part 211— Special Rule No. 8

1. *Scope.* This Special Rule provides that during the months of April and May 1979 gasoline retailers will be included among the eligible recipients of assignments of gasoline under the state set-aside program established by § 211.17.

2. *State election to include gasoline retailers.* The inclusion of gasoline retailers among the eligible recipients of assignments of gasoline under the state set-aside program will not be in effect in a particular state prior to notification to the Office of Fuels Regulation, ERA, by the appropriate State Office that such State elects to include gasoline retailers among the eligible recipients.

3. *Eligibility of Gasoline Retailers.* In addition for use to meet hardship and emergency requirements of wholesale purchasers-consumers and end users as provided in paragraph (a) of § 211.17, the state set-aside for gasoline may be utilized by a State Office during the months of April and May 1979 to meet the supply needs of a gasoline retailer in cases where the retailer has demonstrated that it has experienced or will experience a gasoline supply emergency; provided that, prior to the sixteenth day of a particular month, a State Office shall not issue assignments to gasoline retailers the total volume of which exceeds fifty percent of the set-aside volume for that month.

4. *Priority of Wholesale Purchaser-Consumers and End-Users.* Assignments to meet hardships and emergency requirements of wholesale purchaser-consumers and end-users shall receive priority over any assignments made to gasoline retailers under paragraph (3) of this Special Rule from the state set-aside.

5. *Application for assignment.* All applications for assignment under this Special Rule shall be made to the State Office having jurisdiction over the State in which the applicant conducts its business operations, in accordance with the procedures set forth in §§ 205.211-218 of Subpart Q of Part 205 of this chapter with respect to the state set-aside, except as otherwise provided in

this Special Rule. Within five (5) days of its application for assignment of gasoline under this Special Rule, an applicant shall submit to the State Office a written certification that it has experienced a gasoline supply emergency.

[FR Doc. 79-12872 Filed 4-25-79; 8:45 am]  
BILLING CODE 6450-01-M

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

#### Airworthiness Directives; Boeing Model 727-100 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final Rule.

**SUMMARY:** This amendment adopts a new Airworthiness Directive (AD) to require inspection and correction as necessary of the generator electrical leads on Boeing 727-100 series airplanes. Service experience since the issuance of FAA AD 66-30-02 (Amdt. 39-316, published in the Federal Register on December 13, 1966), which relates to this problem, reflects that those leads which have been re-routed in accordance with Option No. 2, referred to in that Directive, may have been spaced too closely to existing hydraulic lines and components which may result in cable insulation damage and fault to ground. Action is taken herein to eliminate this potentially unsafe condition.

**DATES:** Effective date May 8, 1979. Compliance times as indicated in the body of this AD.

**ADDRESS:** The service bulletin specified in this directive may be obtained upon request to the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. This document may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108.

**FOR FURTHER INFORMATION CONTACT:** Mr. Charles H. Mackal, Engineering and Manufacturing Branch, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, telephone (206) 767-2500.

**SUPPLEMENTARY INFORMATION:** Since issuance of AD 66-30-02, there have been two separate reports of generator feeder cable insulation damage caused by vibration contact with hydraulic system lines. One occurred on February 16, 1979, in flight, resulting in the loss of hydraulic system "A" pressure and a

fire caused by the electrical ignition of the leaking hydraulic fluid. There is no assurance that a fire in this area would be contained in all cases. The other report involved cable and clamp damage found during an airline inspection on February 27, 1979. AD 66-30-02 required re-routing the generator electrical leads of Boeing Model 727-100 series airplanes in accordance with Boeing 727 Service Bulletin No. 24-30 revised May 18, 1966, or later FAA approved revisions. The recent reports reveal that aircraft generator electrical leads that have been re-routed in the tailcone area aft of the pressure bulkhead in accordance with Option No. 2 in the service bulletin may have been routed and spaced too close existing hydraulic lines and components, which may result in cable insulation damage and fault to ground. Option No. 2 permitted routing the cables to pass through the pressure bulkhead below the floor. Since this condition is likely to occur or develop in other Boeing 727-100 airplanes that have been modified to Option No. 2 as specified in Boeing 727 Service Bulletin No. 24-30, action is taken herein to require visual inspection of the generator feeder cables from the pressure bulkhead feed through fittings (below the floor level) to the engine strut feed through, adjacent to hydraulic systems and airframe and to repair or replace wiring as found necessary. It is further found that a situation exists that requires immediate adoption of this regulation, and, therefore, that notice and public procedure hereon are impracticable and that good cause exists for making this amendment effective in less than 30 days.

#### Adoption of the Amendment

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

**Boeing:** Applies to Model 727-100 series airplanes certificated in all categories listed in Boeing 727 Service Bulletin No. 24-30, revised May 18, 1966, that complied with FAA AD 66-30-02 by having been modified to Option No. 2 in said service bulletin. Compliance required as indicated. To prevent generator electrical lead damage and possible hydraulic fire from cable clamp failure allowing the electrical leads to chafe against hydraulic lines or components, accomplish the following:

1. Within the next 100 hours time-in-service after the effective date of this AD, and every 2,000 hours time-in-service thereafter, inspect the No. 1 generator electrical leads from the pressure feed through fittings (below the floor

level) to the engine strut feed through, all generator electrical lead clamps, hydraulic systems, and airframe for routing separation and insulation chafing. Repair or replace any electrical lead, hydraulic line, airframe part of clamp damage as required in accordance with approved maintenance procedures. The repetitive 2,000-hour inspection interval may be adjusted by FAA air carrier maintenance inspectors to the nearest scheduled maintenance inspection period.

2. If the generator electrical leads are not routed with at least three (3) inches separation from hydraulic lines or components, provide additional physical protection with aircraft quality Skydrol resistant insulation wrap and clamp as required.

3. If generator electrical leads are routed with at least three (3) inches separation from hydraulic lines or components, no further action is required under this AD.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer, may obtain copies upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. These documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108.

This amendment becomes effective May 8, 1979.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c); and 14 CFR 11.85).

**Note.**—The FAA has determined that this document involves a regulation which is not considered to be significant under the provisions of Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 28, 1979).

Issued in Seattle, Washington, on April 17, 1979.

C. B. Walk, Jr.,  
Director, Northwest Region.

**Note.**—The incorporation by reference provisions in the document were approved by the Director of the Federal Register on June 19, 1967.

[Docket No. 79-NW-7-AD; Amdt. 39-3452]  
[FR Doc. 79-12753 Filed 4-25-79; 8:45 am]  
BILLING CODE 4910-13-M

#### 14 CFR Part 71

#### Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Extension of Federal Airway

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment extends V-169 airway from Bismarck, N. Dak., direct to Devils Lake, N. Dak. This route is presently used as a direct route. Designation of this route as an airway reduces the coordination and communication time required for its use.

**EFFECTIVE DATE:** June 14, 1979.

**FOR FURTHER INFORMATION CONTACT:** Mr. Everett L. McKission, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-3715.

#### SUPPLEMENTARY INFORMATION:

##### History

On March 19, 1979, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to extend V-169 airway from its present terminal at Bismarck direct to Devils Lake and to exclude the airspace within the Devils Lake East and West Military Operations Areas (MOAs) during their times of use, (44 FR 16440). Interested persons were invited to participate in the rulemaking proceeding by submitting written comments on the proposal to the FAA. The comments received expressed no objection to the proposal. Section 71.123 of Part 71 was republished in the Federal Register on January 2, 1979 (44 FR 307).

##### The Rule

This amendment to Part 71 of the Federal Aviation Regulations extends V-169 from Bismarck to Devils Lake. Description of this direct route as an airway reduces the flight planning, coordinating and communication time required for the use of the route. This rule is identical to the notice of proposed rulemaking. The description of V-169 presently excludes restricted area R-4701 which has been rescinded. For this reason the exclusion of R-4701 is no longer required and is omitted by this amendment.

##### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (44 FR 307) is amended, effective 0901 GMT, June 14, 1979, as follows:

In V-169, all after "Dupree, S. Dak.;" is deleted and "Bismarck, N. Dak.; to Devils Lake, N. Dak. The airspace from 4,000 feet MSL to 10,000 feet MSL between points 46 miles NE of Bismarck and 18 miles SW of Devils Lake is excluded during the time that the Devils Lake West Military Operations

Area is activated by NOTAM. The airspace from 3,500 feet MSL to 10,000 feet MSL between points 18 miles SW and 29 miles SW of Devils Lake is excluded during the time that the Devils Lake East Military Operations Area is activated by NOTAM." is substituted therefor.

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

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

Issued in Washington, D.C., on April 18, 1979.

William E. Broadwater,  
Chief, Airspace and Air Traffic Rules Division.  
[Airspace Docket No. 78-RM-26]

[FR Doc. 79-12754 Filed 4-25-79; 8:45 am]  
BILLING CODE 4910-13-M

#### 14 CFR Part 71

#### Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Extension of VOR Federal Airway, Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction to final rule.

SUMMARY: In the rule published in the Federal Register dated March 1, 1979, Vol. 44, page 11530, the Ontario, Calif., radial that intersects the Hector, Calif., radial which describes the alignment of V-442, was incorrectly stated. This action corrects that error by changing the alignment by one degree.

EFFECTIVE DATE: April 26, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Lewis W. Still, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8525.

SUPPLEMENTARY INFORMATION: Federal Register Document 79-5845 was published March 1, 1979, (44 FR 11530) describing the alignment of V-442 between Hector, Calif., and Ontario, Calif. The enroute radial from Ontario, Calif., was stated as the Ontario 026° radial, when, in fact, it should have been

the Ontario, Calif., 027° radial. This action corrects that error.

#### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Federal Register Document 79-5845 as published in the Federal Register on March 1, 1979, (44 FR 11530).

"via INT Ontario 026°" is deleted and "via INT Ontario 027°" is substituted therefor.

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

The FAA has determined that this document involves a regulation which is not significant under the procedures and criteria prescribed by Executive Order 12044 and implemented by interim Department of Transportation guidelines (43 FR 9582; March 8, 1978).

Issued in Washington, D.C., on April 20, 1979.

William E. Broadwater,  
Chief, Airspace and Air Traffic Rules Division.

[Airspace Docket No. 78-WE-20]  
[FR Doc. 79-12862 Filed 4-25-79; 8:45 am]  
BILLING CODE 4910-13-M

#### DEPARTMENT OF COMMERCE

#### Industry and Trade Administration

#### 15 CFR Parts 373, 379, and 399

#### Revisions in Commodity and Technical Data Controls

AGENCY: Office of Export Administration, Bureau of Trade Regulation, U.S. Department of Commerce.

ACTION: Final rule.

SUMMARY: The Department of Commerce has determined that exports of commodities covered by CCL entries No. 5673, 4715, 5715, 5780, and 4801 would not contribute significantly to the development, production or use of military hardware in the USSR, the other Communist countries of Eastern Europe, Laos, or the People's Republic of China to the detriment of U.S. national security. In addition, selected commodities presently controlled under CCL entries 5391 and 4585 also have been found to fall in the same category. These revisions retain the commodities under validated license control for export only to the embargo destinations of Southern Rhodesia, North Korea, Vietnam, Cambodia, and Cuba, and to the Republic of South Africa and Namibia if intended for military or police entities. Also exports to Uganda are embargoed pursuant to Public Law

95-435 (See § 385.7 of the Export Administration Regulations). Exports to other destinations may now be made under General License G-DEST (See § 371.3 of the Export Administration Regulations). The Department also has determined that exports of commodities covered by CCL entry 4717 no longer need to be under validated license control to destinations other than the USSR, the other Communist countries of Eastern Europe, Laos, the People's Republic of China, and the embargo destinations listed above. The list of commodities excluded from certain special license procedures (Supplement No. 1 to Part 373) is revised to delete CCL entry No. 4717 and to reflect the reduced coverage of CCL entry No. 4585. Conforming changes also are made in the written assurance requirements of the Technical Data Regulations (Part 379) as they pertain to CCL entries 4585 and 5673.

EFFECTIVE DATE OF ACTION: April 26, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Dale F. Snell, Jr., Chief, Management Services Branch, Office of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230 (Tel. 202-377-2440).

SUPPLEMENTARY INFORMATION: It has been determined that this regulatory revision is "not significant" within the meaning of Department of Commerce Administrative Order 218-7 (44 FR 2082 *et seq.*, January 9, 1979) and Industry and Trade Administration Administrative Instructions 1-8 (44 FR 2093 *et seq.*, January 9, 1979), which implement Executive Order 12044 (43 FR 12661 *et seq.*, March 23, 1978), "Improving Government Regulations". Accordingly, the Export Administration Regulations (15 CFR Parts 368 *et seq.*) are revised as follows:

#### Supplement No. 1 to Part 373 [Amended]

1. Supplement No. 1 to Part 373 is amended to delete CCL entry No. 4717, and to revise CCL entry No. 4585 to read as follows:

4585 Photographic equipment, as follows:

(a) Streak cameras capable of recording events which are initiated by, or synchronized with the camera mechanism (i.e., discontinuous access type), having a design capability for writing speeds of 8 mm per micro-second and above and a time resolution of 10 nanoseconds or less, and parts and accessories, n.e.s.;

(b) Aerial camera film, black and white, sensitized and unexposed, having spectral sensitivities at wavelengths greater than 7,500 Angstroms or at wavelengths less than 2,000 Angstroms;

(c) Aerial camera film, sensitized and unexposed, having resolving powers (using a Test-Object Contrast of 1,000:1) of 200 line pairs/mm or more with a base thickness before coating of 0.0025 inch or less;

(d) Continuous tone aerial duplicating film, sensitized and unexposed, having resolving powers (using a Test-Object Contrast of 1,000:1) of 300 line pairs/mm or more; and

(e) Instrumentation and/or recording film, sensitized and unexposed, having photo-recording sensitivities as based on the reciprocal of the tungsten exposure in meter-candle-seconds at an exposure time of 0.0001 second of 125 or more and resolving power (using a Test-Object Contrast of 1,000:1) of 55 line pairs/mm or more and with a base thickness before coating of 0.004 inch or less and capable of being processed in solutions with alkalinities of pH 10 or above at temperatures greater than 86° F.

4717 [Deleted]

§ 379.4 [Amended]

2. Paragraph 379.4(f)(1)(i) is amended to delete and reserve subparagraph (a), and to revise subparagraph (h) to read as follows:

\* \* \* \* \*

(f) \* \* \*

(i) \* \* \*

(i) Technical data relating to the following commodities;

(a) [Reserved]

\* \* \* \* \*

(h) Aerial camera film, sensitized and unexposed, as follows: (1) Having spectral sensitivities at wavelengths greater than 7,500 Angstroms or at wavelengths less than 2,000 Angstroms; or (2) having resolving powers (using a Test-Object Contrast of 1,000:1) of 200 line pairs/mm or more or with a base thickness before coating of 0.0025 inch or less;

\* \* \* \* \*

§§ 399.1 and 399.2 [Amended]

3. The Commodity Control List and Commodity Interpretations, incorporated by reference at 15 CFR §§ 399.1 and 399.2 respectively, are revised as follows:

(a) The following commodities are deleted from CCL entry No. 5391. They are now included in CCL entry No. 6399 and Commodity Interpretation 29. Therefore, a validated license is no longer required to export these commodities to Country Groups Q, W, and Y.

- Welding machines, n.e.s.
- Gas or liquid supply meters, n.e.s.
- Glass working machines, n.e.s.
- Cranes, n.e.s., nonmilitary
- Searchlights and spotlights,
- Special purpose industrial vehicles, n.e.s., nonmilitary, e.g. cement mixers, street and airfield cleaning, asphalt mixers, seismograph thumper mounted trucks, mine shuttle vehicles, trucks with derrick assembly and similar equipment for drilling, mounted integral to truck frame, etc.
- Hand tools, n.e.s.

Valves, plumbing fixtures, cocks, and taps,

n.e.s.

Wheel tractors, including garden, log skidders, and contractors earthmoving types, n.e.s.

§ 399.1 [Amended]

(b) A validated license is no longer received to export the commodities covered by the following entry to Country Groups Q, W, and Y. This entry is deleted and these commodities are now included in CCL entry No. 6699.

5673D Other artificial graphite, whether or not coated or composited with other materials to improve its performance at elevated temperatures or to reduce its permeability to gases, having an apparent relative density of 1.70 or greater when compared to water at 60° F (15.5° C), and with a particle grain size of less than 0.001 inch (1 mil).

Lb. MG QSWYZ — — 500

§§ 399.1 and 399.2 [Amended]

(c) A validated license is no longer required to export the commodities covered by the following entry to Country Groups, Q, T, V, W, and Y. This entry is deleted and these commodities are now included in CCL entry No. 6799 and incorporated in Commodity Interpretation 24, § 399.2.

4715B Polyethylene film, sheeting, laminates, or wax containing any boron.

Lb. MG QSTVWYZ 500 500 100

(d) A validated license is no longer required to export the commodities covered by the following entry to Country Groups Q, W, and Y. This entry is deleted and these commodities are now included in CCL entry No. 6799 and incorporated in Commodity Interpretation 24, § 399.2.

5715D Boron n.e.s., except borons listed in § 399.2, Interpretation 24.

Lb. MG QSTVWYZ 500 500 100

§ 399.1 [Amended]

(e) A validated license is no longer required to export the commodities covered by the following entry to Country Groups T and V. This entry is deleted and these commodities are now included in CCL entry No. 5799.

4717B Trichlorotrifluoroethane (R-113); dichlorotetrafluoroethane (R-114); and cutting fluids, compounds, solvents or mixtures containing 95 percent or more of either.

Lb. MG QSTVWYZ 500 500 0

§§ 399.1 and 399.2 [Amended]

(f) A validated license is no longer required to export the commodities covered by the following entry to Country Groups W and Y. This entry is deleted and these commodities are now included in CCL entry No. 6799 and incorporated in Commodity Interpretation 24, § 399.2.

5780E Prepared additive for synthetic lubricants.

— MG SWYZ — — —

§ 399.1 [Amended]

(g) A validated license is no longer required to export the commodities covered by the following entry to Country Groups Q, T, V, W, and Y. This entry is deleted and these commodities are now included in CCL entry No. 6899.

4801B Articles of vulcanized and unvulcanized rubber made of fluorinated elastomeric material.

Lb. MG QSTVWYZ 500 500 0

(h) CCL entry 4585 is revised to indicate that a validated license is no longer required to export to Country Groups Q, T, V, W, and Y, aerial camera film having (1) spectral sensitivities at wavelengths from 7,200 to 7,500 Angstroms, and (2) resolving powers of 100 line pairs/mm up to but not including 200 line pairs/mm or with a base thickness before coating exceeding 0.0025 inch up to 0.004 inch. Films having spectral sensitivities at wavelengths from 7,200 to 7,500 Angstroms, resolving powers less than 200 line pairs/mm, or with a base thickness before coating exceeding 0.0025 inch are now included in CCL entry No. 6599. The revised entry reads as follows:

4585B Photographic equipment, as follows:

— MG QSTVWYZ 500 500 0

(a) Streak cameras capable of recording events which are initiated by, or synchronized with the camera mechanism (i.e., discontinuous access type), having a design capability for writing speeds of 8 mm per microsecond and above and a time resolution of 10 nanoseconds or less, and parts and accessories, n.e.s.;

(b) Aerial camera film, black and white, sensitized and unexposed, having spectral sensitivities at wavelengths greater than 7,500 Angstroms or at wavelengths less than 2,000 Angstroms;

(c) Aerial camera film, sensitized and unexposed, having resolving powers (using a Test-Object Contrast of 1,000:1) of 200 line pairs/mm or more or with a base thickness before coating of 0.0025 inch or less;

(d) Continuous tone aerial duplicating film, sensitized and unexposed, having resolving powers (using a Test-Object Contrast of 1,000:1) of 300 line pairs/mm or more; and

(e) Instrumentation and/or recording film, sensitized and unexposed, having photo-recording sensitivities (as based on the reciprocal of the tungsten exposure in meter-candle-seconds at an exposure time of 0.0001 second) of 125 or more and resolving power (using a Test-Object Contrast of 1,000:1) of 55 line pairs/mm or more and with a base thickness before coating of 0.004 inch or less and capable of being processed in solutions with alkalinities of pH 10 or above at temperatures greater than 85° F.

(Sec. 4 Pub. L. 91-184, 83 Stat. 842 (50 U.S.C. App. 2403), as amended; E. O. 12002, 42 FR 35623 (1977); Department Organization Order 10-3, dated December 4, 1977, 42 FR 64721 (1977); and Industry and Trade Administration Organization and Function

Order 45-1, dated December 4, 1977, 42 FR 64716 (1977).

Stanley J. Marcuss,  
Deputy Assistant Secretary for Trade Regulation.  
[FR Doc. 79-12963 Filed 4-25-79; 8:45 am]

BILLING CODE 3510-25-M

15 CFR Parts 379 and 399

Technical Data; and Commodity Control List and Related Matters; Revision of Commodity Control List

AGENCY: Office of Export Administration, Bureau of Trade Regulation, U.S. Department of Commerce.

ACTION: Final rule.

SUMMARY: This revision reduces the level of control for exports of maraging and TRIP steels (ECCN 5635D) and for the copolymer of tetrafluoroethylene and perfluoroalkyl vinyl ether (ECCN 4754B sub-item(c)) to require a validated license for export only to the embargo destinations of Southern Rhodesia, North Korea, Vietnam, Cambodia, and Cuba, and to the Republic of South Africa and Namibia if intended for

military or police entities. Also exports to Uganda are embargoed pursuant to Pub. L. 95-435. (See § 385.7 of the *Export Administration Regulations*.) The Department of Commerce has determined after consultation with its advisory agencies that exports of these commodities will not contribute significantly to the development, production or use of military hardware in the USSR, the other Communist countries of Eastern Europe, and the PRC, to the detriment of U.S. national security. These commodities may now be exported to all other destinations under General License G-DEST (see § 371.3 of the *Export Administration Regulations*). Technical data relating to maraging and TRIP steels are deleted from the written assurance requirement of General License GTDR. (See § 379.4 of the *Export Administration Regulations*.)

EFFECTIVE DATE OF ACTION: April 26, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Dale F. Snell, Jr., Chief, Management Services Branch, Office of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230 (Tel. 202-377-2440).

SUPPLEMENTARY INFORMATION: It has been determined that this regulatory revision is "not significant" within the meaning of Department of Commerce Administrative Order 218-7 (44 FR 2082 *et seq.*, January 9, 1979) and Industry and Trade Administration, Administrative Instructions 1-6 (44 FR 2093 *et seq.*, January 9, 1979), which implement Executive Order 12044 (43 FR 12661 *et seq.*, March 23, 1978), "Improving Government Regulations."

§ 379.4 [Amended].

Accordingly, the *Export Administration Regulations*, (15 CFR Part 368 *et seq.*) are amended as follows:

1. § 379.4(f)(1)(i) (k) and (l) are deleted and reserved.
2. The Commodity Control List and Commodity Interpretations, incorporated by reference at 15 CFR §§ 399.1 and 399.2, respectively, are amended as follows:

§ 399.1 and 399.2 [Amended].

a. CCL entry 4754 is revised to indicate that a validated license is no longer required to export the copolymer of tetrafluoroethylene and perfluoroalkyl vinyl ether to Country Groups Q, T, V, W, and Y. The revised entry reads as follows:

Export Control Commodity Number and Commodity Description	Unit	Processing Code	Validated License Required	CLV \$ Value Limits		
				T	V	Q
Lb. MG QSTVWYZ 500 500 4754B Synthetic resins, as follows: (a) *** (b) *** (c) Other fluorocarbon polymers and						
			(d) *** B. A validated license is no longer required to export the commodities covered by the following entry to Q, W, and Y destinations. This entry is deleted and these commodities are now included in CCL entry No. 6699:			

Export Control Commodity Number and Commodity Description	Unit	Processing Code	Validated License Required	CLV \$ Value Limits		
				T	V	Q

Lb. MG QSWYZ — — 250  
5635D<sup>1</sup> Iron and steels, as follows:  
(a) Maraging steel containing 12 percent or more nickel, more than 3 percent molybdenum, more than 5 percent cobalt and less than 0.5 percent carbon; or  
(b) Transformation Induced Plasticity (TRIP) steels or penta-alloy austenitic stainless steel containing 8 to 14 percent chromium, 6 to 10 percent nickel, 2 to 5 percent molybdenum, 1 to 3 percent silicon, 0.75 to 3 percent manganese, and 0.15 to 0.35 percent carbon.

<sup>1</sup> A validated license also is required for export to the Republic of South Africa and Namibia, if intended for delivery to or for use by or for military or police entities in these destinations or for use in servicing equipment owned, controlled, or used by or for these entities. See § 371.2(c)(11) and § 385.4(a).

§ 399.2 [Amended].

c. Commodity Interpretation 24, § 399.2, is amended to include the copolymer of tetrafluoroethylene and perfluoroalkyl vinyl ether in alphabetical order under the heading "Plastic materials, regenerated cellulose, and artificial resins, as follows":

(Sec. 4 Pub. L. 91-184, 83 Stat. 842 (50 U.S.C. App. 2403), as amended; E. O. 12002, 42 FR 35823 (1977); Department Organization Order 10-3, dated December 4, 1977, 42 FR 64721 (1977); and Industry and Trade Administration Organization and Function Order 45-1, dated December 4, 1977, 42 FR 64716 (1977).)

Stanley J. Marcuss,  
Deputy Assistant Secretary for Trade Regulation.  
[FR Doc. 79-12955 Filed 4-25-79; 8:45 am]

BILLING CODE 3510-25-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 274

Amendment to the Filing Requirements for New, Onshore Production Wells

April 20, 1979.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Errata Notice.

**SUMMARY:** This notice corrects the Commission's rule issued March 27, 1979 (FR Doc. 79-10040, 44 FR 21008, Monday, April 9, 1979), so that the effective date of such rule shall be May 1, 1979.

**FOR FURTHER INFORMATION CONTACT:** Teresa Ponder, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Rm. 8100J, Washington, D.C. 20426, (202) 275-0422.

**SUPPLEMENTARY INFORMATION:** Please note the following corrections in the Federal Energy Regulatory Commission's Final Rule issued March 27, entitled Amendments to the Filing Requirements for New, Onshore Production Wells (44 FR 21008, April 9, 1979), at page 21009.

1. "For these reasons, good cause exists to proceed without further public notice and comment and to make these amendments effective immediately," shall be corrected to read, "For these reasons, good cause exists to proceed without further public notice and comment and to make these amendments effective May 1, 1979."

2. "In consideration of the foregoing, the Commission amends § 274.204, Subchapter H, Part 274, Chapter 1 of Title 18, Code of Federal Regulations, as set forth below, effective immediately," shall be corrected to read, "In consideration of the foregoing, the Commission amends § 274.204, Subchapter H, Part 274, Chapter 1 of Title 18, Code of Federal Regulations, as set forth below, effective May 1, 1979."

Issued: March 27, 1979.

Lois D. Cashell,  
Acting Secretary.

[Docket RM79-33; Order 26]  
[FR Doc. 79-12820 Filed 4-25-79; 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 Parts 203, 213, 234

Mortgage Insurance and Home Improvement Loans; Changes in Interest Rates

**AGENCY:** Department of Housing and Urban Development.

**ACTION:** Final rule.

**SUMMARY:** The change in the regulations increases the FHA maximum interest rate on homes. The change is necessitated by the current realities of

high discounts and declining use of FHA financing in the mortgage market. This action by HUD is designed to bring the maximum interest rate on home mortgages into line with other interest rates currently prevailing in the mortgage market.

**EFFECTIVE DATE:** April 23, 1979.

**FOR FURTHER INFORMATION CONTACT:** Chester C. Foster, Director, Actuarial Division, Office of Financial Management, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410 (202-755-5898).

**SUPPLEMENTARY INFORMATION:** The following miscellaneous amendments have been made to this chapter to increase the maximum interest rate which may be charged on mortgages insured by this Department. (The maximum interest rate on FHA mortgage and loan insurance programs has been raised from 9.50 percent to 10.00 percent.) The Secretary has determined that such changes are immediately necessary to meet the needs of the mortgage market, and to prevent speculation in anticipation of a change, in accordance with her authority contained in 12 U.S.C. 1709-1, as amended. The Secretary has, therefore, determined that advance notice and public procedure are unnecessary and that good cause exists for making this amendment effective.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD Handbook 1390.1. A copy of this Finding of Inapplicability will be available for public inspection during regular business hours in the Office of the Rules Docket Clerk, Office of the General Counsel, Room 5218, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410.

Accordingly, Chapter II is amended as follows:

**PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS**

**Subpart A—Eligibility Requirements**

1. In § 203.20 paragraph (a) is amended to read as follows:

§ 203.20 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 10.00 percent per annum with respect to mortgages insured on or after April 23, 1979.

\* \* \* \* \*

2. In § 203.74 paragraph (a) is amended to read as follows:

§ 203.74 Maximum interest rate.

(a) The loan shall bear interest at the rate agreed upon by the lender and the borrower, which rate shall not exceed 10.00 percent per annum with respect to loans insured on or after April 23, 1979.

\* \* \* \* \*

**Subpart C—Eligibility Requirements—Individual Properties Released From Project Mortgage.**

1. In § 213.511 paragraph (a) is amended to read as follows:

§ 213.511 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 10.00 percent per annum with respect to mortgages insured on or after April 23, 1979.

\* \* \* \* \*

**PART 234—CONDOMINIUM OWNERSHIP MORTGAGE INSURANCE**

**Subpart A—Eligibility Requirements—Individually Owned Units**

1. In § 234.29 paragraph (a) is amended to read as follows:

§ 234.29 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 10.00 percent per annum with respect to mortgages insured on or after April 23, 1979.

\* \* \* \* \*

(Sec. 3(a), 82 Stat. 113 (12 U.S.C. 1709-1); sec. 7 of the Department of Housing and Urban Development Act, (42 U.S.C. 3535(d)).)

Issued at Washington, D.C., April 20, 1979.

Lawrence B. Simons,  
Assistant Secretary for Housing, Federal Housing Commissioner.

[Docket No. R-79-656]  
[FR Doc. 79-12868 Filed 4-25-79; 8:45 am]  
BILLING CODE 4210-01-M

**DEPARTMENT OF DEFENSE**

Office of the Secretary

32 CFR Part 89

Civilian Pay Allotments (DOD Directive 1418.4)<sup>1</sup>

**AGENCY:** Office of the Secretary of Defense.

<sup>1</sup> Copies may be obtained, if needed, from the U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, PA. 19120 Attention: Code 301.

**ACTION:** Final rule.

**SUMMARY:** This rule changes the allotment policy in that it authorizes multiple allotments for U.S. Savings Bonds where cost effective. It also authorizes allotments to pay dues to a professional or other organization that contributes to DoD's mission and program, or contributes to the morale and welfare of DoD employees. The allotments for the payment of dues were mandated by a recent change in Office of Personnel Management regulations.

**EFFECTIVE DATE:** March 16, 1979.

**FOR FURTHER INFORMATION CONTACT:** Mr. Floyd C. Fox, Office of the Deputy Assistant Secretary of Defense (Management Systems) ASD(C), The Pentagon, Washington, D.C. 20301, Telephone 202-697-6149.

**SUPPLEMENTARY INFORMATION:** In FR Doc. 68-3800, appearing in the Federal Register (33 FR 5216) on March 30, 1968, the Office of the Secretary of Defense published Part 89, effective January 20, 1968, to implement 5 CFR Part 550, Subpart C. A change to this part was issued in FR Doc 71-17267 appearing in the Federal Register (36 FR 22576) on November 25, 1971. This is a reissuance of Part 89 which, in addition to editorial improvements, changes the DoD allotment policy.

Accordingly, 32 CFR Chapter I, is amended by revising Part 89, reading as follows:

## **PART 89—CIVILIAN PAY ALLOTMENTS**

### **Sec.**

- 89.1 Reissuance and purpose.  
89.2 Applicability and scope.  
89.3 Definitions.  
89.4 Criteria and standards.

#### **Enclosure 1.**

Authority: 5 U.S.C. 5525.

### **§ 89.1 Reissuance and purpose.**

This part updates the uniform policies established in implementation of Office of Personnel Management (OPM) Regulation, "Allotments and Assignments from Federal Employees (5 CFR 550.301) and Treasury Fiscal Requirements Manual for Guidance of Departments and Agencies (Volume 1, Part 3, "Payrolls, Deductions and Withholdings") and to provide for allotments to professional and other organizations as authorized by Federal Personnel Manual (Chapter 252, Professional and other Associations).

### **§ 89.2 Applicability and scope.**

The provisions of this part apply to the Office of the Secretary of Defense, the Military Departments, and the

Defense Agencies and govern the policy under which civilian employees may make allotments of their pay.

### **§ 89.3 Definitions.**

Selected Terms used are defined below:

- (a) *Allotment*. A recurring, specified deduction from pay authorized by a civilian employee to be paid to an allottee.
- (b) *Allottee*. The person or institution to whom an allotment is made payable.
- (c) *Allotter*. The employee from whose civilian pay the allotment is made.
- (d) *Pay*. The net pay due an employee after all deductions authorized by law (such as retirement, social security, Federal and State withholding tax, health benefits, and group life insurance) have been made.
- (e) *Continental United States*. The several States and the District of Columbia, but excluding Alaska and Hawaii.

### **§ 89.4 Criteria and standards.**

(a) *Authorized allotments*. Allotments may be made for the following purposes:

- (1) Support of relatives or dependents of the allotter.
- (2) Savings.
  - (i) Unrestricted as to allottee. Two such allotments may be authorized an eligible employee at any one time. The eligibility criteria are specified in § 89.4 (b)(1).
  - (ii) Allotted to a financial organization for credit to a savings account of the allotter as authorized by the Treasury Fiscal Requirements Manual. Only two such allotments, in whole dollars, under this provision shall be allowed an eligible employee. Eligibility criteria are specified in § 89.4(b)(2). Monies thus credited to the allotter's savings account may be used for any purpose in accordance with the desires and direction of the allotter as long as that purpose does not circumvent any statute, executive order or other applicable regulation.
- (3) Payment of commercial insurance premiums on the life of the allotter.
- (4) Payments of U.S. Government Life Insurance or National Service Life Insurance premiums.
- (5) Voluntary liquidation of indebtedness to the U.S. Government.
- (6) Repayment of loans obtained for the purchase of a home.
- (7) Payment of certain State and District of Columbia income taxes as authorized by OPM Regulation and the Treasury Fiscal Requirements Manual.
- (8) Payment of certain city income taxes as authorized by OPM Regulation

and the Treasury Fiscal Requirements Manual.

(9) Payment of labor organization dues as authorized by DoD Directive 1426.1,<sup>1</sup> "Labor-Management Relations in the Department of Defense".

(10) Charitable contributions to a Combined Federal Campaign as authorized by DoD Directive 5035.1,<sup>1</sup> "Fund-Raising within the Department of Defense" and DoD Instruction 5035.5,<sup>1</sup> "DoD Combined Federal Campaign—Overseas Area (CFC-OA)".

(11) Purchase of U.S. savings bonds. Employees normally will be permitted only two such allotments at any one time. Additional allotments for amounts of \$18.75 or more in approved increments may be authorized to the extent the pay system can accommodate such allotments.

(12) Payment of dues to a professional or other association. One allotment in a calendar year may be made by an employee to an association when the association:

(i) Provides some worthwhile function or service that would contribute to the agency's mission and programs or to the morale and welfare of the agency's employees. (See also DoD Instruction 5010.30,<sup>1</sup> "Intramangement Communication and Consultation".)

(ii) Has a sufficient number of members who request dues withholding to justify the administrative arrangements required; that is, a minimum of either 50 participants, or 1 percent of the total number, paid by the payroll office. This criterion may be waived by the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) for associations of supervisors when circumstances warrant.

(iii) Is not a labor organization eligible for recognition under DoD Directive 1426.1<sup>1</sup> does not have the characteristics or purposes of a labor organization, and is not affiliated with a labor organization or federation of labor organizations.

(iv) Is a lawful nonprofit organization. The organization's constitution and bylaws must indicate that the organization subscribes to certain minimum standards of fiscal responsibility and that it employs democratic principles in the nomination and election of officers.

(v) Does not discriminate in regard to the terms or conditions of membership because of race, color, creed, sex, age, or national origin.

<sup>1</sup> Copies may be obtained, if needed, from the U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, PA. 19120. Attention: Code: 301.

(vi) Does not advocate and has not assisted or participated in a strike, work stoppage, or slowdown against the Government of the United States or any agency thereof, nor does it impose a duty or obligation on its members to conduct, assist, or participate in such a strike.

(vii) Does not advocate the overthrow of the constitutional form of government in the United States.

(viii) Agrees to reimburse the United States for the full cost of establishing the allotment and making payment to the organization. Such costs will not be passed on to the employee by any special charge or assessment in excess of that paid by other members. This reimbursement may be waived, in whole or in part, by the ASD (MRA&L) for associations of supervisors when warranted.

(ix) Meets any additional criteria imposed by the Military Departments or Defense Agencies, or by the individual payroll offices.

(b) *Eligibility Rules.* Eligibility for the making of an allotment is dependent on such factors as residents of employee, place of employment and type of allotment desired. The specific rules listed below are summarized in the table "Allotments of Pay," enclosure 1. The table is in general terms and is for general guidance only. The specific rules are listed below:

(1) An employee may make an allotment of pay as provided in § 89.4(a)(1), (a)(2)(i), (a)(3) through (6), and in § 89.4(a)(11) and (12) when the employee is:

(i) Assigned to a post of duty outside the continental United States;

(ii) Working on an assignment away from his regular post of duty when the assignment is expected to continue for 3 months or more;

(iii) Serving as an officer or member of a crew of a vessel under the control of the Federal Government.

(2) An employee whose place of employment is within the continental United States may authorize an allotment of pay as provided in § 89.4(a)(2)(ii) and § 89.4(a)(5), (11), and (12).

(3) An employee; who is employed outside of, but is a resident in, a State or the District of Columbia with which the Department of the Treasury has entered into an agreement to withhold income taxes from the pay of employees in accordance with the procedures prescribed in the Treasury Fiscal Requirements Manual, may make an allotment of pay for the purpose specified in § 89.4(a)(7).

(4) An employee, who is employed in, or a resident of, a city with which the Department of the Treasury has entered into an agreement to withhold city income taxes in accordance with the procedures prescribed in the Treasury Fiscal Requirements Manual, may make an allotment of pay for the purpose specified in § 89.4(a)(8).

(5) An employee who meets the eligibility requirements prescribed in DoD Directive 1426.1,<sup>1</sup> may make an allotment of pay for the purpose specified in § 89.4(a)(9).

(6) An employee who meets the eligibility requirements prescribed in DoD Directive 5035.1<sup>1</sup> may make an allotment of pay for the purpose specified in § 89.4(a)(10).

(c) *Emergency Allotments.* Allotments may be authorized to become effective during an emergency evacuation in accordance with provisions of the OPM Regulation, such allotments will not become effective until an evacuation order has been issued.

(d) *Allotments for Foreign Nationals.* Foreign nationals employed by the Department of Defense (DoD) and working outside their own country on assignments of three or more months duration may be permitted to make allotments for any of the purposes authorized in § 89.4(a), providing all other provisions of this Part are observed.

(1) Foreign nationals employed by the DoD to work in their own countries or in the Canal Zone may be permitted to make allotments for the purposes shown in § 89.4(a)(9) and § 89.4(a)(10), and to pay premiums on group health benefits and group life insurance.

(2) Foreign nationals may be permitted to make other allotments from pay when such allotments are based on local customs and practices or are pursuant to treaties or country-to-country agreements.

(e) *Allotment limitations.* (1) A power of attorney will not be accepted to establish, change, or discontinue an allotment.

(2) Allotment payments shall be made in accordance with the schedule established by the particular department or agency of the DoD, provided such allotment checks are not issued until the related earnings have accrued. This shall be stipulated as a requirement for the allotment.

(3) Except as provided by § 89.4(a)(2) and (11), a DoD employee shall not have

more than one allotment payable to the same allottee at the same time.

(4) Allotments will not exceed the pay due the allotter.

(f) *Discontinuance of Allotments.* Allotments will be discontinued:

(1) Upon receipt of: (i) Notice of retirement, separation, or death of the allotter;

(ii) Notice that the allotter has been placed in an extended leave without pay status;

(iii) Written notice from the allotter unless this right is otherwise restricted by law;

(iv) Notice of death of the allottee; or

(v) Notice that the whereabouts of the allottee is unknown.

(2) When the conditions under which an allotment was permitted no longer exist.

<sup>1</sup> Copies may be obtained, if needed, from the U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, PA 19120. Attention: Code 301.

Enclosure 1

T A B L E

ALLOTMENTS OF PAY

Authorized Allotments

	1 a	1 b(1)	1 b(2)	1 c	1 d	1 e	1 f	1 g	1 h	1 i	1 j	1 k	1 l	1 m
	Support of Dependents	Savings	Financial Institution Account	Commercial Life Insurance	National Service and Government Life Insurance	Indebtedness to U.S. Government	Home Loan Repayment	State Income Tax	City Income Tax	Labor Organization Dues	Combined Federal Campaign	Savings Bonds	Professionals and Other Associations	
R	Allotment of pay may be authorized for the purposes indicated when													
U	the employee is:													
L														
E														
2 a	Assigned to a post of duty outside the U S , away from regular duty post over three months or on duty on a vessel under U S Government control	X		X	X	X	X					X	X	X
2 b	Working within the United States		X			X						X		X
2 c	Working outside State of residence and U S Government has a withholding agreement							X						
2 d	Working or living in a city with which U S Government has a withholding agreement								X					
2 e	A member of a labor/employee organization for which employer has agreed to collect dues \$									X				
2 f	Working in an area participating in a Combined Federal Campaign													X

NOTE: The letter and number identifying each rule and allotment purpose references the subsection and paragraph of section D in the Directive that provide a complete description

## DEPARTMENT OF TRANSPORTATION

## Coast Guard

## 33 CFR Part 165

## Safety Zone—Vicinity of Willoughby Bay, Norfolk, Va.

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

**SUMMARY:** The amendment to the Coast Guard's Safety Zone regulations establishes a Safety Zone in Willoughby Bay, Norfolk, Virginia bounded by a line beginning at 36-56-54N latitude 76-17-37W longitude to 36-57-30N latitude 76-17-37W longitude to 36-57-30N latitude 76-17-01W longitude thence to 36-56-56N latitude 76-17-01W longitude thence along the shoreline to the point of beginning. This Safety Zone has been established as a safety precaution during the Naval Air Station Norfolk Open House and Air Show on 22 April 1979, and during arrival maneuvers on 21 April 1979 by the U.S. Navy Blue Angels flight demonstration team. The Federal Aviation Administration requires this area to remain clear of human activity as a condition to permit the Air Show to take place.

**DATES:** This amendment is effective on April 21, 1979 from 3:45 P.M. to 6:45 P.M. during arrival and practice maneuvers and on April 22, 1979 from 12:30 P.M. to 4:30 P.M. during the Air Show.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant Commander John H. Distin, Chief, Port Operations Department, USCG Marine Safety Office Hampton Roads, Norfolk Federal Building, 200 Granby Mall, Norfolk, Virginia 23510, Tele: 804-441-3298, FTX: 827-3298.

**SUPPLEMENTARY INFORMATION:** This amendment is issued without public comment because the short period of time before the scheduled event would make such procedures impracticable and contrary to public interest.

**DRAFTING INFORMATION:** The principal persons involved in the drafting of this rule are: Lieutenant Commander John H. Distin, Chief, Port Operations Department, USCG Marine Safety Office Hampton Roads, Norfolk, Virginia, and Lieutenant Deryck G. Bratton, Assistant Chief, Port Safety Branch of the Commander, Fifth Coast Guard District, Portsmouth, Virginia. The project attorney is Lieutenant Cheryl J. Avery, c/o Commander, Fifth Coast Guard District (d1), Federal Building, 431 Crawford Street, Portsmouth, Virginia 23705.

In consideration of the above, Part 165 of Title 33 of the Code of Federal Regulations is amended to read as follows:

§ 165.518 **Chesapeake Bay, Hampton Roads, Willoughby Bay, Norfolk, Virginia.**

The area enclosed by the following boundary is a Safety Zone—a line beginning at 36-56-54N latitude 76-17-37W longitude to 36-57-30N latitude 76-17-37W longitude thence to 36-57-30N latitude 76-17-01W longitude thence to 36-56-56N latitude 76-17-01W longitude thence along the shoreline to the point of beginning. This Safety Zone will be effective from 3:45 P.M. to 6:45 P.M. on April 21, 1979 and from 12:30 P.M. to 4:30 P.M. on April 22, 1979. The general regulations governing safety zones as contained in 33 CFR 165.20 apply.

Authority: (92 Stat. 1475 (33 U.S.C. 1225); 49 CFR 1.46(n)(4)).

Dated: 5 April 1979.

C. R. Thompson,

*Captain, U.S. Coast Guard, Captain of the Port, Hampton Roads, USCG Marine Safety Office, Norfolk Federal Building, 200 Granby Mall, Norfolk, Virginia 23510.*

[CGD5-79-01R]

[FR Doc. 79-13008 Filed 4-25-79; 8:45 am]

BILLING CODE 4910-14-M

## DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

## 33 CFR Part 208

Flood Control Regulations; Marshall Ford Dam and Reservoir, Colorado River, Tex.

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

ACTION: Final rule.

**SUMMARY:** On 9 April 1976 interim regulations were published in the Federal Register [41 FR 15005] to permit time for completion of detailed studies. Upon completion of a hydrologic computer model of the Colorado River Basin, the operation of thirteen of the major lakes of the basin were simulated using the historical streamflow records for the forty-five year period from 1 January 1930 through 31 December 1974. From this simulation study, the results of 14 different regulation plans for Marshall Ford Dam and Reservoir were presented by the District Engineer at a public meeting held in Austin, Texas, on 5 January 1978. As a result of comments received at that meeting plus subsequent workshops and technical meetings, additional regulation plans were analyzed, resulting in the development and presentation of the revised plan at a

second public meeting in Austin, Texas, on 19 December 1978. The revised plan will result in a significant increase in overall flood protection without a significant decrease in the generation of hydroelectric energy. The revised regulation plan also meets current downstream water supply demands, will lower the 1% floodplain elevations both in the reservoir and downstream through Austin area, and will not have a significant adverse impact on the environment. This revised regulation plan is jointly supported by the Corps of Engineers, the Bureau of Reclamation, and the Lower Colorado River Authority.

**EFFECTIVE DATE:** This revision of Section 208.19 becomes effective on May 29, 1979.

**ADDRESSES:** HQDA (DAEN-CWE-HY) Washington, D.C. 20314.

**FOR FURTHER INFORMATION CONTACT:** Mr. Edgar P. Story, Engineering Division, Civil Works Directorate, Office of the Chief of Engineers, Washington, D.C. 20314 (202-693-7330).

**Note.**—The Chief of Engineers has determined that this rule does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB (Circular A-107) (Statutory Authority Pub. L. 90-483).

**SUPPLEMENTARY INFORMATION:**

Recognizing that increased urban development has occurred both within the reservoir area and downstream of the project, major factors considered in the derivation of the proposed plan included:

(a) The importance of hydroelectric power generation.

(b) The seasonal nature of floods in the Colorado River Basin.

(c) The ability to meet downstream water demands.

(d) An equitable balance of flood damage risks between upstream and downstream property owners.

(e) A preliminary environmental impact assessment of the flood regulation plan.

(f) The current ability to adequately forecast floods consistent with austere funding limitations and the current state-of-the-art technical developments.

(g) A coincident probability analysis of the 1% flood.

(h) The public input received in response to the public meeting and workshops.

The overall changes from the 1976 interim plan of regulation are as follows:

(a) Release rates shall continue to be 3,000 c.f.s. when the pool elevation is forecast to be between elevation 681 and 683 feet, m.s.l. and 5,000 c.f.s. when

the pool elevation is forecast to be higher than elevation 683 feet, m.s.l., but less than 685 feet, m.s.l. When the pool elevation is forecast to be between 685 and 691 feet, m.s.l. a seasonal plan of regulation shall be followed: During the months of May, June, September, and October, the coordinated release rate shall be increased to the maximum amount which, when combined with local flows below the dam, does not exceed 30,000 c.f.s. (20.5 feet) at the Austin USGS gage, 45,000 c.f.s. (25.1 feet) at the Bastrop USGS gage, or 50,000 c.f.s. (25.5 feet) at the Columbus USGS gage. During the months of January through April, July, August, November, and December the release rate shall be 5,000 c.f.s.

(b) If conditions are such that the reservoir elevation is forecast to exceed elevation 710 feet, m.s.l. but not 714 (top of flood control pool) feet, m.s.l., the coordinated releases, when combined with downstream local flows, will not exceed the downstream control stage of 24.8 feet (50,000 c.f.s.) at the USGS gaging station at Austin.

(c) If the reservoir elevation is forecast to exceed elevation 714 feet, m.s.l. but not 722 feet, m.s.l. the rate of release shall not exceed the associated peak flood inflows into the reservoir or 90,000 c.f.s., whichever is the lesser. As the actual lake level exceeds elevation 714 feet, m.s.l., the Bureau of Reclamation assumes responsibility for determining releases to protect the safety of the structure.

*Use of revised regulations prior to promulgation:* The revised regulation will be used in the event of a flood in the Colorado River Basin which requires flood control regulation at Marshall Ford Dam, in lieu of the interim regulation plan of 1 April 1976.

*Effective date:* This revision of Section 208.19 becomes effective on May 29, 1979.

Dated: April 17, 1979.

Charles L. McGinnis,  
Major General, USA, Director of Civil Works.

Accordingly, 33 CFR 208 is amended by revising Section 208.19 as set forth below.

**§ 208.19 Marshall Ford Dam and Reservoir (Mansfield Dam and Lake Travis), Colorado River, Tex.**

The Secretary of the Interior, through his agent, the Lower Colorado River Authority (LCRA) shall operate the Marshall Ford Dam and Reservoir in the interest of flood control as follows:

(a) *Water Control Plan—(1) General objectives.* The objectives of the Marshall Ford Reservoir (Lake Travis) are the improvement of navigation, flood

control, stream regulation, generation of power, irrigation, water supply, and recreation uses.

(2) *Overall plan for water control.* Within the Colorado River Basin, four Federal projects provide flood control protection: Twin Buttes, O. C. Fisher, Hords Creek, Marshall Ford Reservoir. The considerable distance (328 river miles) and large intervening area (19,990 square miles) separating Marshall Ford Reservoir and the three upper basin flood-control projects prevent realizing any significant benefits from coordinating releases to control the inflow into Marshall Ford. Marshall Ford Reservoir is the fifth project in a tandem of six lakes operated and controlled by the Lower Colorado River Authority for the generation of hydroelectric power. These six projects in downstream order are: Lake Buchanan, Lake Inks, Lake Lyndon B. Johnson (Alvin Wirtz Dam), Lake Marble Falls (Max Starcke Dam), Marshall Ford Reservoir (Lake Travis and Mansfield Dam) and Lake Austin (Tom Miller Dam). The releases from each of the six projects are closely coordinated by the LCRA System Operation Control Center. Three of the projects (Lake Inks, Lake Marble Falls, and Lake Austin) are run-of-the-river projects. The capability of the four upstream lakes to control the inflow of flood water into Marshall Ford depends on their antecedent lake elevations. The majority of inflows to Marshall Ford are comprised of the mainstream flows of the Colorado River, the tributary flows of the Llano River (entering the Colorado River between Lakes Inks and Lyndon B. Johnson) and the unregulated tributary flows of the Pedernales River (entering between Lake Marble Falls and Marshall Ford Reservoir). During flood conditions, the following upstream U.S. Geological Survey gaging stations are used as indicators of the magnitude of the inflows to Marshall Ford Reservoir:

(i) Colorado River near San Saba (08147000)

(ii) Pedernales River near Johnson City (08153500)

(iii) Llano River at Llano (08151500)

(3) *Standing instructions to dam tender.* During normal conditions, the dam tender will regulate the project in accordance with instructions received from the LCRA System Operator. During flood conditions, when the Marshall Ford Reservoir level is within the flood control zone, the LCRA System Operator will regulate the project in accordance with instructions received from the Corps of Engineers. In the event of a communication outage, the LCRA

System Operator will rely on the Emergency Release Schedule, to make changes in the rate of releases from the lake.

(4) *Flood control regulation—(i) General.* At all times, releases shall be coordinated such that the Colorado River, Texas, will be controlled when possible, to remain below control stages at downstream official U.S. Geological Survey (USGS) gaging stations; except that no curtailment of normal hydroelectric turbine releases shall result thereby at any time. The USGS river stations and their control stages are as follows:

Key Downstream Control Points

Station	Control stage (feet)	Equivalent cubic feet per second (c.f.s.)
Austin (08150000).....	20.5	30,000
Bastrop (08159200).....	24.8	50,000
	25.1	45,000
	26.7	50,000
Columbus (08161000).....	25.5	50,000

<sup>1</sup>Control stage when elevation 710 is forecast to be exceeded.

Forecasted reservoir inflows and the upstream USGS gaging stations Pedernales River near Johnson City (08153500), Llano River at Llano (08151500), and Colorado River near San Saba (08147000) will be considered when scheduling flood releases.

(ii) *Flood control release schedule.* Marshall Ford will be regulated to reduce flooding on the Colorado River below the dam. This plan of regulation will govern flood control releases from Marshall Ford Dam as follows:

(A) *Elevation 681-683.* If the reservoir level is forecast to rise above elevation 681 feet, m.s.l. (top of conservation pool) but not to exceed elevation 683 feet, m.s.l., the releases shall be increased to 3,000 c.f.s. and maintained until the reservoir level recedes to elevation 681 feet, m.s.l. These release rates may need to be reduced due to excessive downstream runoff to prevent exceeding the control stages specified in paragraph 4(i).

(B) *Elevation 683-685.* If the reservoir elevation is forecast to rise above elevation 683 feet, m.s.l. but not to exceed elevation 685 the releases shall be increased to 5,000 c.f.s. and maintained until the reservoir level recedes below 683 feet, m.s.l. These release rates may need to be reduced due to excessive downstream runoff to prevent exceeding the control stages specified in paragraph 4(i).

(C) *Elevation 685-691.1 Seasonal Operation.* (1) During the months of January through April, July through

August, and November through December: If the reservoir elevation is forecast to rise above elevation 685 feet, m.s.l. but not to exceed elevation 691, the releases shall be increased to 5,000 c.f.s. and maintained until the reservoir level recedes below 683 feet, m.s.l. These release rates may need to be reduced due to excessive downstream runoff to prevent exceeding the control stages specified in paragraph 4(i).

(2) During the months of May, June, September, and October: Should the reservoir elevation be forecast to exceed 685 feet, m.s.l. but not to exceed elevation 691 feet, m.s.l.: Releases will be made at 30,000 c.f.s. from the project or at a rate such that, when combined with local inflows below the dam, will equal but not exceed downstream control stages on the Colorado River as specified in paragraph 4(i) of this section. These release rates will be maintained until the reservoir level falls below elevation 685 feet, m.s.l.

(D) *Elevation 691-710.* Should the reservoir elevation be forecast to exceed 691 feet, m.s.l. (the top of the joint use pool) but not to exceed elevation 710 feet, m.s.l.: Releases will be made at 30,000 c.f.s. from the project or at a rate such that, when combined with local inflows below the dam, will equal but not exceed downstream control stages on the Colorado River as specified in paragraph 4(i) of this section. These release rates will be so controlled until the reservoir level falls below elevation 691 feet, m.s.l.

(E) *Elevation 710-714.* If the reservoir level is forecast to exceed 710 feet, m.s.l. but not to exceed elevation 714 feet, m.s.l.: Releases will be made at 50,000 c.f.s. from the project or at a rate such that, when combined with local inflows below the dam, will equal but not exceed the downstream control stages on the Colorado River as specified in paragraph 4(i) of this section. These release rates will be maintained until the reservoir level falls below elevation 710 feet, m.s.l.

(F) *Elevation 714-722.* If the reservoir level is forecast to exceed 714 feet, m.s.l. but not to exceed 722 feet, m.s.l.: Releases will be made at 90,000 c.f.s. from the project. Releases shall not exceed the associated peak flood reservoir inflow.

(G) *Elevation 722 and above.* If the reservoir level is forecast to exceed elevation 722 feet, m.s.l., the Bureau of Reclamation will schedule releases as required for the safety of the structure.

(iii) *Normal flood control regulation schedule.* The following table, Flood Control Regulation Schedule, summarizes the flood control releases schedule for given reservoir levels and river conditions:

Marshall Ford Dam and Reservoir Normal Flood Control Regulation Schedule

Condition	Reservoir level	Flood control release	Control points
Pool Rising	Forecast: 681-683 <sup>1</sup>	3,000 c.f.s.	30,000 c.f.s. (20.5 ft) at Austin. 45,000 c.f.s. (25.1 ft) at Bastrop. 50,000 c.f.s. (25.5 ft) at Columbus.
Pool Rising	Forecast: 683-685	5,000 c.f.s.	30,000 c.f.s. (20.5 ft) at Austin. 45,000 c.f.s. (25.1 ft) at Bastrop. 50,000 c.f.s. (25.5 ft) at Columbus.
Pool Rising	Forecast: 685-691:		
	(a) During January, February, March, April, July, August, November, December.	5,000 c.f.s.	30,000 c.f.s. (20.5 ft) at Austin. 45,000 c.f.s. (25.1 ft) at Bastrop. 50,000 c.f.s. (25.5 ft) at Columbus.
	(b) During May, June, September, October.	30,000 c.f.s.	30,000 c.f.s. (20.5 ft) at Austin. 45,000 c.f.s. (25.1 ft) at Bastrop. 50,000 c.f.s. (25.5 ft) at Columbus.
Pool Rising	Forecast: 691-710	30,000 c.f.s.	30,000 c.f.s. (20.5 ft) at Austin. 45,000 c.f.s. (25.1 ft) at Bastrop. 50,000 c.f.s. (25.5 ft) at Columbus.
Pool Rising	Forecast: 710-714	50,000 c.f.s.	50,000 c.f.s. (24.8 ft) at Austin. 50,000 c.f.s. (26.7 ft) at Bastrop. 50,000 c.f.s. (25.5 ft) at Columbus.
Pool Rising	Forecast: 714-722 <sup>2</sup>	90,000 c.f.s.	No controls.
Pool Rising	Forecast: above 722	The Bureau of Reclamation will specify the releases for safety of the structure.	
Pool Falling	Above 722	The Bureau of Reclamation will specify the releases for safety of the structure.	
Pool Falling	722-714 <sup>2</sup>	90,000 c.f.s.	No controls.
Pool Falling	714-710	50,000 c.f.s.	50,000 c.f.s. (24.8 ft) at Austin. 50,000 c.f.s. (26.7 ft) at Bastrop. 50,000 c.f.s. (25.5 ft) at Columbus.
Pool Falling	710-691	30,000 c.f.s.	30,000 c.f.s. (20.5 ft) at Austin. 45,000 c.f.s. (25.1 ft) at Bastrop. 50,000 c.f.s. (25.5 ft) at Columbus.
Pool Falling	691-685:		
	(a) During May, June, September, October.	30,000 c.f.s.	30,000 c.f.s. (20.5 ft) at Austin. 45,000 c.f.s. (25.1 ft) at Bastrop. 50,000 c.f.s. (25.5 ft) at Columbus.
	(b) During January, February, March, April, July, August, November, December.	5,000 c.f.s.	30,000 c.f.s. (20.5 ft) at Austin. 45,000 c.f.s. (25.1 ft) at Bastrop. 50,000 c.f.s. (25.5 ft) at Columbus.
Pool Falling	685-683	5,000 c.f.s.	30,000 c.f.s. (20.5 ft) at Austin. 45,000 c.f.s. (25.1 ft) at Bastrop. 50,000 c.f.s. (25.5 ft) at Columbus.
Pool Falling	683-681	3,000 c.f.s.	30,000 c.f.s. (20.5 ft) at Austin. 45,000 c.f.s. (25.1 ft) at Bastrop. 50,000 c.f.s. (25.5 ft) at Columbus.

<sup>1</sup> During flood conditions, when the reservoir level is below elevation 681 ft, m.s.l., the Corps of Engineers will provide recommendations to the Lower Colorado River Authority on flood control releases.

<sup>2</sup> Releases shall not exceed the associated peak flood reservoir inflow.

NOTE.—No curtailment of normal hydroelectric turbine releases shall be required due to flood control operations.

(5) *Deviation from normal regulation.*  
(i) There are occasions when it is necessary or desirable to deviate from the water control plan for short periods of time as indicated in the following paragraphs:

(A) The water control plan is subject to temporary modification by the Corps of Engineers, if found necessary in time of emergency. Requests for and action on such modifications may be made by the fastest means of communication available. The action taken shall be confirmed in writing the same day to the project owner and shall include justification for the action.

(B) The project owner may temporarily deviate from the water control plan in the event an immediate short-term departure is deemed necessary for emergency reasons to protect the safety of the dam, or to avoid serious hazards. Such actions shall be immediately reported by the fastest means of communication available. Actions shall be confirmed in writing the same day to the Corps of Engineers and shall include justification for the action. Continuation of the deviation will require the express approval of the Chief of Engineers, or his duly authorized representative.

(C) Advance approval of the Chief of Engineers, or this duly authorized representative, is required prior to any deviation from the plan of regulation prescribed or approved by the Corps of Engineers in the interest of flood control and/or navigation, except in emergency situations provided for in paragraph (5)(B) above. When conditions appear to warrant a prolonged deviation from the approved plan, the project owner and the Corps of Engineers will jointly investigate and evaluate the proposed deviation to insure that the overall integrity of the plan would not be unduly compromised. Approval of prolonged deviations will not be granted unless such investigations and evaluations have been conducted to the extent deemed necessary by the Chief of Engineers, or his designated representative, to fully substantiate the deviations.

(ii) The Fort. Worth District Corps of Engineers will serve as the LCRA contact point for any deviation from or modification of the water control plan. The communication network will be described in the Water Control Manual. The Fort Worth District will notify the Division Engineer, Southwestern Division, Corps of Engineers of any deviations or modifications of the water control plan and request his approval. The Division Engineer has been designated as the authorized representative of the Chief of Engineers in matters relating to projects within the Southwestern Division which are subject to provisions of Section 7 of the 1944 Flood Control Act.

(b) *Reports to the Corps of Engineers.*

(1) The Authority shall furnish the District Engineer, Fort Worth District, U.S. Army Corps of Engineers, by 0900 hours daily, with the following:

(i) Project information.

(A) Lake elevations at midnight and 0800 hours.

(B) Uncontrolled spillway, flood-control conduits, and turbine releases: Cubic feet per second at 0800 hours, and day-second-feet average for the previous 24 hours, ending at midnight.

(C) Computed average inflow, in day-second-feet for the previous 24 hours, ending at midnight.

(D) Total precipitation in inches for the previous 24 hours at the dam, ending at 0800 hours.

(E) Summary of streamflow and channel conditions at gages named in paragraphs (a)(2) and (a)(4)(i) of this section.

(ii) Lake Buchanan Pool elevation at 0800 hours.

(2) Whenever flood conditions are imminent, or stages of 16 feet (20,000

c.f.s.) or more at the Austin gage have been reached, the Authority shall report at once to the District Engineer by the fastest means of communications available. Data listed in paragraph (b)(1) of this section shall be reported to, and at intervals prescribed by the District Engineer for the duration of flood surveillance and control operations.

[FR Doc. 79-12849 Filed 4-25-79; 8:45 am]  
BILLING CODE 3710-92-M

## VETERANS ADMINISTRATION

### 38 CFR Part 36

#### Loan Guaranty; Increase in Maximum Permissible Interest Rate on New, Guaranteed, Insured and Direct Loans

AGENCY: Veterans Administration.

ACTION: Final Regulations.

**SUMMARY:** The VA (Veterans Administration) is increasing the maximum interest rate on guaranteed, insured and direct loans for new homes and condominiums. The interest rate is also increased on loans for the purchase of a mobile home lot or for site preparation over \$2,500 on a lot previously acquired by a veteran. The maximum interest rate is increased because the former interest rate was not sufficiently competitive to induce private sector lenders to make VA guaranteed or insured loans without imposing substantial discounts. The increase in the interest rate will assure a continuing supply of funds for home mortgages; thereby allowing veterans to purchase a home with the assistance of a no downpayment VA loan.

**EFFECTIVE DATE:** April 23, 1979.

**FOR FURTHER INFORMATION CONTACT:** Mr. George D. Moerman, Loan Guaranty Service (264), Department of Veterans Benefits, Veterans Administration, 810 Vermont Ave., NW, Washington, D.C. 20420 (202-389-3042).

**SUPPLEMENTARY INFORMATION:** The Administrator is required to establish a maximum interest rate for loans guaranteed, insured or made by the Veterans Administration as he finds the mortgage money market demands. Recent market indicators—including the rate of discount charged by lenders on VA and Federal Housing Administration loans, the general increase in interest rates charged by lenders on conventional loans, and the results of the bi-weekly Federal National Mortgage Association auctions—have shown that the mortgage money market has become more restrictive. The maximum rate in effect for VA

guaranteed loans has not been sufficiently competitive to induce private sector lenders to make VA guaranteed or insured loans without imposing substantial discounts. To assure a continuing supply of funds for home mortgages through the VA loan guaranty program it has been determined that an increase in the maximum permissible rate is necessary. The increased return to the lender will make VA loans competitive with other available investments and assure a continuing supply of funds for guaranteed and insured mortgages.

At present no change is being made in the maximum interest rate applicable to the mobile home loan program except as to loans to purchase mobile home lots. The lender's return on mobile home unit loans appears competitive with other forms of consumer financing to which this type of loan is comparable, and no change in rate is justified at this time.

However, a loan to purchase a mobile home lot is similar to other real estate loans and for the purpose of assuring a continuing supply of funds and consistency with other real estate programs, the rate on these loans is also being increased.

The increase in the maximum interest rate is accomplished by amending §§ 36.4212(a) (2) and (3), 36.4311(a), and 36.4504(a), Title 38, Code of Federal Regulations. Compliance with the procedure for publication of proposed regulations prior to final adoption is waived because compliance would create an acute shortage of mortgage funds pending the final date which would necessarily be more than 30 days after publication in proposed form.

Approved: April 19, 1979.

Max Cleland,  
Administrator.

1. In § 36.4212, paragraph (a) (2) and (3) is revised to read as follows:

#### § 36.4212 Interest rates and late charges.

(a) The interest rate charged the borrower on a loan guaranteed pursuant to 38 U.S.C. 1819 may not exceed the following maxima except on loans guaranteed or insured pursuant to guaranty or insurance commitments issued by the Veterans Administration prior to April 23, 1979. (38 U.S.C. 1819(f))

\* \* \* \* \*

(2) 10 percent simple interest per annum for that portion of the loan which finances the purchase of a lot and the cost of necessary site preparation, if any.

(3) 10 percent simple interest per annum on that portion of a loan which will finance the cost of the site

preparation necessary to make a lot owned by the veteran acceptable as the site for the mobile home purchased with the proceeds of the loan except that a rate of not to exceed 12 percent may be charged if the portion of the loan to pay for the cost of such necessary site preparation does not exceed \$2,500.

\* \* \* \* \*

2. In § 36.4311, paragraph (a) is revised to read as follows:

**§ 36.4311 Interest rates.**

(a) Excepting loans guaranteed or insured pursuant to guaranty or insurance commitments issued by the Veterans Administration which specify an interest rate in excess of 10 per centum per annum, effective April 23, 1979, the interest rate on any loan guaranteed or insured wholly or in part on or after such date may not exceed 10 per centum per annum on the unpaid principal balance. (38 U.S.C. 1803(c)(1))

\* \* \* \* \*

3. In § 36.4503, paragraph (a) is revised to read as follows:

**§ 36.4503 Amount and amortization.**

(a) The original principal amount of any loan made on or after October 1, 1978, shall not exceed an amount which bears the same ratio to \$33,000 as the amount of the guaranty to which the veteran is entitled under 38 U.S.C. 1810 at the time the loan is made bears to \$25,000. This limitation shall not preclude the making of advances, otherwise proper, subsequent to the making of the loan pursuant to the provisions of § 36.4511. Loans made by the Veterans Administration shall bear interest at the rate of 10 percent per annum. (38 U.S.C. 1811(d)(1) and (2)(A))

\* \* \* \* \*

[FR Doc. 79-12870 Filed 4-25-79; 8:45 am]  
BILLING CODE 8320-01-M

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 610**

**Fuel Economy Retrofit Devices, Final Test Procedures and Evaluation Criteria; Correction**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Correction.

**SUMMARY:** In FR Doc. 79-8735 appearing at page 17946 of the Federal Register of Friday, March 23, 1979, the following citation should appear just above the signature block on page 17946: "[Sec. 511, Motor Vehicle Information and Cost

Savings Act as amended (Sec. 301, Pub. L. 94-163, 89 Stat. 915 (U.S.C. 2011)).]"

On the same page, under "Subpart A," Sec. 610.12 should read "Program Initiative" and under "Subpart B," Sec. 610.21 should read "Device Functional Category and Vehicle System Effects." **FOR FURTHER INFORMATION CONTACT:** Peter Hutchins, Emission Control Technology Division, Office of Mobile Source Air Pollution Control, Environmental Protection Agency, 2565 Plymouth Road, Ann Arbor, Michigan 48105, (313)-668-4200.

Dated: April 19, 1979.  
David G. Hawkins,  
Assistant Administrator for Air, Noise and Radiation.  
[FRL 1211-5]  
[FR Doc. 79-12845 Filed 4-25-79; 8:45 am]  
BILLING CODE 6560-01-M

**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Part 73**

**FM Broadcast Station in Columbia, N.C.; Changes Made in Table of Assignments.**

**AGENCY:** Federal Communications Commission.

**ACTION:** Report and Order.

**SUMMARY:** Action taken herein assigns a Class C FM channel to Columbia, North Carolina, as that community's first FM assignment, in response to a petition filed by Thomas C. Cross and John Woolard. The channel provides for an FM station which could furnish first and second FM as well as first and second nighttime aural service to substantial areas and populations.

**EFFECTIVE DATE:** June 1, 1979.

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

**FOR FURTHER INFORMATION CONTACT:** Mildred B. Nesterak, Broadcast Bureau, (202) 632-7792.

**SUPPLEMENTARY INFORMATION:**

Adopted: April 17, 1979.

Released: April 20, 1979.

By the Chief, Broadcast Bureau:

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Columbia, North Carolina).

1. The Commission herein considers the *Notice of Proposed Rule Making*, 43 FR 59113, in the above-captioned proceeding, instituted in response to a petition filed by Thomas C. Cross and John Woolard ("petitioners"). The petition proposed the assignment of Class C FM Channel 289 to Columbia,

North Carolina. No oppositions were filed to the petition. Petitioners filed supporting comments in which they submitted their intention to file for the channel, if assigned.

2. Columbia (pop. 902), seat of Tyrrell County (pop. 3,866),<sup>1</sup> is located on a peninsula between Albemarle Sound and Pamlico Sound in eastern North Carolina.

3. Petitioners state that the economy of Tyrrell County is based primarily on agriculture (including forestry) with fishing being second to agriculture in economic importance. They note that there are over fifty retail and service businesses in Columbia in addition to three major oil distributors.

4. Channel 289 could be assigned to Columbia in conformity with the minimum distance separation requirements, provided the transmitter site is located 9.6 kilometers (6 miles) east of Columbia. One community of greater than 1,000 population would sustain preclusion if Channel 289 were assigned to Columbia. That community is Belhaven (pop. 2,259) which has an unoccupied FM assignment.

5. Petitioners assert that the nearest existing FM facility to Columbia is a Class A station at Edenton, 96 kilometers (56 miles) from Columbia, and the nearest assigned but unoccupied FM channel is located at Belhaven, 109 kilometers (68 miles) from Columbia. Petitioners add that there are no FM assignments in the three-county eastern area of the peninsula proper. A Class C FM station operating with reasonable facilities would provide a first FM service to 9,755 persons in a 3,800 square kilometer (1,430 square miles) area and a second FM service to 10,248 persons in a 3,830 square kilometer (1,440 square miles) area. The same figures would apply to a first and second nighttime aural service.

6. We have given careful consideration to the proposal and believe that Channel 289 should be assigned to Columbia, North Carolina. Although a community of this size is not normally assigned a Class C channel, the proposed assignment would provide for an FM station which could render first and second FM service as well as first and second nighttime aural service to substantial areas and populations. Since a Class A channel would not provide such service, we believe the public interest would be served by assigning Channel 289 to Columbia, North Carolina.

7. Authority for the action taken herein is contained in Sections 4(i),

<sup>1</sup>Population figures are taken from the 1970 U.S. Census.

5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules.

8. In view of the foregoing, It is ordered, That effective June 1, 1979, Section 73.202(b) of the Commission's Rules, the FM Table of Assignments, as regards Columbia, North Carolina, is amended to read as follows:

City: Columbia, North Carolina..... Channel No. 289

9. For further information concerning this proceeding, contact Mildred B. Nesterak, Broadcast Bureau, (202) 632-7792.

10. It is further ordered, That this proceeding is terminated.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303.)

Federal Communications Commission.

Wallace E. Johnson,  
Chief, Broadcast Bureau.

[BC Docket 78-377; RM-3098]

[FR Doc. 79-12848 Filed 4-25-79; 8:45 am]

BILLING CODE 6712-01-M

#### 47 CFR Part 73

##### Television Broadcast Station in Springfield, Mo.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Report and Order.

**SUMMARY:** Action taken herein assigns a fourth commercial television channel to Springfield, Missouri, in response to a petition filed by the Christian Center of the Ozarks, Inc. The proposed assignment would provide for a station which could provide a first independent (non-network) television programming service to Springfield.

**EFFECTIVE DATE:** June 1, 1979.

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

**FOR FURTHER INFORMATION CONTACT:** Mildred B. Nesterak, Broadcast Bureau, (202) 632-7792.

##### SUPPLEMENTARY INFORMATION:

Report and Order.—Proceeding Terminated

Adopted: April 17, 1979.

Released: April 19, 1979.

In the matter of Amendment of § 73.606(b), *Table of Assignments, Television Broadcast Stations*, (Springfield, Missouri), BC Docket No. 78-320, RM-3141.

1. The Commission has before it a *Notice of Proposed Rule Making*, adopted September 28, 1978, 43 FR

46871, in response to a petition filed by Christian Center of the Ozarks, Inc. ("petitioner"), requesting the assignment of UHF television Channel 33 to Springfield, Missouri, as its fourth commercial television assignment. Supporting comments were filed by petitioner in which it reaffirmed its intention to apply for the channel, if assigned. No oppositions to the proposal were received.

2. Springfield (pop. 120,096), seat of Greene County (pop. 152,929)<sup>1</sup>, is located in southwest Missouri, approximately 305 kilometers (190 miles) southwest of St. Louis, Missouri. Springfield has three network-affiliated commercial television stations (KYTV, Channel 3; KOLR-TV, Channel 10; and KMTC, Channel 27). It also has assigned to it Channel \*21, which is used by Station KOZK, an educational station.

3. Petitioner states that the population of Springfield has increased by more than 25 percent between 1960-1970 and predicts that the city will have a population of 133,278 by 1980. Petitioner claims that the absence of a non-network television station deprives the people of Springfield and the surrounding area of the many and varied programs carried in numerous other cities by independent television stations.

4. We believe the public interest would be served by assigning television Channel 33 to Springfield, Missouri. A station on the proposed channel would provide the Springfield area with a fourth commercial television service and first non-network local service.

5. Authority for the adoption of the amendment contained herein appears in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

6. Accordingly, it is ordered, that effective June 1, 1979, the Television Table of Assignments (§ 73.606(b) of the Commission's rules) is amended as follows for the community listed below:

City: Springfield, Missouri..... Channel No. 3+, 10, \*21-, 27-, 33-

7. It is further ordered, that this proceeding is terminated.

8. For further information concerning this proceeding, contact Mildred B. Nesterak, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303)

<sup>1</sup>Population figures are taken from the 1970 U.S. Census.

Federal Communications Commission.

Wallace E. Johnson.

Chief, Broadcast Bureau.

[BC Docket No. 78-320; RM-3141]

[FR Doc. 79-12922 Filed 4-25-79; 8:45 am]

BILLING CODE 6712-01-M

#### 47 CFR Part 73

##### Television Broadcast Station in Angola, Ind.; Changes made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Report and Order.

**SUMMARY:** Action taken herein assigns a first UHF television channel to Angola, Indiana, in response to a petition filed by James A. Chase. The assigned channel could bring a first local television service to the community.

**EFFECTIVE DATE:** June 1, 1979.

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

**FOR FURTHER INFORMATION CONTACT:** Mildred B. Nesterak, Broadcast Bureau, (202) 632-7792.

##### SUPPLEMENTARY INFORMATION:

Report and Order.—Proceeding Terminated

Adopted: April 17, 1979.

Released: April 18, 1979.

In the matter of Amendment of § 73.606(b), *Table of Assignments, Television Broadcast Stations*, (Angola, Indiana), BC Docket No. 78-272, RM-2945.

1. The Commission has before it the *Notice of Proposed Rule Making*, adopted August 24, 1978, 43 FR 39400, in response to a petition filed by James A. Chase ("petitioner"). Petitioner requested the assignment of Channel 51 to Angola, Indiana. In order to accomplish this, Channel 51 and Channel 65 (both unoccupied) would have to be deleted from Sandusky and Defiance, Ohio, respectively. In the *Notice*, we indicated that although no interest had yet been expressed for the use of the Sandusky and Defiance channels, there may well be a demand in the future for a local television service. A staff study showed that Channel 63 was available for assignment to Angola in conformity with the minimum mileage distance separation requirements and other technical criteria. Since this channel would require no changes in the existing Table of Television Assignments, it was proposed for assignment to Angola instead of Channel 51. No oppositions were received. In supporting comments,

petitioner stated that if Channel 63 were assigned to Angola, he would apply for it.

2. Angola (pop. 5,117), in Steuben County (pop. 20,159)<sup>1</sup>, is located in the extreme northeastern part of Indiana. Angola has no local television broadcast service.

3. Petitioner states that the proposed assignment could provide for a local television broadcast service to Angola and surrounding area, and that the television station would be made available to local schools and the university for dissemination of classroom instruction and training.

4. The Canadian Government has given its concurrence to the proposed assignment of television Channel 63 to Angola, Indiana.

5. In view of the foregoing, we conclude that it would be in the public interest to make this assignment so as to provide a first local television service to Angola.

6. Accordingly, it is ordered, That effective June 1, 1979, the Television Table of Assignments, § 73.606(b) of the Commission's rules, is amended with regard to the city listed below as follows:

City:	Channel No.
Angola, Indiana	63

7. Authority for the action taken herein is found in Sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

8. It is further ordered, That this proceeding is terminated.

9. For further information concerning this proceeding, contact Mildred B. Nesterak, Broadcast Bureau (202) 632-7792.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; [47 U.S.C. 154, 155, 303])

Federal Communications Commission.

Wallace E. Johnson,

Chief, Broadcast Bureau.

[BC Docket No. 78-272; RM-2945]

[FR Doc. 79-12920 Filed 4-25-79; 8:45 am]

BILLING CODE 6712-01-M

## INTERSTATE COMMERCE COMMISSION

### 49 CFR Part 1033

#### Distribution of Freight Cars

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order. Third Revised Service Order No. 1323.

**SUMMARY:** There is a shortage of tri-level auto rack flat cars on the Union Pacific (UP) and on Chicago, Milwaukee, St. Paul and Pacific Railroad (MILW) for the shipment of automobiles. Bi-level auto rack cars are available but cannot be used because of tariff provisions requiring the use of tri-level cars. Third Revised Service Order No. 1323 authorizes two tri-level cars ordered by shippers for transporting automobiles.

**DATES:** Effective 11:59 p.m., April 20, 1979. Expires when modified or vacated by order of this Commission.

**FOR FURTHER INFORMATION CONTACT:**

J. Kenneth Carter, Chief, Utilization and Distribution Branch, Interstate Commerce Commission, Washington, D.C. 20423, Telephone (202) 275-7840, Telex 89-2742.

Decided: April 20, 1979.

Service date: April 20, 1979.

There are shortages of tri-level type multi-level auto rack flat cars on the Union Pacific Railroad Company (UP) and on Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW), required to transport automobiles subject to tariff restrictions requiring the use of such tri-level cars. These railroads have available supplies of bi-level cars of similar type which could be used for transporting these automobiles if tariff provisions permitted. The economic loss suffered by shippers dependent upon the UP and MILW for their car supplies can be alleviated by the substitution of bi-level cars for tri-level cars at the ratio of three bi-level cars for each two tri-level cars ordered.

In the opinion of the Commission that present regulations and practices with respect to the use and supply of auto rack flat cars are ineffective to overcome these shortages of auto rack flat cars an emergency exists requiring immediate action. Accordingly, the Commission finds 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.

*It is ordered,*

#### § 1033.1323 Distribution of Freight Cars.

(a)<sup>1</sup> Subject to the concurrence of the shipper the Union Pacific Railroad Company (UP) and Chicago, Milwaukee, St. Paul, and Pacific Railroad Company (MILW) may substitute three bi-level auto rack flat cars, listed in the Official Railway Equipment Register, I.C.C.-R.E.R. No. 410, issued by W. J. Trezise, or successive issues thereof, as having

mechanical designation "FA" for each two tri-level auto rack flat cars ordered by the shipper for transporting automobiles.

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

(c) *Rates and Minimum Weights Applicable.* The rates to be applied to shipments for which three bi-level cars have been substituted for two tri-level cars ordered as authorized by Section (a) of this order shall be the rates applicable to the larger cars ordered. The minimum weight to be applied to each group of three bi-level cars substituted for two tri-level cars shall be the combined minimum weights applicable to the two tri-level cars ordered.

(d) *Billing to be Endorsed.* The carrier substituting smaller cars for larger cars as authorized by Section (a) of this order shall place the following endorsement on the bill of lading and on the waybills authorizing movement of the car:

Two tri-level cars ordered. Three bi-level cars furnished authority I.C.C. Third Revised Service Order No. 1323.

(e) *Exception.* This order shall not apply to shipments subject to tariff provisions which require that cars be furnished by the shipper.

(f) *Exceptions.* Exceptions to this order may be authorized to railroads by the Railroads Service Board, Washington, D.C., 20423. Requests for such exception must be submitted in writing, or confirmed in writing, and must clearly state the points at which such exceptions are requested and the reason therefor.

(g) *Rules and Regulations Suspended.* The operation of all rules, regulations, or tariff provisions is suspended insofar as they conflict with the provisions of this order.

(h) *Effective date.* This order shall become effective at 11:59 PM, April 20, 1979.

(i) *Expiration.* The provisions of this order shall remain in effect until modified or vacated 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.,

<sup>1</sup>Population figures are taken from the 1970 U.S. Census.

<sup>1</sup>Chicago, Milwaukee, St. Paul and Pacific Railroad Company added.

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.

H. G. Homme, Jr.,  
Secretary.

[Third Revised Service Order No. 1323]  
[FR Doc. 79-12975 Filed 4-25-79; 8:45 am]  
BILLING CODE 7035-01-M

## DEPARTMENT OF INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 33

#### Opening of Arrowwood National Wildlife Refuge, North Dakota to Sport Fishing.

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Special Regulation.

**SUMMARY:** The Director has determined that the opening to sport fishing of Arrowwood 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:** Season dates for game fish May 5, 1979 to September 15, 1979 and from the end of the firearm deer season to March 23, 1980. Season dates for non-game fish same as for game fish but continuing to May 2, 1980.

**FOR FURTHER INFORMATION CONTACT:** John R. Foster, Refuge Manager, Arrowwood National Wildlife Refuge, Pingree, North Dakota 58476. Phone number (701) 285-3341.

#### SUPPLEMENTARY INFORMATION:

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

Sport fishing is permitted on all of the approximately 4,500 acres of lakes on the Arrowwood National Wildlife Refuge, North Dakota. Maps are available at the refuge headquarters. Sport fishing shall be in accordance with all applicable State regulations subject to the following condition:

(1) The use of boats, without motors, is permitted.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuges generally which are set forth in Title 50 Code of Federal Regulations, Part 33. The public is invited to offer suggestions and comments at any time.

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 no area of the refuge system is used for forms of recreation not directly related to the primary purposes 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 the Arrowwood 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.

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.

(Sec. 2, 33 Stat. 614, as amended, sec. 5, 43 Stat. 651, secs. 5, 10, 45 Stat. 449, 1224, secs. 4, 2, 48 Stat. 402, as amended, 451, 1270; sec. 4, 76 Stat. 654; 5 U.S.C. 301, 16 U.S.C. 685, 725, 690d, 715i, 664, 718d, 43 U.S.C. 315a, 16 U.S.C. 460k; sec. 2, 80 Stat. 926; 16 U.S.C. 668bb)

John R. Foster,  
Arrowwood Complex Manager.

April 17, 1979.

[FR Doc. 79-12954 Filed 4-25-79; 8:45 am]

BILLING CODE 4310-55-M

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### 7 CFR Part 907

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

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** This regulation establishes the quantity of fresh California-Arizona navel oranges that may be shipped to market during the period April 27-May 3, 1979. Such action is needed to provide for orderly marketing of fresh navel oranges for this period due to the marketing situation confronting the orange industry.

**EFFECTIVE DATE:** April 27, 1979.

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

#### SUPPLEMENTARY INFORMATION: Findings.

This regulation is issued under the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). This action is based upon the recommendations and information submitted by the Navel Orange Administrative Committee, and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act by tending to establish and maintain, in the interests of producers and consumers, an orderly flow of oranges to market and avoid unreasonable fluctuations in supplies and prices. The action is not for the purpose of maintaining prices to farmers above the level which is declared to be the policy of Congress under the act. This regulation has not been determined significant under the USDA criteria for implementing Executive Order 12044.

The committee met on April 24, 1979 to consider supply and market conditions and other factors affecting the need for regulation and recommended a quantity of navel oranges deemed advisable to be handled during the specified week. The committee reports the demand for navel oranges remains fairly strong.

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

#### § 907.763 Navel Orange Regulation 463.

**Order.** (a) The quantities of navel oranges grown in Arizona and California which may be handled during the period April 27, 1979, through May 3, 1979, are established as follows:

- (1) District 1: 990,557 cartons;  
 (2) District 2: Unlimited movement;  
 (3) District 3: Unlimited movement.

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

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

Dated: April 25, 1979.

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

[Naval Orange Regulation 463]

[FR Doc. 79-13271 Filed 4-25-79; 11:21 am]

BILLING CODE 3410-02-M

## 7 CFR Part 908

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

AGENCY: Agricultural Marketing Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** This regulation establishes the quantity of fresh California-Arizona Valencia oranges that may be shipped to market during the period April 27-May 3, 1979. Such action is needed to provide for orderly marketing of fresh Valencia oranges for this period due to the marketing situation confronting the orange industry.

**EFFECTIVE DATE:** April 27, 1979.

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

**SUPPLEMENTARY INFORMATION:** *Findings.*

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

The committee met on April 24, 1979 to consider supply and market conditions and other factors affecting the need for regulation and recommended a quantity of Valencia oranges deemed advisable to be handled during the specified week. The committee reports the demand for Valencia oranges remains good.

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

§ 908.909 Valencia Orange Regulation 609.

**Order.** (a) The quantities of Valencia oranges grown in Arizona and California which may be handled during the period April 27, 1979, through May 3, 1979, are established as follows:

- (1) District 1: Unlimited;  
 (2) District 2: Unlimited;  
 (3) District 3: 250,006 cartons.

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

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

Dated: April 25, 1979.

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

[Valencia Orange Reg. 009]

[FR Doc. 79-13270 Filed 4-25-79; 11:21 am]

BILLING CODE 3410-02-M

## 7 CFR Part 946

### Irish Potatoes Grown in Washington; Amdt. No. 1—Increase in Expenses

AGENCY: Agricultural Marketing Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** This regulation authorizes an increase of expenses for the functioning of the Washington Potato Committee. This will enable the committee to use the resulting funds for its expenses.

**EFFECTIVE DATE:** During fiscal period ending June 30, 1979.

**FOR FURTHER INFORMATION CONTACT:** Donald S. Kuryloski, Acting Deputy Director, Fruit and Vegetable Division, AMS, U.S. Department of Agriculture,

Washington, D.C. 20250. Telephone: (202) 447-6393.

**SUPPLEMENTARY INFORMATION:** *Findings.* Pursuant to Marketing Order No. 946 regulating the handling of potatoes grown in Washington, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon other information, it is found that the increase in expenses, as hereinafter provided, will tend to effectuate the declared policy of the act.

It is further found that it is impracticable and contrary to the public interest to provide 60 days for interested persons to file comments, engage in public rulemaking procedure, and that good cause exists for not postponing the effective date of this section until 30 days after publication in the Federal Register (5 U.S.C. 553) as the order requires that expenses shall apply to the appropriate fiscal period from the beginning of such period. Handlers and other interested persons were given an opportunity to submit information and views on the expenses at an open meeting of the committee, held March 22, 1979, in Moses Lake, Washington. It is necessary to effectuate the declared purposes of the act to make this provision effective as specified.

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

Amendment No. 1 is as follows:

Paragraph (a) of § 946.231 (43 FR 31882) is amended to read as follows:

§ 946.231 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period ending June 30, 1979, by the Washington Potato Committee, for its maintenance and functioning, and for such other purposes as the Secretary determines to be appropriate, will amount to not more than \$17,850.

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

Dated: April 23, 1979.

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

[FR Doc. 79-12971 Filed 4-25-79; 8:45 am]

BILLING CODE 3410-02-M

## 7 CFR Part 953

### Potatoes Grown in Southeastern States; Expenses and Rate of Assessment

AGENCY: Agricultural Marketing Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** This regulation authorizes expenses for the functioning of the Southeastern Potato Committee for the fiscal period beginning June 1, 1979. The regulation enables the committee to collect assessments from first handlers on all assessable potatoes and to use the resulting funds for its expenses.

**EFFECTIVE DATE:** June 1, 1979.

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

**SUPPLEMENTARY INFORMATION:** *Findings.* Pursuant to Marketing Order No. 953, as amended (7 CFR Part 953), regulatory the handling of potatoes grown in designated counties of Virginia and North Carolina, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon other information, it is found that the expenses and rate of assessment, as hereinafter provided, will tend to effectuate the declared policy of the act.

It is further found that it is impracticable and contrary to the public interest to provide 60 days for interested persons to file comments, engage in public rulemaking procedure, and that good cause exists for not postponing the effective date of this section until 30 days after publication in the Federal Register (5 U.S.C. 553) as the order requires that the rate of assessment for a particular period shall apply to all assessable potatoes from the beginning of such period. Handlers and other interested persons were given an opportunity to submit information and views on the expenses and assessment rate at an open meeting of the committee held April 5, 1979, in Norfolk, Virginia. It is necessary to effectuate the declared purposes of the act to make these provisions effective as specified.

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

The regulation is as follows:

**§ 953.216 Expenses and rate of assessment.**

(a) The expenses the Secretary finds may be necessary to be incurred during the fiscal period June 1, 1979, through May 31, 1980, by the Southeastern Potato Committee for its maintenance and functioning amount to \$11,125.

(b) The rate of assessment to be paid during this period by each handler under this part shall be one-fourth cent

(\$0.0025) per hundredweight of potatoes of which he is the first handler. However, potatoes for canning, freezing, and other processing shall be exempt. Also, the minimum quantity exemption of up to five hundredweight of potatoes that may be shipped per day by each handler shall be exempt.

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

(d) Terms used in this section have the same meanings as when used in the said amended marketing agreement and this part.

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

Dated: April 23, 1979.

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

[FR Doc. 79-12970 Filed 4-25-79; 8:45 am]

BILLING CODE 3410-02-M

### 7 CFR Part 1079

#### Milk in the Iowa Marketing Area; Order Suspending Certain Provisions

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Suspension of rule.

**SUMMARY:** This order suspends a provision affecting the regulatory status of milk supply plants. The suspension action will allow a cooperative association's direct delivery of milk from producers' farms to its own pool distributing plant to be included as a qualifying shipment for pooling the cooperative association's supply plant. The suspension is for the months of May and June 1979.

**DATE:** Effective May 1, 1979.

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

**SUPPLEMENTARY INFORMATION:** Prior documents in this proceeding: Notice of Hearing: Issued September 5, 1978, published September 8, 1978 (43 FR 40028). Recommended Decision: Issued January 25, 1979, published January 30, 1979 (44 FR 5887). Final Decision: Issued April 16, 1979.

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

It is hereby found and determined that for the months of May and June 1979 the

following provisions of the order do not tend to effectuate the declared policy of the Act:

In § 1079.7(b)(1) the words "pursuant to § 1079.9(c)."

#### Statement of Consideration

This suspension will continue to remove for two additional months some pool supply plant provisions that prevent a cooperative association from earning pool plant shipping credit for milk which it causes to be delivered directly from producers' farms to its own pool distributing plant. Initially, these provisions were suspended for the months of May 1978 through April 1979. Prior to the suspension, only direct deliveries of milk by a cooperative association to the pool distributing plant of another handler were fully creditable as qualifying shipments for the cooperative's supply plant.

Several cooperative associations which supply milk to the Iowa market requested the 1978 suspension because, they claimed, uneconomic shipments of milk were required to maintain pool status for supply plants. This resulted because direct deliveries from farms to their pool distributing plants did not earn credit toward qualifying their supply plants. To eliminate this unnecessary and uneconomical movement of milk the Assistant Secretary suspended the pertinent provisions for the months of May 1978 through April 1979 (43 FR 24515).

In response to industry proposals, a public hearing was held at Urbandale, Iowa, September 20-21, 1978, to consider various proposed amendments to the Iowa order. One of the proposed changes considered at the hearing would permit a cooperative association's deliveries of milk from producers' farms to its own pool distributing plant to be counted as qualifying shipments for pooling a supply plant of the cooperative. In a decision issued January 25, 1979 (44 FR 5887), the Acting Deputy Administrator, Marketing Program Operations, recommended that the change be adopted. A final decision adopting the change was issued by the Deputy Assistant Secretary for Marketing and Transportation Services on April 16, 1979. The proposed amendments have been submitted to producers for their approval.

It is not possible for any order amendments resulting from this proceeding to become effective by May 1, 1979, the date on which the present suspension order terminates. Therefore, the current suspension should be extended for two additional months to

allow sufficient time to complete the amendment proceeding. This will permit cooperative associations during this interim period to continue delivering milk to their own distributing plants in an economical manner without jeopardizing the pooling status of their supply plants.

It is hereby found and determined that thirty days' notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that the suspension does not require of persons affected substantial or extensive preparation prior to the effective date and this suspension has been in effect since June 6, 1978 (43 FR 24515), and this action would continue such suspension.

Therefore good cause exists for making this order effective May 1, 1979.

*It is therefore ordered,* That the aforesaid provisions of the order are hereby suspended for the months of May and June 1979.

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

Effective date: May 1, 1979.

Signed at Washington, D.C., on April 23, 1979.

Jerry C. Hill,  
Deputy Assistant Secretary.  
[Milk Order No. 79]

[FR Doc. 79-12969 Filed 4-25-79; 8:45 am]

BILLING CODE 3410-02-M

## 7 CFR Parts 911 and 944

### Limes; Grade and Size Regulations

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** These regulations specify minimum grade and size requirements for shipments of limes grown in Florida, and for limes imported into the United States. The action is necessary to assure the shipment of ample supplies of limes of acceptable grades and sizes in the interest of growers and consumers.

**DATES:** Effective May 1 through June 17, 1979.

**FOR FURTHER INFORMATION CONTACT:** Charles R. Brader, (202) 447-6393.

**SUPPLEMENTARY INFORMATION:** *Findings.* The Florida lime regulation is issued under the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911; 43 FR 39319), regulating the handling of limes grown in Florida, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The lime import regulation is issued

under section 8e (7 U.S.C. 608e-1) of this act. The regulation applicable to limes grown in Florida is based upon recommendations and information submitted by the Florida Lime Administrative Committee, and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act. These regulations have not been determined significant under the USDA criteria for implementing Executive Order 12044.

These grade and size requirements reflect the Department's appraisal of the need for regulating limes during the period May 1 through June 17, 1979, based on the available supply and current and prospective market demand conditions. Production of Florida limes for the 1979-80 season is expected to amount to about 1,800,000 bushels, a level which indicates a complete recovery from the 1977 freeze. About 900,000 bushels of Florida limes are expected to be shipped to fresh markets in 1979-80, with the remainder of the crop being utilized in processing. More than adequate supplies of limes should be available to fill fresh market demands.

The grade and size requirements for imported limes are consistent with § 8e of the act. This section requires that whenever specified commodities, including limes, are regulated under a federal marketing order, imports of that commodity must meet the same or comparable grade, size, quality, or maturity requirements as those in effect for the domestically produced commodity.

It is concluded that the grade and size requirements hereinafter set forth are necessary to establish and maintain orderly marketing conditions, and to provide acceptable quality fruit in the interest of producers and consumers pursuant to the declared policy of the act.

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

these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

Accordingly, it is found that the requirements for the handling of Florida limes, and those applicable to imported limes should be and are established as follows:

#### § 911.341 Lime Regulation 39.

(a) During the period May 1, 1979, through June 17, 1979, no handler shall handle:

(1) Any limes of the group known as true "seeded" limes (also known as Mexican, West Indian, and Key limes and by other synonyms), grown in the production area, which do not meet the requirements of at least U.S. No. 2 Grade for Persian (Tahiti) Limes, except as to color: *Provided*, That true limes, grown in the production area, which fail to meet the requirements of such grade may be handled within the production area, if such limes meet all other applicable requirements of this section and the minimum juice content requirement prescribed in the U.S. Standards for Persian (Tahiti) Limes, and are handled in containers other than the containers prescribed in § 911.329 for the handling of limes between the production area and any point outside thereof;

(2) Any limes of the group known as large-fruited or Persian "seedless" limes (including Tahiti, Bearss, and similar varieties) which do not grade at least U.S. Combination, Mixed Color: *Provided*, That stem length shall not be considered a factor of grade, and tolerances for fruit affected by decay and for fruit failing to meet the requirements set forth in the U.S. Standards for Persian (Tahiti) Limes shall apply: *Provided further*, That Persian limes, grown in the production area, which fail to meet the requirements of such grade may be handled within the production area, if such limes meet all other applicable requirements of this section and meet the same minimum juice content requirement prescribed in the U.S. Standards for such limes and are handled in containers other than the containers prescribed in § 911.329 for the handling of limes between the production area any point outside thereof; or

(3) Any limes of the group known as large-fruited or Persian "seedless" limes (including Tahiti, Bearss, and similar varieties) which are of a size smaller than 1¼ inches in diameter: *Provided*, That not more than 10 percent, by count, of the limes in any lot of containers,

other than master containers of individual bags, may fail to meet the applicable minimum size requirement. *Provided further*, That no individual container of limes having a net weight of more than four pounds may have more than 15 percent, by count, of the limes which fail to meet such applicable size requirement.

(b) Terms used in this section shall have the same meaning as in the marketing order, and terms relating to grade and diameter shall have the same meaning as in the U.S. Standards for Persian (Tahiti) Limes (7 CFR 2851.1000-1016).

**§ 944.206 Lime Regulation 7.**

(a) *Applicability to imports.* Pursuant to § 8e of the act Part 944—Fruits; Import Regulations, the importation into the United States of any limes is prohibited unless such limes meet the minimum grade and size requirements specified in § 911.341 Lime Regulation 39.

(b) The Federal or Federal-State Inspection Service, Fruit and Vegetable Quality Division, Food Safety and Quality Service, United States Department of Agriculture, is designated as the governmental inspection service for certifying the grade, size, quality, and maturity of limes that are imported into the United States. Inspection by the Federal or Federal-State Inspection Service with evidence thereof in the form of an official inspection certificate, issued by the respective service, applicable to the particular shipment of limes, is required on all imports. The inspection and certification services will be available upon application in accordance with the rules and regulations governing inspection and certification of fresh fruits, vegetables, and other products (7 CFR Part 2851) and in accordance with the Procedure for Requesting Inspection and Designating the Agencies to Perform Required Inspection and Certification (7 CFR Part 944; 43 FR 19340).

(c) *Minimum quantity exemption.* Any person may import up to 250 pounds of limes exempt from the requirements specified in this section.

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

Dated, April 24, 1979; to become effective May 1, 1979.

D. S. Kuryloski,

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

[FR Doc. 79-13242 Filed 4-25-79; 8:50 am]

BILLING CODE 3410-02-M

# Proposed Rules

Federal Register

Vol. 44, No. 82

Thursday, April 26, 1979

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

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### [7 CFR Part 1011]

#### Milk in the Tennessee Valley Marketing Area; Decision on Proposed Amendments to Marketing Agreement and to Order

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Proposed rule.

**SUMMARY:** This decision adopts certain changes in the order provisions pertaining to pooling standards for supply plants based on industry proposals considered at a public hearing held September 13, 1978. The amendments would allow a pool supply plant to meet its shipping requirements through both transfers and diversions of milk from the supply plant to pool distributing plants, rather than just through transfers. However, no more than half of the required shipments could be by diversions. The changes would permit milk to be moved more efficiently from farms to distributing plants for fluid use. Cooperative associations will be polled to determine whether producers favor the issuance of the proposed amended order.

**FOR FURTHER INFORMATION CONTACT:** Richard A. Glandt, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-4829.

**SUPPLEMENTARY INFORMATION:** Prior documents in this proceeding:

Notice of Hearing—Issued August 23, 1978; published August 28, 1978 (43 FR 38412).

Recommended Decision—Issued January 18, 1979; published January 23, 1979 (44 FR 4696).

Extension of Time for Filing Exceptions—Issued February 9, 1979; published February 15, 1979 (44 FR 9761).

A public hearing was held upon proposed amendments to the marketing agreement and the order regulating the handling of milk in the Tennessee Valley marketing area. The hearing was held, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure (7 CFR Part 900), at Knoxville, Tennessee, on September 13, 1978, pursuant to notice thereof issued on August 23, 1978 (43 FR 38412).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Acting Deputy Administrator, marketing Program Operations, on January 18, 1979 (44 FR 4696), filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

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

1. Under the heading "1. *Pooling standards for supply plants.*", a new paragraph is added after paragraph 8, two new paragraphs are added after paragraph 16, paragraph 18 is revised, and six new paragraphs are added at the end of the discussion.

2. Under the subheading "2(b). *Diversions to nonpool plants.*", a new paragraph is added after paragraph 7.

The material issues on the record relate to:

1. Pooling standards for supply plants.
2. Diversions of producer milk.
  - (a) Diversions between pool plants.
  - (b) Diversions to nonpool plants.
  - (c) Identification of overdiverted milk.
3. Conforming changes.

#### Findings and Conclusions

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Pooling standards for supply plants.* The order should provide that a supply plant may qualify for pool status on the basis of both transfers and diversions of milk from the supply plant to pool distributing plants. However, such qualification credit for diversions should be limited to not more than one-half of the total required shipments.

The order currently affords pool status to any plant that transfers to pool distributing plants not less than 50 percent of its milk receipts from dairy farmers and cooperative association bulk tank handlers. A plant that so qualifies each month during August through March may retain pool status during the following months of April through July without shipping any milk to pool distributing plants.

Kraft, Inc., a proprietary handler, proposed that milk moved directly from producers' farms to pool distributing plants by a supply plant operator be considered as qualifying shipments in determining pool status for such supply plant. As part of a package of proposals to provide for this, Kraft proposed amending the order to allow unlimited diversions between pool plants. A discussion of this proposal appears elsewhere in this decision. Proponent also proposed certain other conforming changes in order provisions.

A witness for proponent testified that Kraft operates a pool supply plant located at Greeneville, Tennessee, that receives milk from farms located in nine Tennessee counties. The milk is then reloaded and transferred from the supply plant to a pool distributing plant at Knoxville, Tennessee. According to the Kraft spokesman, approximately 50 percent of the supply plant's milk is obtained from farms located such that the milk could move more economically directly from the farms to the Knoxville plant. He noted, however, that under current order provisions Kraft cannot be the handler on milk that is direct-shipped to another handler's pool plant.

The spokesman testified that Kraft has an agreement to supply milk to the Knoxville plant. He stated that it was Kraft's intent to utilize in its nonpool cheese manufacturing plant, also located in Greeneville, Tennessee, any milk produced by the supply plants' regular producers that is not needed for fluid use at the Knoxville distributing plant. Thus, Kraft wishes to be the handler on the milk associated with its supply plant operation in order to maintain the payrolling function on its milk, even when delivered directly from farms to the Knoxville distributing plant. The witness testified that allowing milk to be diverted to the Knoxville distributing plant would eliminate about 2,400 truck miles weekly, thus improving the overall

efficiency of the supply plant operation. He also claimed that the elimination of unnecessary pumping would help maintain the quality of the milk.

Dairymen, Inc. (DI), a dairy farmer cooperative whose members supply more than 85 percent of the producer milk on the market, opposed the adoption of the Kraft proposals. The cooperative's spokesman contended that marketing conditions do not warrant the order changes proposed by Kraft. He maintained that adoption of the proposals would merely make it easier for Kraft to pool a Grade A milk supply for its cheese plant.

DI's witness expressed the view that marketing efficiency was not the major concern here. To support this, he maintained that conditions in this market do not require milk to move through a supply plant in order to be delivered to a distributing plant. He held that milk supplies can move directly from the farm to plants located in, or near, the Tennessee Valley marketing area. He stated that "the operation of a supply plant in conjunction with a manufacturing grade milk plant is not a necessary or an efficient procedure for supplying milk to handlers." The DI spokesman maintained that if a distributing plant operator wants a supply of milk from producers who are not members of a cooperative the distributor should be the responsible handler for the milk rather than a supply plant operator and the milk should be received directly from farms.

DI's witness contended that adoption of the proposals would permit the operator of a supply plant to pool its milk in effect on the same basis as now provided for pooling a balancing plant of a cooperative association, i.e., on the basis of the total performance of the handler rather than just on the performance of the handler's plant. He noted, however, that under the proposed provisions a cooperative would be able to pool its balancing plant as a supply plant under the less stringent pooling standards proposed for supply plants. He opposed this on the basis that current marketing conditions do not warrant a reduction in the present order requirements for qualifying a balancing plant as a pool plant. In addition, he noted that a balancing plant must be located in the marketing area in order to be a pool plant. He pointed out that this requirement would not apply to a supply plant under the Kraft proposals. The cooperative's witness expressed concern that the proponent, as well as other handlers, including DI, thus could "ride the pool" by pooling plants that

otherwise would have no association with the Tennessee Valley market.

In its exceptions DI stated a belief that the Kraft supply plant has been "riding the pool" since the hearing. The cooperative requested the Secretary to verify or deny their statement by taking official notice of the monthly statistical summaries published by the market administrator since October 1978 to present. Section 900.8(d)(5) of the general regulations with respect to marketing agreements and marketing orders provides that official notice may be taken of such information only if interested parties are given adequate opportunity to show that the data noticed are inaccurate or erroneous. Since there is no opportunity to so comment on the Department's final decision, this exception must be overruled.

It may be, as DI contends, that moving milk directly from farms to distributing plants is the most efficient way to handle producer milk associated with the Tennessee Valley order. Nevertheless, the order provides for the pooling of supply plants and Kraft is operating a supply plant that meets the pooling standards of the order. The present pooling standards require a supply plant operator to transfer at least 50 percent of his receipts at the supply plant to pool distribution plants. Stated another way, 50 percent of the supply plant's milk must be made available to meet the fluid milk needs of the market. Once this requirement is met, the supply plant's total supply of milk has pool status, and the supply plant operator may dispose of the remaining 50 percent in whatever way he desires. Whether this kind of pooling standard is inappropriate for this market was not an issue at this hearing.

The Kraft supply plant first became a pool plant in September 1977 and at the time of the hearing had been a pool plant for one year. During that time, the plant's total supply of Grade A milk was received at the supply plant and then transferred to the distributing plant at Knoxville. A number of the farms that deliver milk to the supply plant are located between Greeneville and Knoxville. Many are closer to the distributing plant than they are to the supply plant. One such farm is approximately three miles from the distributing plant, and about 75-80 miles from the supply plant.

At the time of the hearing, Kraft was obtaining Grade A milk from farms located in nine Tennessee counties, which include territory around Greeneville and also between Greeneville and Knoxville. Kraft

indicated that if its proposals were adopted, milk from farms in Greene, Hawkins and Washington Counties would continue to be moved to the supply plant, and then be shipped to Knoxville when needed. Milk produced on farms in Claiborne, Cocke, Hamblen, Jefferson, Knox and Sevier Counties, on the other hand, would then be moved directly to the Knoxville distributing plant. The milk from these six counties approximates 50 percent of the total Grade A supply currently pooled by Kraft. When not needed in Knoxville for fluid use, Kraft indicated that this latter milk would be moved to either the supply plant or the manufacturing plant at Greeneville.

The order should promote efficient milk handling practices by permitting a supply plant operator to move part of his milk supplies directly from farms to distributing plants and count them as part of his supply plant shipments. There are obvious savings in hauling costs that could be achieved in this market under such an arrangement. In addition, extra pumping of milk in reloading operations could be avoided, which would help preserve the high quality of the milk that distributors demand.

Adoption of this provision should not lessen in any way the effectiveness of the pooling standards. A supply plant operator would still have to make available to pool distributing plants not less than 50 percent of his Grade A milk that is associated with the supply plant.

Although the order should recognize a supply plant operator's deliveries of milk directly from producer's farms to pool distributing plants, a supply plant should not be able to qualify for pooling solely on the basis of such deliveries. Otherwise, there would be little discernible difference from an operational standpoint between a supply plant and a cooperative association balancing plant. Yet, the pooling standards for the two types of plants would be different.

Adoption of Kraft's proposal without any limitation on diversions would enable a supply plant to qualify as a pool plant without being required to transfer any milk from the supply plant to distributing plants. Pooling status could be achieved as long as the plant operator delivered at least half of his milk supply to pool distributing plants, which could be entirely by deliveries directly from farms. A similar method of pooling is now available to a cooperative association in the case of its balancing plant. However, the plant must be located in the marketing area and the cooperative must deliver at least

60 percent of its members' milk to pool distributing plants during each month of the year. No automatic pooling status is provided during the heavy production months, as is the case for supply plants.

Since there presumably would be little difference in the supply arrangements of the two types of handlers, the question arises as to whether any difference in the pool plant performance standards for a cooperative's balancing plant and for a handler's supply plant can be justified. The record does not support the pooling of a balancing plant under the pool standards now applicable to supply plants. On the other hand, it must be presumed that Kraft did not contemplate for its supply plant the establishment of the higher or more stringent performance level that now applies to balancing plants.

The cooperative took exception to the preceding statement in the recommended decision and maintained that the 50 percent shipping standard for supply plants was an issue in this proceeding. The cooperative further contended that the 60 percent performance standard for pooling a cooperative's balancing plant also should apply to a proprietary supply plant operation.

At the hearing, DI pointed out that the cooperative must deliver 60 percent of its member producer milk to distributing plants to qualify its balancing plant for pooling. However, no one proposed a higher shipping percentage for supply plants. The cooperative's spokesman did explain the more stringent requirements its balancing plant must meet to qualify for pooling, but he did not propose that the supply plant pooling standards must be raised in order to be consistent with the pooling requirements for a balancing plant. He did, however, maintain that there was no need to lower the balancing plant requirements to the same performance level specified for pooling a supply plant. We can find no basis for deciding now that a higher pooling standard for supply plants was proposed. The language contained in Kraft's proposals noticed for the hearing did not change the T350 percent shipping requirement. Accordingly, the exception must be denied.

When a cooperative has a high overall level of performance in supplying and balancing the fluid milk needs of handlers, its balancing plant may have pool status without meeting specific plant performance criteria. This recognizes that a balancing plant provides an efficient means whereby handlers buying milk from the cooperative may adjust their receipts from day-to-day to fit their bottling

needs and at the same time have assurance through arrangements with the cooperative that milk will always be available for fluid use as needed.

Accordingly, to maintain some distinction between the two types of plants, the order should not permit more than one-half of the required milk movements by a supply plant operator to be in the form of diversions to distributing plants. Under the current operating situation, this should still basically accommodate the needs of Kraft. At the same time, the order would continue to base a supply plant's eligibility for pooling to a significant degree on transfers of milk from the supply plant to distributing plants.

DI took exception to all of the findings and conclusions of the recommended decision on the Kraft proposals. Except as specifically discussed elsewhere, the exceptions reiterate views previously stated by the cooperative in opposing adoption of the Kraft proposals. These views were fully considered in reaching a recommended decision on the issues in this proceeding.

The final point raised in DI's exceptions was that all of the Kraft proposals should be denied and that the proceeding should be terminated. If this is not done, DI requested that the hearing be reopened, contending that it otherwise would be denied due process in this proceeding.

In the course of presenting testimony at the hearing, the DI spokesman proposed that the quantity of a producer's milk production that must be delivered to a pool plant in order to qualify the producer's milk for diversion to a nonpool plant be increased from two days' production to 10 days' production. An objection to any consideration of the proposal was raised by Kraft and the Administrative Law Judge ruled that the proposed modification was outside the scope of the hearing notice. DI was permitted to make an offer of proof and restated the proposal as its offer of proof. It is in regard to this proposal that the request to reopen the hearing was made.

The Department's Rules of Practice and Procedure state in § 900.9(b) that if "the person filing a brief desires the Secretary to consider any objection made by such person to a ruling of the judge, as provided in § 900.8(d), he shall include in the brief a concise statement concerning each such objection, referring where practicable, to the pertinent pages of the transcript." It is noted that the cooperative's brief made no reference to the Judge's ruling and the subsequent offer of proof. If this matter had been briefed, the Acting

Deputy Administrator would have responded in the recommended decision, thus affording other interested parties an opportunity to take exception to that response. Raising the issue now precludes interested parties this opportunity. Put another way, DI's right to raise this issue now was waived by choosing not to brief the issue. Thus, the request for reopening the hearing could be denied on this basis alone.

Nevertheless, the offer of proof by DI was reviewed. The Department's rules state in this regard in § 900.8(d)(6) that "if the Secretary decides that the judge erred in excluding the evidence, and that such error was substantial, the hearing shall be reopened to permit the taking of such evidence." We find that the offer of proof provides no compelling basis for concluding that the hearing should be reopened. The record shows that DI's proposal was expressly independent of the adoption of the amendments proposed by Kraft. We cannot find, therefore, that the Judge erred in his conclusion that DI's proposal was outside the scope of the hearing notice.

A further point is that DI had an opportunity to submit proposals before the hearing for consideration prior to the issuance of a hearing notice. If DI believes that the order should be amended in accordance with its proposal, it may submit the proposal to the Department and request a hearing under § 900.3 of the rules of practice.

*2. Diversions of producer milk.* In connection with its proposal to change the supply plant pooling standards, Kraft proposed that the order be amended to (a) permit a pool plant operator to divert milk from such plant to other pool plants on an unlimited basis, (b) increase the amount of milk a handler may divert to nonpool plants, and (c) provide a procedure for determining which milk shall not be pooled under the order when a handler overdiverts milk to nonpool plants.

*(a) Diversions between pool plants.* The order should be amended to allow the operator of a pool plant to divert milk from such plant to another pool plant on any number of days during the month.

At the hearing, Kraft's witness testified that under the current order provisions Kraft must physically receive the milk of a producer at its pool supply plant in Greeneville, Tennessee, and then transfer the milk to a pool distributing plant in Knoxville, Tennessee, in order to maintain the payroll responsibility and accountability for such milk. Kraft contended that this method of operation has resulted in

additional expense for the handler since the farms of some producers are closer to Knoxville than Greeneville. Kraft proposed, therefore, that the order be amended so that milk of producers associated with the Greeneville supply plant could be diverted from such plant to the Knoxville distributing plant as needed. Thus, Kraft could be the handler, even though the milk moved directly from the farm to another pool plant.

The order should promote the efficient handling of milk by permitting diversions between pool plants. This change will implement the supply plant modification adopted in this decision, as described earlier. It also will facilitate simplified accounting procedures with respect to producer milk weights, butterfat tests and payrolling. Under this procedure, the diverting handler may retain payroll responsibility for a producer's total monthly milk production irrespective of the plant to which the milk may actually be delivered. This additional operating flexibility will permit a pool plant operator to avoid uneconomic movements of milk for the purpose of being the accountable handler and paying the producer for all of his milk deliveries during the month.

Diversions to pool plants should be distinguished from diversions to nonpool plants in that when milk is diverted to another pool plant there is no question about its eligibility for pooling. Thus, no purpose would be served by placing a limitation on diversions of milk between pool plants and none is provided.

The pricing point for milk diverted from a pool plant to another pool plant should be the same as currently provided under the order for milk diverted to a nonpool plant, as was proposed by Kraft. Hence, the milk would be priced at the location of the plant to which it is diverted.

The order now excludes milk received at a supply plant by diversion from plants regulated under other orders and by transfer from other plants in determining how much of a pool supply plant's receipts must be shipped to distributing plants. Thus, a supply plant that is a manufacturing plant may receive surplus milk from other plants without affecting its qualification as a pool plant under the order. For the same reason, milk received at a supply plant by diversion from other pool plants should be excluded as a receipt for determining the pool status of the supply plant.

(b) *Diversions to nonpool plants.* A proposal to base allowable diversions to nonpool plants by pool plant operators

and cooperatives on a handler's total producer milk supply, thereby increasing the limit on such diversions, should not be adopted. However, in conjunction with the change described earlier that would permit diversions between pool plants, such diversions by a pool plant operator should be counted along with the producer milk that he physically receives at his pool plant in determining how much milk he can divert to nonpool plants.

The current order provides that the total quantity of milk diverted to nonpool plants by a cooperative may not exceed one-third of the producer milk that the cooperative caused to be delivered to pool plants during the month. The operator of a pool plant may divert an amount of milk equal to not more than one-third of the producer milk that is physically received during the month at such plant that is eligible for diversion by the plant operator.

Kraft, Inc., proposed that a cooperative association be permitted to divert to nonpool plants up to one-third of the producer milk it caused to be delivered to or diverted from pool plants during the month. Also, a pool plant operator would be permitted to so divert up to one-third of his total producer milk supply, i.e., milk physically received at such plant plus diversions from the plant to pool and nonpool plants.

In supporting the adoption of the proposal, Kraft's witness testified that at the present time all of the producer milk associated with the Greeneville supply plant is needed to supply the distributing plant in Knoxville. He indicated, however, that Kraft expected to divert milk off the market in the near future as its Grade A supplies increase, and eventually in quantities greater than could be accommodated under the present provisions. This anticipation was the basis for the proposal to increase allowable diversions to nonpool plants.

Dairymen, Inc. (DI), opposed the adoption of the proposal on the basis that it would increase allowable diversions to nonpool plants. A witness for the association testified that an increase is not needed since such diversions generally have been far below the level currently permissible under the order.

Kraft's operation has been such that up to the time of the hearing, no milk had been diverted from the supply plant. Any increase in the diversion limits should be based on actual operating experience. Only in this way can there be a proper assessment of whether such a change is in fact needed.

It is noted that other information on the record does not suggest a need for increasing the diversion limits. An exhibit entered by DI set forth the quantity of the association's diversions to nonpool plants each month since the merged order became effective on October 1, 1976. During such months when diversions were limited (October 1976-March 1977 and August 1977-March 1978), DI's diversions averaged only 16 percent of its deliveries to pool plants. During those same months, the market's Class I utilization averaged 77 percent. Since DI supplies over 85 percent of the milk pooled under the order, it is evident that the present limit on allowable diversion is accommodating the handling of a very large proportion of the milk on the market. Therefore, current marketing conditions do not indicate that an increase in the base for computing allowable diversions to nonpool plants is warranted. Accordingly, the Kraft proposal is denied.

Kraft took exception to the recommended decision because it did not base diversions of milk to nonpool plants on the handler's total supply of producer milk. Also, the exception requested that the percentage limit on diversions to nonpool plants be increased from one-third to one-half of the producer milk for which the plant operator is the handler. It was Kraft's position that an increase in the diversion limit is necessary to reduce transportation and handling costs, thereby promoting efficient milk handling practices. As stated in the preceding paragraph, the record clearly demonstrates that the present limits on diversions to nonpool plants are adequate to accommodate the handling of this market's reserve milk supplies. The exception is denied.

With the adopted change that would permit diversions between pool plants, a pool plant operator's "base" for computing allowable diversions to nonpool plants would be reduced by the quantity of producer milk diverted to other pool plants in the absence of any corollary change in what the base should include. In recognition of this, the base for determining allowable diversions to nonpool plants should include all of the pool plant operator's producer milk that is received at pool plants, i.e., physical receipts at the plant plus diversions from such plant to other pool plants. This is consistent with present order provisions that permit a cooperative to divert milk to nonpool plants based on its total producer milk deliveries that are physically received at pool plants.

Since a pool plant operator that diverts milk to another pool plant would be accountable to the pool for such milk, the operator should get credit for such milk as a basis for diversions to nonpool plants. Conversely, the operator of the pool plant where the milk is physically received should not be eligible to divert milk on the basis of such receipts of milk.

Assuming a given amount of producer milk, this change would not allow a handler to divert any more milk to nonpool plants under the proposed amended order than may be so diverted under the present order provisions. It would, however, maintain the present level of allowable diversions to nonpool plants, which the record demonstrates is adequate to efficiently dispose of the market's reserve milk supplies. For the foregoing reasons, this modification should be adopted.

(c) *Identification of overdiverted milk.* The order should be amended to provide a procedure for identifying the milk that would lose pool status if a handler overdiverts milk to nonpool plants. As provided herein, the quantity of milk diverted in excess of the diversion allowance would not be produced milk. Also, if the diverting handler fails to designate the dairy farmers' deliveries that are not producer milk, no milk diverted to nonpool plants by the handler would be producer milk.

The current order does not specify which milk shall be depooled in the event a handler's total diversions to nonpool plants exceed the maximum allowance specified in the order. The order now covers only the situation where diversions by a cooperative from a pool plant of another handler would cause such plant to be a nonpool plant. In such cases, the order provides that the cooperative shall designate the dairy farmer deliveries that are not producer milk. If the cooperative fails to make such designation, no milk diverted by the handler to nonpool plants shall be producer milk.

Kraft, Inc., proposed that if total diversions exceed the allowance, then the diverting handler may designate the dairy farmers whose diverted milk will not be considered producer milk. If a handler fails to make such designation, the milk last diverted—in lots of an entire day's production—would be excluded first in determining which milk should not be producer milk.

Dairymen, Inc., supported the current order provisions. A spokesman for the cooperative pointed out that Kraft's proposal would not provide a procedure for identifying which milk would lose pool status when diversions by a

cooperative from a pool plant of another handler would result in nonpool status for such plant. He also maintained that no marketing conditions exist or are expected to occur that would justify such a change.

The order should continue to provide the present method of determining which producers' milk should not be qualified as producer milk when a cooperative's diversions to nonpool plants would cause a plant to lose pool status. This procedure apparently has served the market well and should be retained. The same procedure should be adopted for determining which milk will not be producer milk in the case of any handler—proprietary or cooperative—that overdiverts milk to nonpool plants, i.e., the diverting handler should be responsible for specifying which dairy farmers' milk shall not be producer milk. The diverting handler is accountable to the pool for the producers' milk and therefore is in the best position to select the producer deliveries which should not be producer milk.

If the diverting handler fails to designate the dairy farmers' deliveries that are to be excluded as producer milk, no milk diverted by the handler to nonpool plants should be producer milk. This procedure is consistent with present provisions and would adequately provide a means for disqualifying milk when overdiversions occur. It represents a feasible alternative to the procedure that Kraft proposed.

3. *Conforming changes.* The current order does not provide for diversions between pool plants, and thus the classification and shrinkage provisions do not cover this type of milk movement. Since such diversions are provided in this decision, certain corollary changes in the classification and shrinkage provisions, as proposed by Kraft, are warranted and the order is appropriately revised to reflect these considerations.

Kraft proposed a conforming change in a paragraph dealing with the classification of transfers to producer-handlers and transfers and diversions to governmental agency plants (§ 1011.42(c)(1)). The order changes adopted in this decision would in no way change the application of that paragraph. For this reason, no change appears to be warranted.

The present order provides that a cooperative may qualify a balancing plant for pooling on the basis of shipments directly from the farm to pool distributing plants. This decision would also permit a supply plant to count such shipments for qualification purposes.

Since a cooperative could operate both a balancing plant and a supply plant, it is necessary to provide that the same shipments not be used to qualify two plants of the cooperative for pooling. The changes in the balancing plant definition provided herein will assure this.

A change should be made in the definition of a handler with respect to a cooperative association as a handler for bulk tank milk delivered to pool plants of other handlers (§ 1011.9(c)). Since a cooperative may choose to utilize diversions to pool plants for qualifying a supply plant that it operates, the paragraph specified above is revised to exclude such milk. Also, the handler definition with respect to a cooperative association as a handler on milk diverted for its account to nonpool plants (§ 1011.9(b)) is revised to exclude milk that the cooperative diverts to a nonpool plant from a pool plant operated by the cooperative. These changes are necessary to make it clear that milk diverted to any other plant from a pool plant operated by the cooperative should be reported as a receipt and a disposition from the pool plant, and not on a report otherwise filed by the cooperative in any other capacity as a handler.

#### Rulings on Proposed Findings and Conclusions

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

#### General Findings

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

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

(b) The parity prices of milk as determined pursuant to section 2 of the

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

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

#### Rulings on Exceptions

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

#### Marketing Agreement and Order

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

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

#### Determination of Producer Approval and Representative Period

February 1979 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Tennessee Valley marketing area is approved or favored by producers, as defined under the terms of the order (as amended and as hereby proposed to be

amended), who during such representative period were engaged in the production of milk for sale within the aforesaid marketing area.

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

Signed at Washington, D.C., on April 23, 1979.

Jerry C. Hill,  
Deputy Assistant Secretary.

*Order<sup>1</sup> amending the order, regulating the handling of milk in the Tennessee Valley marketing area.*

#### Findings and Determinations

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings.* A public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Tennessee Valley marketing area. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure (7 CFR Part 900).

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

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

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only

<sup>1</sup> This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements, and marketing orders have been met.

to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

*Order relative to handling.* It is therefore ordered that on and after the effective date hereof the handling of milk in the Tennessee Valley marketing area shall be in conformity to and in compliance with the terms and conditions of the order, as amended, and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Acting Deputy Administrator, Marketing Program Operations, on January 18, 1979, and published in the Federal Register on January 23, 1979 (44 FR 4696), shall be and are the terms and provisions of this order, amending the order, and are set forth in full herein.

1. In § 1011.7, paragraphs (b) and (d) are revised to read as follows:

#### § 1011.7 Pool plant.

\* \* \* \* \*

(b) A plant, other than a plant described in paragraph (a) of this section, from which not less than 50 percent of the total quantity of milk approved by a duly constituted regulatory agency for fluid consumption that is physically received from dairy farmers (except by diversion from other plants) and handlers described in § 1011.9(c) at such plant or diverted therefrom pursuant to § 1011.13 during the month is shipped from such plant as fluid milk products, except filled milk, to pool plants pursuant to paragraph (a) of this section. The operator of such a plant may include milk diverted pursuant to § 1011.13(c) from such plant to plants described in paragraph (a) of this section as qualifying shipments in meeting up to one-half of the shipping percentage specified in this paragraph.

\* \* \* \* \*

(d) A plant located in the marketing area that is operated by a cooperative association if pool plant status under this paragraph is requested for such plant by the cooperative association and during the month 60 percent or more of the producer milk of members of such cooperative association, excluding such milk that is received at or diverted from pool plants described in paragraph (b) of this section but including milk delivered by such cooperative as a handler described in § 1011.9(c), is delivered directly from their farms to pool plants described in paragraph (a) of this section or is transferred to such plants as a bulk-fluid milk product from the

plant of the cooperative association, subject to the following conditions:

(1) The plant does not qualify as a pool plant under paragraph (a), (b) or (c) of this section or under the provisions of another Federal order applicable to a distributing plant or a supply plant; and

(2) The plant is approved by a duly constituted regulatory agency to handle milk for fluid consumption.

\* \* \* \* \*

2. In § 1011.9, paragraphs (b) and (c) are revised to read as follows:

§ 1011.9 Handler.

\* \* \* \* \*

(b) A cooperative association with respect to milk of producers diverted to nonpool plants for the account of such association pursuant to § 1011.13, excluding the milk of producers diverted by the association as a handler pursuant to paragraph (a) of this section;

(c) Any cooperative association with respect to milk, excluding the milk of producers diverted to pool plants by the association as a handler pursuant to paragraph (a) of this section, that it receives for its account from the farm of a producer for delivery to a pool plant of another handler, in a tank truck owned and operated by, or under the control of, such cooperative association, unless both the cooperative association and the operator of the pool plant notify the market administrator prior to the time that such milk is delivered to the pool plant that the plant operator will be the handler of such milk and will purchase such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples. Milk for which the cooperative association is the handler pursuant to this paragraph shall be deemed to have been received by the cooperative association at the location of the pool plant to which such milk is delivered;

\* \* \* \* \*

3. Section 1011.13 is revised to read as follows:

§ 1011.13 Producer milk.

"Producer milk" means the skim milk and butterfat contained in milk of a producer that is:

(a) Received at a pool plant directly from such producer by the operator of the plant, excluding such milk that is diverted from another pool plant;

(b) Received by a handler described in § 1011.9(c); or

(c) Diverted from a pool plant for the account of the handler operating such plant to another pool plant or diverted from a pool plant to a nonpool plant (other than a producer-handler plant) for

the account of the handler operating such pool plant or for the account of a handler described in § 1011.9(b), subject to the following conditions:

(1) A producer's milk may be diverted to another pool plant without limit in any month, and may be diverted to a nonpool plant without limit during any month of April through July;

(2) In any month of August through March, a producer's milk shall not be eligible for diversion to a nonpool plant unless at least two days' production from such producer is physically received at a pool plant during the month;

(3) In any month of August through March, the total quantity of milk diverted to nonpool plants during the month by a cooperative association shall not exceed one-third of the producer milk that the cooperative association caused to be delivered to, and is physically received at, pool plants during the month;

(4) The operator of a pool plant that is not a cooperative association may divert any milk that is not under the control of a cooperative association that diverts milk during the month pursuant to paragraph (c)(3) of this section. In any month of August through March, the total quantity of milk so diverted to nonpool plants shall not exceed one-third of the milk that is physically received at pool plants as producer milk for which the plant operator is the handler;

(5) Any milk diverted to nonpool plants in excess of the limits prescribed in paragraph (c)(3) and (4) of this section shall not be producer milk. The diverting handler shall designate the dairy farmer deliveries that will not be producer milk pursuant to paragraph (c)(3) or (4) of this section. If the handler fails to make such designation, no milk diverted by such handler to a nonpool plant shall be producer milk;

(6) To the extent that it would result in nonpool status for the pool plant from which diverted, milk diverted for the account of a cooperative association to nonpool plants from the pool plant of another handler shall not be producer milk;

(7) The cooperative association shall designate the dairy farmer deliveries that are not producer milk pursuant to paragraph (c)(6) of this section. If the cooperative association fails to make such designation, no milk diverted by it to a nonpool plant shall be producer milk; and

(8) Diverted milk shall be priced at the location of the plant to which diverted.

4. In § 1011.41, paragraph (b)(2) is revised to read as follows:

§ 1011.41 Shrinkage.

\* \* \* \* \*

(b) \* \* \*

(2) Plus 1.5 percent of the skim milk and butterfat, respectively, in milk received from a handler described in § 1011.9(c) and in milk diverted to such plant from another pool plant, except that in either case, if the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage under this subparagraph shall be two percent;

\* \* \* \* \*

5. In § 1011.42, paragraph (a) is revised to read as follows:

§ 1011.42 Classification of transfers and diversions.

(a) *Transfers and diversions to pool plants.* Skim milk or butterfat transferred or diverted in the form of a fluid milk product or a bulk fluid cream product from a pool plant to another pool plant shall be classified as Class I milk unless the operators of both plants request the same classification in another class. In either case, the classification of such transfers or diversions shall be subject to the following conditions:

(1) The skim milk or butterfat classified in each class shall be limited to the amount of skim milk and butterfat, respectively, remaining in such class at the transferee-plant or diveree-plant after the computations pursuant to § 1011.44(a)(12) and the corresponding step of § 1011.44(b);

(2) If the transferor-plant or divertor-plant received during the month other source milk to be allocated pursuant to § 1011.44(a)(7) or the corresponding step of § 1011.44(b), the skim milk or butterfat so transferred or diverted shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor-handler or divertor-handler received during the month other source milk to be allocated pursuant to § 1011.44(a)(11) or (12) or the corresponding steps of § 1011.44(b), the skim milk or butterfat so transferred or diverted, up to the total of the skim milk and butterfat, respectively, in such receipts of other source milk, shall not be classified as Class I milk to a greater extent than would be the case if the

other source milk had been received at the transferee-plant or divertee-plant.

[Docket No. AO-251-A-21]  
[FR Doc. 79-12952 Filed 4-25-79; 8:45 am]  
BILLING CODE 3410-02-M]

## NUCLEAR REGULATORY COMMISSION

[10 CFR Parts 31 and 32]

### In Vitro Uses of Byproduct Material; Addition of Veterinarians to the In Vitro General License

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Proposed rule.

**SUMMARY:** The Nuclear Regulatory Commission is considering amending its regulations in order to add veterinarians to the groups already authorized to use byproduct material for clinical or laboratory testing done outside the body by the issuance of a general license. The general license is useful for the regulation of a large number of identical or similar uses under circumstances in which the safety of the use is not highly dependent upon the competence of the user or when it is practical to identify a class of users who may be assumed to have the necessary qualifications. This action is in response to a petition for rulemaking.

**DATES:** Comment period expires June 25, 1979.

**ADDRESSES:** Interested persons are invited to submit written comments and suggestions on the proposed amendments and/or the supporting value/impact analysis to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch. Single copies of the value/impact analysis may be obtained on request from the Office of Standards Development. Copies of the value/impact analysis and of comments received by the Commission may be examined at the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C.

**FOR FURTHER INFORMATION CONTACT:** Deborah A. Bozik, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (phone 301-443-5860).

**SUPPLEMENTARY INFORMATION:** By letter dated June 19, 1978, Dr. R. F. Nachreiner of the Animal Health Diagnostic Laboratory in Lansing, Michigan, filed with the NRC a petition for rulemaking requesting an amendment to authorize

the addition of veterinarians as general licensees to § 31.11 of 10 CFR Part 31, the general license for use of byproduct material for certain *in vitro* (outside the body) clinical or laboratory testing.

Currently, the veterinarian must use byproduct material under a specific license. A specific license is required for any activity in which the safety of the proposed use is highly dependent upon such factors as the qualifications of the particular licensee and the unique characteristics of the use. Currently, physicians use byproduct material for the same type of tests as the veterinarians; however, physicians use it under a general license. A general license is effective without the filing of applications with the Commission or the issuance of licensing documents to particular persons. The general license is useful for the regulation of a large number of identical or similar uses under circumstances in which the safety of the use is not highly dependent upon the competence of the user or when it is practical to identify a class of users who may be assumed to have the necessary qualifications.

Veterinarians have similar training to physicians in the areas of diagnostic radiology and radiation biology. The small quantity of radioactive material which the veterinarian would use and the similarity of that use to that of a physician's imply that licensing should be the same as a physician's. The proposed rule would add veterinarians to the general license in § 31.11 of 10 CFR Part 31 and a conforming amendment would also be made to § 32.71 of Part 32 which is the specific license for the manufacture and distribution of byproduct material for certain *in vitro* clinical or laboratory testing under general license.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and section 553 of title 5 of the United States Code, notice is hereby given that the adoption of the following amendments to 10 CFR Parts 31 and 32 is contemplated.

1. Section 31.11 of 10 CFR Part 31 is amended by changing the prefatory language of paragraph (a) and amending paragraph (d)(2) to read as follows:

**§ 31.11 General license for use of byproduct material for certain *in vitro* clinical or laboratory testing.**

(a) A general license is hereby issued to any physician, veterinarian in the practice of veterinary medicine, clinical laboratory or hospital to receive, acquire, possess, transfer, or use, for any of the following stated tests, in

accordance with the provisions of paragraphs (b), (c), (d), (e), and (f) of this section, the following byproduct materials in prepackaged units:

(d) The general licensee shall not receive, acquire, possess, or use byproduct material pursuant to paragraph (a) of this section:

(2) Unless the following statement, or a substantially similar statement which contains the information called for in the following statement, appears on a label affixed to each prepackaged unit or appears in a leaflet or brochure which accompanies the package:<sup>1</sup>

This radioactive material may be received, acquired, possessed, and used only by physicians, veterinarians in the practice of veterinary medicine, clinical laboratories or hospitals and only for *in vitro* clinical or laboratory tests not involving internal or external administration of the material, or the radiation therefrom, to human beings or animals. Its receipt, acquisition, possession, use, and transfer are subject to the regulations and a general license of the U.S. Nuclear Regulatory Commission or of a State with which the Commission has entered into an agreement for the exercise of regulatory authority.

(Name of Manufacturer)

2. Paragraph (d) of § 32.71 of 10 CFR Part 32 is revised to read as follows:

**§ 32.71 Manufacture and distribution of byproduct material for certain *in vitro* clinical or laboratory testing under general license.**

An application for a specific license to manufacture or distribute byproduct material for use under the general license of § 31.11 of this chapter will be approved if:

(d) The following statement, or a substantially similar statement which contains the information called for in the following statement, appears on a label affixed to each prepackaged unit or appears in a leaflet or brochure which accompanies the package:<sup>1</sup>

The radioactive material may be received, acquired, possessed, and used only by physicians, veterinarians in the practice of veterinary medicine, clinical laboratories or hospitals and only for in

<sup>1</sup>Material generally licensed under this section prior to (date of effective rule) also may bear labels authorized by the regulations in effect on (day before date of effective rule).

<sup>2</sup>Material licensed under § 32.71 prior to (date of effective rule) also may bear labels authorized by the regulation in effect on (day before date of effective rule).

vitro clinical or laboratory tests not involving internal or external administration of the material, or the radiation therefrom, to human beings or animals. Its receipt, acquisition, possession, use, and transfer are subject to the regulations and a general license of the U.S. Nuclear Regulatory Commission or of a State with which the Commission has entered into an agreement for the exercise of regulatory authority.

(Name of manufacturer)

(Secs. 81, 161, Pub. Law 83-703, 68 Stat. 935, 948 (42 U.S.C. 2111, 2201); Sec. 201, Pub. Law 93-438, 88 Stat. 1242 (42 U.S.C. 5841))

Dated at Bethesda, MD this 16th day of April, 1979.

For the Nuclear Regulatory Commission.

Lee V. Gossick,

*Executive Director for Operations.*

[FR Doc. 79-12757 Filed 4-25-79; 8:45 am]

BILLING CODE 7590-01-M

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### [14 CFR Part 39]

**Airworthiness Directives; Indiana Mills & Manufacturing, Inc., TSO-C22f Seat Belt Assembly Models: IMM 111040-1, IMM 111040-2, IMM 111040-3, IMM 111040-4, and IMM 111040-8**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rule making.

**SUMMARY:** This notice proposes to adopt an airworthiness directive (AD) that would require the removal from service within the next 90 days of the following safety belt assemblies manufactured by Indiana Mills and Manufacturing, Inc. and marked as meeting the standards of FAA TSO-C22f:

IMM 111040-1 Shoulder and Lap Belt Assembly (only Lap Belt Assembly TSO approved)

IMM 111040-2 Front Passenger Harness Assembly (only Lap Belt Assembly TSO approved)

IMM 111040-3 Rear Passenger Harness Assembly (only Lap Belt Assembly TSO approved)

IMM 111040-4 Shoulder and Lap Belt Assembly (only Lap Belt Assembly TSO approved)

IMM 111040-8 Lap Belt Assembly

The proposed AD is needed since it was determined that the criteria of TSO-C22f and previously accepted deviation criteria for push-button release mechanisms are not met by these safety belt assemblies. The high

release forces required to release the latch mechanism under certain conditions are considered unsatisfactory.

**DATES:** Comments must be received on or before June 18, 1979.

**ADDRESSES:** Send comments on the proposal in duplicate to: Federal Aviation Administration, Office of the Regional Counsel, Attn: Rules Docket (AGL-7) Docket No. 79-GL-4-AD, 2300 East Devon Avenue, Des Plaines Illinois 60018.

**FOR FURTHER INFORMATION CONTACT:** Alfred A. Maila, Engineering and Manufacturing Branch, Flight Standards Division, AGL-212, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (312) 694-4500, extension 424.

**SUPPLEMENTARY INFORMATION:** Interested persons are invited to participate in the making of the proposed rule, by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact, concerned with the substance of the proposed AD, will be filed in the Rules Docket.

The FAA has determined that the above identified Indiana Mills and Manufacturing, Inc. safety belt assemblies do not meet the requirements of TSO-C22f or acceptable deviation criteria for push-button release mechanisms. This latter criteria requires that the release force under a 250 pound load be no greater than 8 pounds on the push-button and under no conditions should the release force be less than 2.5 pounds on the push-button. Since this condition exists in the other safety belts of the noted models, the proposed AD would require that these safety belts be removed from service.

#### The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend Section 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new airworthiness directive:

**Indiana Mills & Manufacturing, Inc. Applies to Model IMM 111040-1, -2, -3, 4-, and -8 safety belt assemblies marked as meeting the standards of FAA TSO-C22f.** These safety belts are installed in, but not limited to, Gulfstream American Corp. (formerly Grumman American Aviation Corp.) AA-1B, AA-1C, AA-5, AA-5A, AA-5B model airplanes.

These safety belts can no longer be considered to meet the standards prescribed by FAA TSO-C22f and the approved special criteria for push-button release mechanisms which requires the push-button release force to be between 2.5 and 8 pounds when using the loading conditions specified in FAA TSO-C22f (Section 4.3.2.2 of NAS 802).

Within 90 days from the effective date of this AD, these safety belts shall not be used in type certificated aircraft.

**Note.**—Information regarding replacement safety belts for Gulfstream American airplanes can be obtained from: Gulfstream Light Aircraft Customer Service, P.O. Box 2206, Savannah, Georgia 31410, Telephone (912) 984-3000, Telex 54-6470.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421; and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.85)

**Note.**—The FAA has determined that this document involves a proposed regulation which is not considered to be significant under the procedures and criteria prescribed by Executive Order 12044 and as implemented by interim Department of Transportation guidelines (43 FR 9582, March 8, 1978).

Issued in Des Plaines, Illinois on April 17, 1979.

J. B. Barnage,

*Acting Director, Great Lakes Region.*

[Docket No. 79-GL-4-AD]

[FR Doc. 79-12857 Filed 4-25-79; 8:45 am]

BILLING CODE 4310-13-M

#### [14 CFR Part 39]

**Airworthiness Directives; AiResearch Model GTCP85 Series APUs**

**AGENCY:** Federal Aviation Administration (FAA) DOT.

**ACTION:** Notice of proposed rule making.

**SUMMARY:** This notice proposes to adopt an airworthiness directive (AD) which will require the incorporation of a heavy wall conical tailpipe assembly in specific series of the AiResearch Model GTCP85 Series Auxiliary Power Unit (APU). This AD is being proposed because thermal fatigue cracks in the rim saddle area of the turbine wheel have developed which could result in failure of a segment of the rim and possible release of high energy fragments of the turbine assembly.

**DATES:** Comments must be received on or before June 29, 1979.

**ADDRESSES:** Send comments on the proposal to: Department of Transportation, Federal Aviation Administration, Western Region, Attention: Regional Counsel, Airworthiness Rule Docket, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009.

The applicable service information may be obtained from: AiResearch Manufacturing Company of Arizona, P.O. Box 5217, Phoenix, Arizona 85010, Telephone: (602) 287-3011.

**FOR FURTHER INFORMATION CONTACT:** Jerry J. Presba, Executive Secretary, Airworthiness Directive Review Board, Federal Aviation Administration, Western Region, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009.

**SUPPLEMENTARY INFORMATION:** Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Interested persons are also invited to comment on the economic, environmental and energy impact that might result because of adoption of the proposed rule. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact, concerned with the substance of the proposed AD, will be filed in the Rules Docket.

To date there have been 9 cast turbine wheel separations reported to the FAA wherein a segment of the rim becomes dislodged from the hub. In three cases involving GTCP85-98CK APUs, a blade segment exited the APU and surrounding aircraft shroud causing damage to a Boeing 727 aircraft right-hand wheel well. Primary cause of the rim separation in the turbine wheel is development of thermal fatigue cracks between the turbine wheel blade roots, called the saddle area. Current experience indicates that all rim separations have occurred in low time turbine wheels Part Number 3604604-1 (hipped) or Part Number 968095-1, -3, or -5 (unhipped) with 1250 to 4057 hours/cycles since new, where one cycle

equals one start/shutdown. No separations have been reported on turbine wheels which have been inspected and/or repaired following hot section inspection (HSI) or overhaul.

While the GTCP85 series APU turbine wheel containment ring is designed to fully contain a maximum energy wheel burst, the failure mechanism of the rim failure can allow turbine wheel debris to escape this ring. Recent rim separation occurrences indicate that upon failure of the wheel rim the resultant unbalance causes the cantilevered wheel shaft to fracture. The turbine wheel is then free to rotate inside the turbine wheel shroud. The high axial thrust acts to drive the wheel aft collapsing the standard walled conical tailpipe. This allows the rotating turbine wheel to spin in a plane not enclosed by the containment ring with the consequence of blade fragments being radially released from the APU.

Failures of this nature may pose a safety hazard to ground crews or other persons near the aircraft. In addition, high energy blade fragments could also cause secondary damage to aircraft fuel, hydraulic and electrical systems with corresponding fire hazard while on the ground, or in flight, in those cases where the APU is certificated for in-flight operation.

Since this condition is likely to exist or develop on other APUs of the same TSO design, this AD would require the incorporation of a strengthened conical tailpipe design in order that turbine wheel failures of this type may be fully contained by the turbine wheel containment hardware.

#### Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend Section 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new Airworthiness Directive:

**AiResearch Manufacturing Company of Arizona:** Applies to the following groups of Model GTCP85 series Auxiliary Power Units (APUs) which have cast turbine wheel Part Number 968095-1, -3, -5 or 3604604-1 installed:

**Note.**—These APUs are installed in but not limited to Boeing 727-100/-200, Lockheed L-100, Boeing 707 (conversion), Lockheed 382-Series, Douglas DC-9, Avions Marcel Dassault-Breguet Aviation Mercure and British Aerospace Corporation BAC 1-11, Trident 3B, Trident 1, and Trident 2E aircraft.

**Group A:** GTCP85-98CK, GTCP85-98CK(A), or GTCP85-98CK(B) with exhaust pipe assembly Part Number 379529 or 976987-1.

**Note.**—Part Number 976987-1 may be either a new production part or part

reworked from Part Number 379529 per AiResearch Service Bulletin 49-1790, Revision 1, dated March 21, 1971, or original issue of this service bulletin.

**Group B:** GTCP 85-98DCK, GTCP85-115CK, GTCP85-115H, GTCP85-139H, or GTCP85-163CK with exhaust pipe assembly Part Number 379529 or 976987-1 reworked from Part Number 379529 per AiResearch Service Bulletin 49-1790, Revision 1, dated March 21, 1971, or original issue of this service bulletin.

**Group C:** GTCP85-185L with exhaust pipe assembly Part Number 899807-1.

**Note.**—Operators of airplanes incorporating the APUs affected by this airworthiness directive are advised to examine the applicable sections of AiResearch Alert Service Bulletin GTCP85-49-A5078, Revision 1, dated March 29, 1979, and AiResearch Service Bulletin GTCP85-49-3688, Revision 5, dated February 9, 1979, to identify production configuration of these units as well as the methods of reworking the exhaust pipe assemblies to the approved replacement configuration.

Compliance required as indicated.

To prevent the release of high energy turbine wheel blade fragments, accomplish the following, unless already accomplished:

(a) For APUs with turbine wheels Part Number 968095-1, -3, -5, or 3604604-1 installed, remove the exhaust pipe assemblies listed for Group A, B, and C above and install a strengthened exhaust pipe assembly as defined below at next APU overhaul, or within the next 3000 operating cycles after the effective date of this AD, whichever occurs first, or in any case, not later than three years from the effective date of this AD.

(1) APUs in Group A are to have a Part Number 3607748-1, 966580-1, or 966580-3 exhaust pipe assembly installed.

(2) APUs in Group B are to have a Part Number 3607748-1 or 966580-3 exhaust pipe assembly installed.

(3) APUs in Group C are to have a Part Number 3607748-1 exhaust pipe assembly installed.

**Note.**—For the purposes of this AD, one cycle equals one start/shutdown of the APU. If the operator does not have a record of operating cycles on individual turbine wheels, he may assume two starts have occurred for each recorded APU operating hour of service, or any other cycle per hour ratio approved by the operator's assigned FAA maintenance inspector, provided the request contains substantiating data to justify the alternative ratio. Operators who have not kept a record of APU operating hours of service shall estimate hours of APU operation by equating APU operation to airplane hours time in service using a ratio approved by the operator's assigned FAA maintenance inspector and justified by substantiating data.

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

(c) Alternative inspections, modifications or other actions which provide an equivalent level of safety may be used when approved

by the Chief, Aircraft Engineering Division, FAA Western Region.

(d) Upon request of operator, an FAA maintenance inspector, subject to prior approval of the Chief, Aircraft Engineering Division, FAA Western Region may adjust the initial inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for that operator.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 8(c) Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.85)

**Note.**—The Federal Aviation Administration has determined that this document is not significant in accordance with the criteria required by Executive Order 12044 and set forth in interim Department of Transportation Guidelines.

Issued in Los Angeles, California on April 16, 1979.

Benjamin Deraps, Jr.

Acting Director, FAA Western Region.

[Docket No. 79-WE-2-AD]

[FR Doc. 79-12858 Filed 4-25-79; 8:45 am]

BILLING CODE 4910-13-M

#### [14 CFR Part 47].

### Aircraft Registration; Triennial Aircraft Registration Report

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rule making.

**SUMMARY:** This notice proposes to establish a requirement that holders of a Certificate of Aircraft Registration file a report with the FAA Aircraft Registry on the current eligibility of the aircraft for registration whenever 3 years have elapsed since the FAA Aircraft Registry has received information indicating registration eligibility. The proposed requirement is intended to help ensure that continued aircraft registration is limited to eligible persons only and, to the extent practicable, to maintain current data on aircraft ownership. It is needed to supplement eligibility information that is received by the FAA Aircraft Registry in the ordinary course of business.

**DATE:** Comments must be received on or before June 11, 1979.

**ADDRESS:** Send comments on the proposal in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket (AGC-24), Docket No. 18958, 800 Independence Avenue S.W., Washington, D.C. 20591.

**FOR FURTHER INFORMATION CONTACT:** Virginia Swimmer, Technical Section, FAA Aircraft Registry, Aeronautical

Center, P.O. Box 25082, Oklahoma City, Oklahoma 73125, Telephone: (405) 686-2284.

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

Interested persons are invited to participate in the making of this proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue S.W., Washington, D.C. 20591. All communications received on or before June 11, 1979, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for the comments, in the Rules Docket for examination by interested persons. A report summarizing each substantive public contact with FAA personnel concerned with this rule making will be filed in the docket.

##### Availability of NPRMs

Any person may obtain a copy of this notice of proposed rule making (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue S.W., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on the mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

##### Discussion of the Proposed Rule

Section 47.44 of the Federal Aviation Regulations (14 CFR 47.44) previously required a holder of a Certificate of Aircraft Registration to file a report before April 1 of each year providing information relative to the aircraft's eligibility for registration. The purpose of that requirement was to enable the FAA to obtain updated knowledge of the registration eligibility of aircraft. Section 47.44 was adopted as Amendment No. 47-10 (35 FR 2578; February 5, 1970). The amendment was necessary because the FAA had frequently not been advised of changed circumstances which affected registration eligibility, such as:

destruction of the aircraft, transfer of ownership, loss of citizenship, registration in a foreign country, or the death of the certificate holder.

As a result of § 47.44, the FAA received reports annually from 1979 through 1977. Approximately 32,000 obsolete aircraft records were removed from the aircraft register, which is now relatively current.

On January 25, 1978, § 47.44 was revoked by Amendment No. 47-19 (43 FR 3900; January 30, 1978), because it was determined that the aircraft register could now be kept current, for the most part, with the use of information that is submitted to the FAA Aircraft Registry in the ordinary course of business. This information includes: notices of the sale, export, destruction, theft, and cannibalization of aircraft; notices of change of address and of the death of the certificate holder; and requests for change of registration number.

In the preamble to Amendment No. 47-19, the FAA pointed out that it might be necessary to require some holders of certificates of Aircraft Registration to file a report similar to that required by § 47.44, but that such a reporting system would be considerably less of a burden on the public and on the FAA than § 47.44. The experience of the FAA Aircraft Registry has shown that some form of registration activity occurs with respect to a considerable portion of the aircraft population during each 36-month period. The FAA believes that this activity, coupled with an eligibility certification from those certificate holders about whose aircraft the FAA Aircraft Registry has received no information in 3 years, will be sufficient to provide for reasonable currency of eligibility and ownership data.

Under this proposal, the FAA Aircraft Registry would send a Triennial Aircraft Registration Report to a holder of a Certificate of Aircraft Registration when no registration activity has occurred with respect to the certificate holder's aircraft in 36 months. The rule would specify the following as registration activity: the submission of an application for aircraft registration, the filing of a notice of a change of permanent mailing address, the filing of an application for a duplicate Certificate of Aircraft Registration, the filing of an application for a change of aircraft identification number, the submission of a report under former § 47.44, and the submission of a prior certification on a Triennial Aircraft Registration Report.

The proposed rule would require the certificate holder to certify and submit the report within 60 days after issuance by the FAA Aircraft Registry. It would

have to be dated, legibly executed, and signed by the certificate holder in the manner prescribed by § 47.13, except that any co-owner would be allowed to sign for all co-owners.

The information certified by the certificate holder would be substantially the same as that formerly required by § 47.44, except that the registration eligibility certification requested would reflect the change in the eligibility requirements effected by Public Law 95-163 and Public Law 99-241. It is anticipated that the report form issued by the FAA Aircraft Registry will be preprinted with the information on each aircraft that is available in the aircraft register. The certificate holder will have merely to certify or correct the information printed on the report form and return it to the FAA Aircraft Registry.

The report would provide for certifying the current identification number of the aircraft, the name and permanent mailing address of the certificate holder, the name of the manufacturer of the aircraft and its model and serial number, and whether the certificate holder is a U.S. citizen, a foreign citizen lawfully admitted to permanent residence in the United States, or a corporation (not a U.S. citizen) lawfully organized and doing business under the laws of the United States. A non-citizen corporation would also have to certify whether its aircraft is based and primarily used in the United States. Finally, the report would provide for certifying whether the aircraft is registered under the laws of any foreign country.

Proposed § 47.51 is not expected to impose a significant burden on holders of Certificates of Aircraft Registration, in view of the 3-year period between reports and the ease with which it is expected that the certification form can be processed by the certificate holder. In addition, only those certificate holders for whom there has been no registration activity in 3 years will be required to submit a report.

The proposed rule is expected to be much less of a burden on the FAA Aircraft Registry because of the reduction in the number of eligibility reports. Workload is also expected to be more evenly distributed throughout the year, unlike the reporting system under former § 47.44 which resulted in a peak workload period focusing on one reporting date each year.

#### The Proposed Rule

Accordingly, it is proposed to amend Part 47 of the Federal Aviation

Regulations by adding § 47.51 to read as follows:

#### § 47.51 Triennial Aircraft Registration Report.

(a) Unless one of the registration activities listed in paragraph (b) of this section has occurred within the preceding 36 calendar months, the holder of each Certificate of Aircraft Registration issued under this subpart shall submit, on the form provided by the FAA Aircraft Registry and in the manner described in paragraph (c) of this section, a Triennial Aircraft Registration Report, certifying—

(1) The current identification number (registration mark) assigned to the aircraft;

(2) The name and permanent mailing address of the certificate holder;

(3) The name of the manufacturer of the aircraft and its model and serial number;

(4) Whether the certificate holder is:  
(i) A citizen of the United States;  
(ii) An individual citizen of a foreign country who has lawfully been admitted for permanent residence in the United States; or

(iii) A corporation (other than a corporation which is a citizen of the United States) lawfully organized and doing business under the laws of the United States or any State thereof;

(5) If the certificate holder is described in paragraph (a)(4)(iii) of the section, whether the aircraft is based and primarily used in the United States; and

(6) Whether the aircraft is currently registered under the laws of any foreign country.

(b) The FAA Aircraft Registry will forward A Triennial Aircraft Registration Report to each holder of a Certificate of Aircraft Registration whenever 36 months has expired since the latest of the following registration activities occurred with respect to the certificate holder's aircraft:

(1) The submission of an Application for Aircraft Registration.

(2) The filing of a notice of change of permanent mailing address.

(3) The filing of an application for a duplicate Certificate of Aircraft Registration.

(4) The filing of an application for a change of aircraft identification number.

(5) The submission of an Aircraft Registration Eligibility, Identification, and Activity Report, Part 1; AC Form 8050-73, under former § 47.44.

(6) The submission of a Triennial Aircraft Registration Report under this section.

(c) The holder of the Certificate of Aircraft Registration shall return the Triennial Aircraft Registration Report to the FAA Aircraft Registry within 60 days after issuance by the FAA Aircraft Registry. The report must be dated, legibly executed, and signed by the certificate holder in the manner prescribed by § 47.13, except that any co-owner may sign for all co-owners.

(d) Refusal or failure to submit the Triennial Aircraft Registration Report required by this section and containing the required information may be cause for suspension or revocation of the Certificate of Aircraft Registration in accordance with Part 13 of this chapter.

(Sections 313(a), 501, and 601(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1401, and 1421); Section 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

*Note.*—The Federal Aviation Administration has determined that this document involves proposed regulations which are not significant under the procedures and criteria required by Executive Order 12044, and implemented by the Department of Transportation Regulatory Policies and Procedures published in the Federal Register February 26, 1979 (44 FR 11034). In addition, the Federal Aviation Administration has determined that the expected impact of the proposed regulations is so minimal that they do not require an evaluation.

Issued in Oklahoma City, Oklahoma, on April 11, 1979.

Calvin H. Davenport,  
Acting Director, Aeronautical Center.

[Docket 16958; Notice 79-10]  
[FR Doc. 79-12861 Filed 4-25-79; 8:45 am]  
BILLING CODE 4910-13-M

#### [14 CFR Part 71]

#### Designation of Federal Airways, Area Low Routes, Controlled Airspace and Reporting Points; Establishment and Alteration of Transition Areas

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Termination of Notice of Proposed Rulemaking (NPRM).

**SUMMARY:** On March 1, 1979, an NPRM was published in the Federal Register (44 FR 1156) covering the establishment of airspace at Durango, Colorado to contain the holding patterns on a proposed new airway. Subsequent to the issuance of the NPRM for the proposed rulemaking action, it was disclosed that the proposed airway would be unusable below flight level (FL-180) and serve no useful purpose to air traffic control; therefore, the action is cancelled.

**FOR FURTHER INFORMATION CONTACT:** Pruett B. Helm, Operations, Procedures and Airspace Branch, Air Traffic Division, ARM-500, Federal Aviation Administration, Rocky Mountain Region, 10455 East 25th Avenue, Aurora, Colorado 80010; telephone (303) 837-3937.

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

Issued in Aurora, Colorado on April 17, 1979.

M. M. Martin,  
Director, Rocky Mountain Region.

[Airspace Docket No. 79-RM-G3]  
[FR Doc. 79-12859 Filed 4-25-79; 8:45 am]

BILLING CODE 4910-13-M

#### [14 CFR Part 71]

##### Alteration of Transition Area

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of Proposed Rulemaking.

**SUMMARY:** This Notice of Proposed Rulemaking (NPRM) proposes to alter the 1,200-foot transition area at Gillette, Wyoming to provide controlled airspace for holding aircraft and additional controlled airspace for air traffic control purposes. There will no be change to the 700-foot transition area.

**DATES:** Comments must be received on or before June 1, 1979.

**ADDRESSES:** Send comments on the proposal to: Chief, Air Traffic Division, Attn.: ARM-500, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colorado 80010.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colorado 80010.

**FOR FURTHER INFORMATION CONTACT:** David M. Laschinger, Airspace and Procedures Specialist, Operations, Procedures and Airspace Branch (ARM-539), Air Traffic Division, Federal Aviation Administration, Rocky Mountain Region, 10455 East 25th Avenue, Aurora, Colorado 80010; telephone (303) 837-3937.

##### **SUPPLEMENTARY INFORMATION:**

##### **Comments Invited**

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Federal

Aviation Administration, 10455 East 25th Avenue, Aurora, Colorado 80010. All communications received will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

##### Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

##### The Proposal

The Federal aviation Administration is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the 1,200-foot transition area at Gillette, Wyoming. This proposal is necessary to provide controlled airspace for holding aircraft and for air traffic control purposes. Accordingly, the Federal Aviation Administration proposes to amend Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

By amending 71.181 by designating the following transition areas:

##### Gillette, Wyoming

That airspace extending upward from 700 feet above the surface within 6 miles east and 9.5 miles west of the Gillette VOR (latitude 40°20'52" N., longitude 105°32'34" W.) 176° and 356° radials, extending from 8 miles south to 18.5 miles north of the VOR, and that airspace extending upward from 1,200 feet above the surface bounded on the north by the southern edge of V86S, on the south by the northern edge of V235, on the west by the eastern edge of V19, V19E, excluding that area designated as the Sheridan, Wyoming, Casper, Wyoming, and the Newcastle, Wyoming 1,200-foot transition areas.

##### Drafting Information

The principal authors of this document are David M. Laschinger, Air Traffic Division, and Daniel J. Peterson, office of the Regional Counsel, Rocky Mountain Region.

This amendment is proposed under authority of section 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

**Note.**—The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation, and a comment period of less than 45 days is appropriate.

Issued in Aurora, Colorado on April 17, 1979.

M. M. Martin,  
Director, Rocky Mountain Region.

[Airspace Docket No. 79-RM-12]  
[FR Doc. 79-12260 Filed 4-25-79; 8:45 am]  
BILLING CODE 4910-13-M

#### [14 CFR Part 73]

##### Establishment of Restricted Area

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This notice proposes to establish Restricted Area R-5114 located near Gallup, N. Mex. This restricted airspace is necessary so that the U.S. Air Force can conduct training missions utilizing advance missile systems. In addition, the Air Force proposes this area be designated as joint use.

**DATES:** Comments must be received on or before May 29, 1979.

**ADDRESSES:** Send comments on the proposal in triplicate to: Director, FAA Southwest Region, Attention: Chief, Air Traffic Division, Docket No. 78-SW-56, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101.

The official docket may be examined at the following location: FAA Office of the Chief Counsel, Rules Docket (AGC-24), Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

An informal docket may be examined at the office of the Regional Air Traffic Division.

**FOR FURTHER INFORMATION CONTACT:** Mr. Lewis W. Still, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8525.

**SUPPLEMENTARY INFORMATION:**

**Comments Invited**

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101. All communications received on or before May 29, 1979 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

**Availability of NPRM**

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

**The Proposal**

The FAA is considering an amendment to Part 73 of the Federal Aviation Regulations (14 CFR Part 73) that would establish Restricted Area R-5114, Fort Wingate, N. Mex., located southeast of Gallup, N. Mex. This area would be designated as joint use so that maximum utilization of the restricted area could be realized since the missile firings would be periodic. The requested altitudes are from the surface to unlimited. This restricted area would provide airspace for launching Advanced Strategic Air Launched Missiles (ASALM). Also, this airspace was previously used for ground launched missiles and was designated as R-5114 and revoked due to lack of

use. The training would require that missiles be air launched and the airspace must be void of all nonparticipating aircraft. The airspace utilization time would be approximately 15 minutes per launch once per month for six months. The using agency, Deputy for Air Force, Armament Development and Testing Center, White Sands Missile Range, N. Mex. 88002, will serve as lead agency for purposes of compliance with the National Environmental Policy Act (NEPA). Comments on any land use problems can be addressed to Douglas W. Brazelton, LT COL, USAF Representative, FAA SW Region, P.O. Box 1689, Fort Worth, Tex. 761-1. Subpart B of Part 73 was republished in the Federal Register on January 2, 1979 (44 FR 702).

**The Proposed Amendment**

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 73.51 of Part 73 of the Federal Aviation Regulations (14 CFR Part 73) as republished (44 FR 702) as follows:

Under § 73.51 "R-5114 Fort Wingate, N. Mex.

Boundaries. Beginning at Lat. 35°26'00" N., Long. 108°35'00" W., to Lat. 35°05'00" N., Long. 108°07'00" W., to Lat. 34°56'00" N., Long. 108°21'40" W., to Lat. 35°25'00" N., Long. 108°37'00" W., to point of beginning, Time of designation. Intermittent, September 1, 1979, through March 31, 1980, by NOTAM, 48 hours in advance. Altitudes. Surface to unlimited. Controlling agency. Federal Aviation Administration, Albuquerque, ARTC Center. Using agency. Deputy for Air Force, Armament Development and Testing Center, White Sands Missile Range, N. Mex. 88002."

would be added.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65.)

Note.—The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation and a comment period of less than 45 days is appropriate.

Issued in Washington, D.C., on April 19, 1979.

William E. Broadwater,  
Chief, Airspace and Air Traffic Rules Division.

[Airspace Docket No. 78-SW-50]  
[FR Doc. 79-12755 Filed 4-25-79; 8:45 am]  
BILLING CODE 4910-13-M

**TENNESSEE VALLEY AUTHORITY**

**[18 CFR Chapter II]**

**Second Semiannual Agenda of Significant Regulations**

**AGENCY:** Tennessee Valley Authority (TVA).

**ACTION:** Second semiannual notice of agenda of significant regulations under development or review.

**SUMMARY:** This document is intended to satisfy the requirements of Executive Order No. 12044, "Improving Government Regulations" (the "order"), by informing the public of the determination made by the Board of Directors of TVA that no regulation under development or review qualify as "significant" under the order.

**EFFECTIVE DATE:** The determination of which this document gives notice was made at a public meeting of TVA's Board of Directors on April 5, 1979, and covers the period through November 6, 1979.

**ADDRESS:** Herbert S. Sanger, Jr., General Counsel, Tennessee Valley Authority, 400 Commerce Avenue, E11B33, Knoxville, Tennessee 37902.

**FOR FURTHER INFORMATION CONTACT:** Lynn G. Morehous, Assistant General Counsel, Tennessee Valley Authority, 400 Commerce Avenue, E10D76, Knoxville, Tennessee 37902, 615-632-3081.

**SUPPLEMENTARY INFORMATION:** On February 23, 1979, TVA published in the Federal Register (44 FR 10806) its final revised report implementing Executive Order No. 12044. That report identified existing TVA regulations, outlined the process by which TVA develops and revises the regulations it issues, and described the mechanisms TVA uses to actively encourage public input to TVA programs. TVA currently has under development or review three regulations which are subject to the order. These are: (1) amendments to its regulations under Section 26a of the TVA Act, which would (a) increase public participation in the process for issuing permits under that section and (b) provide applicants a formal right of appeal to the Board; (2) procedures implementing the Public Utility

Regulatory Policies Act of 1978; and (3) procedures to implement sections 504 and 505 of the Rehabilitation Act of 1973, as amended by the Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978. On April 5, 1979, based on the criteria set forth in the order, the TVA Board of Directors determined that none of the regulations subject to the order which are under development or review are "significant" within the meaning of the order.

#### Semiannual Agenda of Regulations

No significant regulations are expected to be developed or reviewed in the period covered by this notice.

Approved by TVA Board of Directors, April 5, 1979.

Dated: April 5, 1979.

Leon E. Ring,

General Manager.

[FR Doc. 79-11829 Filed 4-25-79; 8:45 am]

BILLING CODE 8120-01-M

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[18 CFR Parts 2, 3, 4, 141, and 260]

#### Discontinuation of the Use of Certain FERC Forms

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of Proposed Rulemaking.

**SUMMARY:** The Federal Energy Regulatory Commission (Commission) proposes to discontinue the use of data collection forms no longer needed by the Commission for its regulatory functions. The proposal is part of a continuing Commission effort to re-evaluate data collection by the Commission, and limit its data requirements to the minimum amount of information required to discharge its regulatory responsibilities.

**DATE:** Written comments by May 25, 1979.

**ADDRESS:** Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426 (Reference Docket No. RM79-38).

**FOR FURTHER INFORMATION CONTACT:** Ronald D. Storey, Office of the Executive Director, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 9200, Washington, D.C. 20426, (202) 275-4111 or Teresa Ponder, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street,

NE., Room 8100-J, Washington, D.C. 20426, (202) 275-4236.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that the Federal Energy Regulatory Commission (Commission) proposes to amend §§ 2.10, 2.11(c), 2.11(d), 3.142(a), 3.170(a), 4.1, 4.2, 4.3, 4.6, 4.7, 4.10, 4.14, 4.20, 4.25, 141.7, 141.11, 141.12, 141.13, 141.28, 141.80, 141.300, 260.20, and 260.21 of Title 18 of the Code of Federal Regulations to discontinue the use of data collection forms no longer needed by the Commission for its regulatory functions.

#### Background

The Commission has initiated this rulemaking in accordance with the policy set forth in President Carter's Executive Order No. 12044 (Order) entitled "Improving Government Regulations."<sup>1</sup> The Order generally requires federal agencies, not including independent regulatory agencies, to evaluate and, where necessary, to improve their regulations in order to, among other things, minimize "compliance costs, paperwork, and other burdens on the public." Although this Commission is not required to comply with the Order, it has chosen to comply with the President's request that independent regulatory agencies voluntarily apply the policies and procedures enunciated in the Order.

This rulemaking is part of an ongoing effort to eliminate unnecessary burdens on the industries regulated by the Commission. All data elements contained in forms submitted to the Commission are being evaluated to determine how many of the data are needed by the Commission to carry out its regulatory functions. Forms which do not produce information needed by the Commission will be eliminated as FERC forms.

Some of the forms which the Commission proposes to discontinue were originally promulgated under authority granted to the Federal Power Commission (FPC) by sections 202(a) and 311 of the Federal Power Act (FPA) (49 Stat. 863; 16 U.S.C. 791(a)). Section 202(a) deals with the division of the country into regional districts for the voluntary interconnection and coordination of electric facilities.<sup>2</sup> Section 311 authorizes investigations and information gathering relating to electric energy. These functions, among others, were transferred to the Secretary of Energy (Secretary) by section 301(b) of the Department of Energy

Organization Act<sup>3</sup> (DOE Act) (Pub. L. No. 95-91, 91 Stat. 565). The authority to administer these functions was in turn delegated by the Secretary to the Energy Information Administration (EIA)<sup>4</sup>, the Economic Regulatory Administration (ERA)<sup>5</sup>, and the Commission.<sup>6</sup> The Secretary gave FRA the authority to administer section 202(a) of the FPA, and gave EIA the authority to administer section 311 of the FPA. The Commission was also given the authority to carry out the functions under section 311 to the extent needed to perform its other vested or delegated functions.

These changes in the Commission's regulatory responsibilities coupled with a desire to reduce the reporting burden on industry to require only those data necessary to the discharge of those responsibilities, permit us to propose that several forms be discontinued. While the Commission proposes to discontinue the requirement that these data be reported, the public should be aware that EIA or ERA may determine that collection of some of the data elements is necessary to the proper discharge of their respective statutory responsibilities. The effective date of a final rule issued by the Commission discontinuing collection of any forms listed herein will be such that EIA, ERA, or any other Federal agency will have sufficient time to justify the need for and receive OMB approval of collection of such data under that agency's own authority.

The evaluation of the Commission's forms has involved extensive staff review. Forms were inventoried and identified by the staff as necessary or unnecessary for the fulfillment of the Commission's regulatory responsibilities.

The forms which the Commission proposes to discontinue were determined to be unnecessary to the fulfillment of the Commission's regulatory functions.

#### Forms To Be Discontinued

The Commission considers the following forms unnecessary and proposes to discontinue their collection:

<sup>1</sup>Section 301(b) provides, generally, that powers given the FPC under the FPA and the Natural Gas Act (15 U.S.C. 717) which were not transferred to the Commission by Title IV of the DOE Act are vested in the Secretary.

<sup>4</sup>Delegation Order No. 0204-3, October 1, 1977, 42 FR —.

<sup>5</sup>Delegation Order No. 0204-4, October 1, 1977, 42 FR —.

<sup>6</sup>Delegation Order No. 0204-1, October 1, 1977, 42 FR 55637.

<sup>1</sup>43 FR 12681, March 24, 1978.

<sup>2</sup>The Commission still has the authority under section 202(b) to order interconnections when necessary or appropriate in the public interest.

Form No.	Title as shown in C.F.R.	18 C.F.R. §§
6	Initial Cost Statement for Licensed Projects	141.11, 3.142(a)(23)
7	Statement of Actual Legitimate Original Cost of Construction	141.12, 3.142(a)(24)
9	Annual Report for Licensees of Privately Owned Major Projects (Utility and Industrial)	141.13, 3.142(a)(25)
17	Monthly Report of Natural Gas Pipeline Curtailments	None
23B	Quarterly Electric Utility Generation and Fuel Planning Report (Expired 8-31-78)	141.300, 3.142(a)(42)
38	No C.F.R. title. Title of form: Electric Generating Station and Substation Data and Location	(None—internal use only)
45	Report of Non-Jurisdictional Sales of Natural Gas	260.20, 3.170(a)(30)
64	Natural Gas Companies, Annual Report of Producer Expenditures, Exploration and Development Activity, Production, Reserve Additions, and Revenues (Expired 12-31-78)	260.21, 3.170(a)(27)
37A	Weekly Fuel Emergency Report, Revised (Coal)	141.60, 3.142(a)(45)
237B	Weekly Fuel Emergency Report, Revised (Oil)	141.60, 3.142(a)(45)
ICC, ARC-41	No C.F.R. title. Title of form: Report of Expenditures for Additions and Betterment—Oil Pipeline Companies	(None—internal use only)

It should be noted that Form Nos. 6, 7, and 9 contained in the above table are presently filed by licensed projects in accordance with section 4(b) of the FPA.<sup>7</sup> The Commission feels that the proposed amendments to Part 4 of the regulations, which eliminate the requirements for filing these forms with the Commission, will, nevertheless, meet the requirements of section 4(b) of the

<sup>7</sup> Section 4(b) of the FPA provides, in part, that the Commission is authorized and empowered:

(b) To determine the actual legitimate original cost of and the net investment in a licensed project, and to aid the Commission in such determinations, each licensee shall, upon oath, within a reasonable period of time to be fixed by the Commission, after the construction of the original project or any addition thereto or betterment thereof, file with the Commission, in such detail as the Commission may require, a statement in duplicate showing the actual legitimate original cost of construction of such project, addition, or betterment, and of the price paid for water rights, rights-of-ways, lands, or interest in lands.

FPA. Under the current and proposed regulations, the actual legitimate original cost of and the net investment in the project is determined by the Commission after an audit conducted by its representatives. The proposed regulations require the licensed project, prior to the audit, to file a letter instead of the forms stating that all the information needed for the Commission's determination is contained in the project's books of account and is recorded in compliance with the Commission's Uniform System of Accounts.

The Commission also proposes to discontinue collection of the following forms. It should be noted, however, that some or all of the information reported on these forms may be collected by the EIA in carrying out its information gathering functions.

Form No.	Title as shown in C.F.R.	18 C.F.R. §§
1M	Annual Report for Municipal Electric Utilities Having Annual Electric Operating Revenues of \$250,000 or More	141.7, 3.142(a)(22)
13	Summary for National Electric Rate Book	141.26, 3.142(a)(32)

Finally, information reported on the following forms may be needed by the ERA but would no longer be collected by the Commission under this proposal.

Form No.	Title as shown in C.F.R.	18 C.F.R. §§
Unnumbered (GAO authorization No. R0309)	Untitled. Information reported: Reliability and adequacy of electric services—report by regional councils on coordinated regional bulk power supply programs.	2.11(c), (d)
Unnumbered (GAO authorization No. R0327)	Untitled. Information reported: Actions for minimizing the consequences of bulk power supply interruptions or shortages—report on contingency plans for operating in emergency situations and for possible load reductions or curtailment.	2.10(b)

The Commission invites written comments relevant to this proposal. Because the information received through these comments will be shared by the Commission and the EIA, any comments should separate the issues

addressed according to the following categories:

1. Whether the data in question serve any Commission regulatory function;
2. If they do not, whether there is, nevertheless any reason for continued

collection of the data by another federal agency;

3. Whether State Commissions have a regulatory need for any of the data; and

4. Whether the discontinuation of the use of Form Nos. 6, 7, and 9 and the related changes to Part 4 of the regulations satisfy the requirements of section 4(b) of the FPA.

The Commission has already allowed Form Nos. 23B and 64 expire, and respondents to this proposed rulemaking should address comments to only those forms currently filed with the Commission and specifically enumerated in this proposal. Anyone suggesting the continued collection of data which are contained in the forms we propose to eliminate and which are no longer needed by the Commission, should identify who can use the data, and for what purpose.

**Public Comment Procedure**

Interested persons may participate in this proposed rulemaking by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before May 25, 1979. Each person submitting a comment should include his or her name and address, identify the notice (Docket No. RM79), and give reasons for any recommendations. An original and 14 conformed copies should be filed with the Secretary of the Commission.

Comments should indicate the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. Written comments will be placed in the Commission's public files and will be available for public inspection at the Commission Office of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426, during regular business hours.

(Natural Gas Act, as amended, 15 U.S.C. 717; Federal Power Act, 16 U.S.C. 791(a); Administrative Procedure Act, 5 U.S.C. 553; Department of Energy Organization Act, Pub. L. No. 95-91; E.O. 12009, 42 FR 46267; Delegation Order No. 0204-1, 42 FR 55636.)

In consideration of the foregoing, it is proposed to:

1. Discontinue use of FPC Form No. 38, entitled Electric Generating Station and Substation Data and Location;

2. Discontinue use of Form No. ICC-ACR-41, entitled Expenditures for Additions and Betterments;

3. Discontinue use of FPC Form No. 17, entitled Monthly Report of Natural Gas Pipeline Curtailments; and

4. Amend Parts 2, 3, 4, 141, and 260 of Chapter I, Title 18 Code of Federal Regulations, as set forth below.

By direction of the Commission.

Lois D. Cashell,  
Acting Secretary.

## PART 2—GENERAL POLICY AND INTERPRETATIONS

### § 2.10 [Amended]

1. Section 2.10 is amended by deleting paragraph (b) in its entirety and deleting the words "(a) Actions." from paragraph (a).

### § 2.11 [Amended]

2. Section 2.11 is amended by deleting paragraphs (c) and (d) in their entirety.

## PART 3—ORGANIZATION OPERATION; INFORMATION AND REQUESTS

### § 3.142 [Amended]

3. Section 3.142 is amended in paragraph (a) by deleting subparagraphs (22), (23), (24), (25), (32), (42), and (45) in their entirety and redesignating subparagraphs (26) as (22); (27) as (23); (28) as (24); (29) as (25); (30) as (26); (31) as (27); (33) as (28); (34) as (29); (35) as (30); (36) as (31); (37) as (32); (38) as (33); (39) as (34); (40) as (35); (41) as (36); (43) as (37); (44) as (38); (46) as (39); (47) as (40); and (48) as (41).

### § 3.170 [Amended]

4. Section 3.170 is amended in paragraph (a) by deleting subparagraphs (27) and (30) in their entirety and redesignating subparagraphs (28) as (27); (29) as (28); and (31) as (29).

## PART 4—LICENSES, PERMITS, AND DETERMINATION OF PROJECT COSTS

5. Section 4.1 is amended to read as follows:

### § 4.1 Initial cost statement.

When a project is constructed under a license issued under the act, the licensee shall, within one year after the original project is ready for service, file with the Commission a letter, in quadruplicate, declaring that the original costs have been booked in compliance with the Commission's Uniform System of Accounts and that the books of accounts are ready for audit. The licensee's books of accounts for each project shall be maintained in such a fashion that each year's additions, betterments, and

deletions to the project may be readily ascertained. Duplicates of the information made available in accordance with this section must be released for public use when specifically requested. Complying with the provisions of this section (§ 4.1), satisfies the filing requirements of section 4(b) of the Federal Power Act (16 U.S.C. 797(b)).

### § 4.2 [Removed]

6. Section 4.2 is deleted in its entirety.

### § 4.3 [Redesignated as § 4.2]

7. Section 4.3 is redesignated as § 4.2 and is amended to read as follows:

### § 4.2 Report on project cost.

When the original cost declaration letter, filed in accordance with § 4.1, is received by the Commission, its representative will schedule and conduct an audit of the accounts and examine and analyze the books, cost records, engineering reports, and other records supporting the project's original cost. The cost records shall be supported by memorandum accounts reflecting the indirect and overhead costs prior to their spread to primary accounts as well as all the details of allocations including formulas utilized to spread the indirect and overhead cost to primary accounts. The audit may include an inspection of the project works. Upon completion of the audit, a report will be prepared for the Commission setting forth the audit findings and recommendations with respect to the cost as claimed.

### § 4.4 [Redesignated as § 4.3; § 4.5 Redesignated as § 4.4]

8. Section 4.4 is redesignated as § 4.3 and § 4.5 is redesignated as § 4.4.

### § 4.6 [Redesignated as § 4.5]

9. Section 4.6 is redesignated as § 4.5 and is amended to read as follows:

### § 4.5 Burden of proof.

The burden of proof to sustain each item of claimed cost shall be upon the licensee and only such items as are in the opinion of the Commission supported by satisfactory proof may be entered in the electric plant accounts of the licensee.

### § 4.7 [Redesignated as § 4.6]

10. Section 4.7 is redesignated as § 4.6 and is amended to read as follows.

### § 4.6 Findings.

Finding action by the Commission will be in the form of a finding and order entered upon its minutes and served upon all parties to the proceeding. One

copy of the order will be furnished to the Secretary of Treasury by the Commission. The licensee's books of account for the project shall be adjusted to conform to the actual legitimate cost as revised by the order of the Commission. These adjustments and the project may be audited by Commission representatives, as scheduled.

11. Section 4.10 is revised to read as follows:

### § 4.10 Valuation data.

In every case arising under section 23(a) of the act requiring the determination of fair value of a project already constructed, the licensee shall, within six months after the date of issuance of a license, file with the Commission a letter, in quadruplicate, containing a statement to the effect that an inventory and appraisal in detail, as of the effective date of the license, of all property subject thereto and to be so valued has been completed. The letter shall also include a statement to the effect that actual legitimate original cost, or if not known, the estimated original cost of the property, by prescribed structural and functional items and units, and an estimate of accrued depreciation segregated as to each separate major item or unit of property have been established and classified as prescribed in the Commission's Uniform System of Accounts. The licensee's books of account for each project shall be maintained in such a fashion that each year's additions, betterments, and deletions to the projects may be readily ascertained. Duplicates of the information made available in accordance with this section must be released for public use when specifically requested.

12. Section 4.14 is revised to read as follows:

### § 4.14 Hearing upon report.

After the expiration of the time within which a protest may be filed, a public hearing will be ordered in accordance with § 1.20 of this chapter. The Commission after the conclusion of the hearing will make a finding of fair value, accompanied by an order which will be served upon the licensee and all parties to the proceeding. One copy of the order shall be furnished to the Secretary of the Treasury by the Commission. The licensee's books of account for the project shall be adjusted to conform to the fair value of the project as revised by the order of the Commission. These adjustments and the project may be audited by Commission representatives, as scheduled.

13. Section 4.20 is revised to read as follows:

**§4.20 Initial statement.**

In all cases where licenses are issued for projects already constructed, but which are not subject to the provisions of section 23(a) of the act (49 Stat. 846; 16 U.S.C. 816), the licensee shall, within 6 months after the date of issuance of license, file with the Commission a letter, in quadruplicate, containing a statement to the effect that an inventory in detail of all property included under the license, as of the effective date of such license, has been completed. The letter shall also include a statement to the effect that actual legitimate original cost, or if not known, the estimated original cost of the property, by prescribed structural and functional items and units, and an estimate of the accrued depreciation segregated as to each separate major item or unit of property have been established and classified as prescribed in the Commission's Uniform System of Accounts. The licensee's books of account for each project shall be maintained in such a fashion that each year's additions, betterments, and deletions to the project may be readily ascertained. Duplicates of the information made available in accordance with this section must be released when specifically requested. Complying with the provisions of this section (§ 4.20) satisfies the filing requirements of section 4(b) of the Federal Power Act (16 U.S.C. 797(b)).

14. Section 4.25 is revised to read as follows:

**§4.25 Findings**

Final action by the Commission will be in the form of a finding and order entered upon its minutes and served upon all parties to the proceeding. One copy of the order shall be furnished to the Secretary of Treasury by the Commission. The licensee's books of account for the project shall be adjusted to conform to the actual legitimate cost as revised by the order of the Commission. These adjustments and the project may be audited by Commission representatives, as scheduled.

**PART 141—STATEMENTS AND REPORTS (SCHEDULES)**

**§ 141.7 [Removed]**

15. Section 141.7 is deleted in its entirety.

**§ 141.11 [Removed]**

16. Section 141.11 is deleted in its entirety.

**§ 141.12 [Removed]**

17. Section 141.12 is deleted in its entirety.

**§ 141.13 [Removed]**

18. Section 141.13 is deleted in its entirety.

**§ 141.26 [Removed]**

19. Section 141.26 is deleted in its entirety.

**§ 141.60 [Removed]**

20. Section 141.60 is deleted in its entirety.

**§ 141.300 [Removed]**

21. Section 141.300 is deleted in its entirety.

**PART 260—STATEMENT AND REPORTS (SCHEDULES)**

**§ 260.20 [Removed]**

22. Section 260.20 is deleted in its entirety.

**§ 260.21 [Removed]**

23. Section 260.21 is deleted in its entirety.

[Docket RM79-38]

[FR Doc. 79-12869 Filed 4-25-79; 8:45 am]

BILLING CODE 6450-01-M

**[ 18 CFR Part 4 ]**

**Exemption of Small Conduit Hydroelectric Facilities From Part I of the Federal Power Act**

**AGENCY:** Federal Energy Regulatory Commission.

**ACTION:** Notice of Proposed Rulemaking.

**SUMMARY:** The Commission gives notice that it proposes to adopt regulations providing procedures for granting exemptions from regulation under Part I of the Federal Power Act, including the licensing of facilities, to conduit hydroelectric facilities having no more than 15 megawatts of installed capacity. The regulations are proposed under section 213 of the Public Utilities Regulatory Policies Act of 1978 which created a new section 30 of the Federal Power Act and granted the Commission discretion to determine the extent of exemptions from regulation.

**DATE:** Written comments by June 1, 1979.

**ADDRESS:** Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, reference Docket No. RM79-35.

**FOR FURTHER INFORMATION CONTACT:** Ronald Corso, Office of Electric Power Regulation, Federal Energy Regulatory

Commission, Room 4400, 825 North Capitol Street, N.E., Washington, D.C. 20426, (202) 275-4863, or

Howard Jack, Office of the General Counsel, Federal Energy Regulatory Commission, Room 8808, 825 North Capitol Street, N.E., Washington, D.C. 20426, (202) 275-4269.

**SUPPLEMENTARY INFORMATION:**

The Federal Energy Regulatory Commission (Commission) gives notice that it proposes to adopt regulations providing procedures for exemption of conduit hydroelectric facilities from regulation under Part I of the Federal Power Act.

**Background**

Section 213 of the Public Utility Regulatory Policies Act of 1978 (PURPA) amended the Federal Power Act (Act) by creating a new section 30 of the Act. Section 30 gives the Commission discretion to grant to certain facilities exemptions from the requirements of Part I of the Act. Such exemptions may be in whole or in part and may include exemption from Commission licensing. The facilities which may be exempted under section 30 must be located on non-federal lands and utilize only a man-made conduit operated primarily for distribution of water rather than generation of electricity. No facilities with an installed capacity greater than 15 megawatts are eligible for exemption.

The proposed rules establish procedures under which case-by-case determinations can be made on whether, and the extent to which, a particular facility under particular site conditions warrants exemption. Contents of an application for exemption are designed to require the minimum information necessary to support an informed decision. In order to minimize necessary filings, exemption application requirements are in lieu of those that would be required for a license application. If an exemption from licensing is denied, the exemption application will be treated as the basis for an application for license. (Additional information not contained in the exemption application, however, may be required to complete the application as one seeking a license.) In addition, to minimize and simplify any burden on exemption applicants, these requirements are substantially less than those for the short-form license (minor) adopted in our recent rulemaking (Docket No. RM78-9) which covers projects up to only 1.5 megawatts.<sup>1</sup> The proposed rules, moreover, apply these

<sup>1</sup> For example, mapping requirements for an exemption application are less stringent than those for a minor license application.

reduced application requirements to facilities up to 15 megawatts.

These proposed regulations have also been drafted with reference to the proposed regulations for general procedures for license and preliminary permit applications under Part I of the Act (Docket No. RM79-23). Those proposed regulations were promulgated by notice issued March 5, 1979, [44 FR 12432 (March 7, 1979)]. By reference to paragraphs (c) through (g) of proposed § 4.31 in that docket, the regulations proposed here would treat filings of exemption applications in the same manner as filings of preliminary permit or license applications with respect to accepting, rejecting, or curing deficiencies in the filing, requirements for additional information, and pre-application advice from the Commission staff.

The Commission believes that in many instances grant or denial of a small conduit hydroelectric facility exemption will be straightforward. Normally, it should be possible to review the merits of an application which meets the filing requirements of these new sections within 90 days and determine whether to grant or deny exemption. Accordingly, the proposed regulations provide for an automatic exemption, with certain standard terms and conditions, if the Commission has not specifically acted within that time. Where a particular application warrants, the Commission may act specifically within the 90 days to grant an exemption on special terms and conditions or to deny exemption. In extraordinary circumstances requiring additional time for information gathering or lengthier proceedings or deliberations (for instance, if an evidentiary hearing were ordered), the Commission may suspend the 90-day period. These provisions should assure expeditious action on exemption applications. The proposed regulations also provide the limited standard terms and conditions that would be included in any grant of exemption, even an automatic one.

As noted earlier, the proposed regulations take a case-by-case approach to exemption. The Commission and its staff have also considered the possibility of establishing generic exemptions by rule. There appear to be several difficulties with that approach, however. First, many important factual variables for any particular site and facility might affect whether and to what extent a facility should be exempted, as well as the proper terms and conditions for exemption. Second, there are many

different possible combinations of the provisions of the Act that might appropriately be waived depending on the particular characteristics of various facilities and sites. Third, the consultation with fish and wildlife agencies required by section 30 appears to be facility-specific. For these reasons, the proposed regulations do not include generic exemptions. To gather additional views on these questions, however, the Commission invites persons interested in this rulemaking to comment on the efficacy of providing generic, rather than or in addition to facility-specific exemptions.

Three applications for exemption of the kind addressed by this proposed rulemaking have been filed with the Commission. Upon receipt of information sufficient to satisfy the application requirements in the proposed regulations, the Commission will proceed to consider those applications on an *ad hoc* basis under the authority of section 30 of the Federal Power Act. Although the 90-day automatic exemption provision in the proposed regulations would not apply, the Commission hopes to act on such an application within 90 days after the applicant is notified of acceptance for filing. Other applications that may be filed before final regulations are promulgated would also be considered on the same basis. Applicants who file acceptable applications for exemption before final regulations are adopted will not be required to refile in accordance with those regulations.

#### Summary of Proposed Regulations

Paragraph 4.65(a) explains that exemptions for small conduit hydroelectric facilities would be available for either constructed or unconstructed facilities that would otherwise need a license under Part I of the Act. Subparagraph 4.65(b)(4) defines "small conduit hydroelectric facilities" in terms similar to those in section 30 of the Act, with some clarifying details. Interested persons are invited to comment on whether the scope of the definition should be narrower or broader than that provided in this section.

Paragraph 4.66(a) provides that any person may apply for the exemption of a qualified facility from Part I of the Act. Paragraph (b) requires that an exemption application conform to various existing procedural requirements. An application must also provide certain specific information about the facility, to be contained in an initial statement, Exhibits A, B, and L, and an environmental report, as

described in paragraph (b) of § 4.66. Among other things, Exhibit A must include a general location map; the recommendations which the applicant has obtained from the U.S. Fish and Wildlife Service, the National Marine Fisheries Service (in instances where anadromous fish may be involved), and any state agency regulating fish or wildlife resources; the applicant's comments on such recommendations; and other information considered relevant by the applicant. Exhibit B must include a description of the facility. An Exhibit L and an environmental report similar to those required for a minor project must also be filed. The Commission reemphasizes that these proposed exemption application regulations do not impose any additional filing requirements. Instead, they call for information in lieu of, and in simpler form than, that required for the license applications that would otherwise have to be filed.

Section 4.67 sets forth the avenues open to the Commission in processing applications for exemption. Under paragraph (a), the Commission would generally follow the same procedures articulated in paragraphs (c) through (g) of proposed § 4.31 for license and preliminary permit applications.<sup>3</sup> Notice of an exemption application would be published once in the county where the project is located. In paragraph (b) the Commission retains discretion to order a hearing on an application and to limit the issues to be considered there.

Paragraph (c) of § 4.67 automatically grants an exemption if the Commission does not take action within 90 days after the applicant is notified that its application is accepted for filing. In the alternative, the Commission may take action within that period to grant or deny the application explicitly under paragraph (d). That paragraph also provides for suspension of the 90-day action requirement in extraordinary circumstances.

Paragraph (f) of § 4.67 elaborates the standard terms and conditions for all exemptions. They include: Compliance with rules and orders to protect life, health, or property; the Commission's rights of investigation and enforcement; and compliance with the terms and conditions recommended by state and federal fish and wildlife agencies. In paragraph (g) the Commission also reserves the right to impose other conditions to protect water supply for consumption, the environment, public safety, and the water power resources of the region. Finally, under paragraph (h), interested agencies will be notified of

<sup>3</sup> Docket No. RM79-23, *supra* p. 3.

the application for exemption and have 45 days to comment. Because of the relatively short period for comment and Commission consideration, fish and wildlife agencies will also receive copies of the application. Any agency that does not comment within the 45 days will be presumed to have no objection to the exemption.

#### Written Comment Procedures

The Commission invites interested persons to submit written comments on the matters proposed in this notice. An original and 14 conformed copies of such comments must be filed with the Commission by June 1, 1979. Comments should be addressed to the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. All comments should refer to Docket No. RM79-35.

Written comments will be available for public inspection in the Commission's Office of Public Information, Room 1000, 825 North Capitol Street NE., Washington, D.C. 20426. The Commission will consider all timely comments before acting on the matters in this notice.

(Federal Power Act, as amended, 16 U.S.C. 792 *et seq.*; Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*; Public Utilities Regulatory Policies Act, Pub. L. No. 95-617, 92 Stat. 3117 *et seq.*; Executive Order No. 12009, 42 FR 46267.)

In consideration of the foregoing, the Commission proposes to amend Part 4 of Subchapter B, Chapter I, Title 18, Code of Federal Regulations, as set forth below.

By direction of the Commission.

Lois D. Casbell,  
Acting Secretary.

1. Part 4 of Subchapter B, Chapter I, of Title 18 of the Code of Federal Regulations is amended by adding after § 4.60 the following sections 4.65, 4.66, and 4.67 to read:

#### Application for Exemption for Small Conduit Hydroelectric Facility

##### § 4.65 Applicability and purpose.

(a) The provisions of these sections apply to applications for exemption of constructed or unconstructed small conduit hydroelectric facilities from all or part of the requirements of Part I of the Federal Power Act (including licensing) and of the regulations issued under Part I.

(b) *Definitions.* For the purposes of these sections:

(1) "Conduit" means any tunnel, canal, pipeline, aqueduct, flume, or similar man-made water conveyance which is operated for the distribution of

water for agricultural, municipal, or industrial consumption, and not primarily for the generation of electricity.

(2) "Construction of a dam" means any construction, repair, reconstruction, or modification of a dam that either creates a new impoundment or increases the normal maximum surface elevation or the normal maximum surface area of an existing impoundment.

(3) "Dam" means any structure for impounding water.

(4) "Exempted facility" means a small conduit hydroelectric facility which has been granted an exemption under § 4.67.

(5) "Fish and wildlife agencies" means the U.S. Fish and Wildlife Service, the National Marine Fisheries Service (in any instance where anadromous fish may be affected), and any state agency exercising administration over fish or wildlife resources of the state in which a particular small conduit hydroelectric facility will be located.

(6) "Impoundment" means any body of water that a dam impounds.

(7) "Small conduit hydroelectric facility" means a facility, including all structures, fixtures, equipment, and lands used and useful in the facility's operation or maintenance, that is constructed, operated, or maintained for the generation of electric power and that:

(i) Utilizes for electric power generation the hydroelectric potential of a conduit;

(ii) Is not located, in whole or in part, on any of the public lands or reservations of the United States;

(iii) Has an installed generating capacity of 15 megawatts or less;

(iv) Does not rely, in whole or in significant part, upon a dam for its structural support or stability;

(v) Does not rely upon construction of a dam for any portion of the hydrostatic head that the facility uses for power generation; and

(vi) Releases the water it uses for power generation back to a conduit after power generation.

##### § 4.66 Application for exemption.

(a) Any citizen, association of citizens, domestic corporation, municipality, or state may apply for an exemption for a small conduit hydroelectric facility from all or part of the provisions of Part I of the Federal Power Act (including any licensing requirements) and the regulations issued under Part I.

(b) Except as otherwise prescribed in this part, an application for exemption for a constructed or unconstructed small

conduit hydroelectric facility must conform to the requirements set forth in §§ 1.5, 1.14, 1.15, 1.16, and 1.17 of this chapter. An application must also include an initial statement, Exhibits A, B, and L, and an Environmental Report.

(1) An initial statement must be set forth as follows:

Before the Federal Energy Regulatory Commission

#### Application for Exemption for Small Conduit Hydroelectric Facility

[Name of applicant] applies to the Federal Energy Regulatory Commission for an exemption for the [name of facility] small conduit hydroelectric facility from certain provisions of Part I of the Federal Power Act.

The location of the facility is:

State or territory: \_\_\_\_\_

County: \_\_\_\_\_

Township or nearby town: \_\_\_\_\_

The exact name and business address of each applicant are:

\_\_\_\_\_

The exact name and business address of each person authorized to act as agent for the applicant in this application are:

\_\_\_\_\_

[Name of applicant] is a [citizen, association of citizens, domestic corporation, municipality, or state, as appropriate].

The provisions of Part I of the Federal Power Act for which exemption is requested are:

[List here all sections or subsections for which exemption is requested.]

(2) *Exhibit A* must contain:

(i) A brief description of the related conduit, the purposes for which it is used, and the purposes for which power from the small conduit hydroelectric facility will be used;

(ii) A statement of the sources of the water supply for the related conduit;

(iii) A general location map showing:

(A) The physical structures of the small conduit hydroelectric facility in relation to the conduit and any dam to which any of those structures may be attached,

(B) A proposed boundary for the facility, delineated by indicating distances from the facility's structures,

(C) The centerline and width of right-of-way for any transmission line that will transmit power from the facility to the point of junction with a distribution system or an interconnected primary transmission system, and

(D) The ownership of the parcels of lands within the proposed boundary for the facility;

(iv) Documentary evidence that the applicant consulted with fish and

wildlife agencies before filing, including any terms or conditions those agencies may determine are appropriate to prevent loss of, or damage to, fish or wildlife resources and to carry out the provisions of the Fish and Wildlife Coordination Act (16 U.S.C. 661 *et seq.*);

(v) The applicant's comments on any recommendations made under paragraph (b)(2)(iv) of this section;

(vi) A description of the nature and extent of any construction, reconstruction, repair, or other modification of any dam that would occur in association with construction of the proposed facility, including a statement of the normal maximum surface elevations and normal maximum surface areas of the impoundment for that dam before and after that construction, reconstruction, modification, or repair; and

(vii) Any additional information the applicant considers important.

(3) *Exhibit B* must contain a facility description and proposed mode of operation (with appropriate references to Exhibits A and L), including, as appropriate: the number of generating units, including auxiliary units, the capacity of each unit, and provisions, if any, for future units; type of hydraulic turbine(s); description of how the plant is to be operated, manual or automatic, and whether the plant is to be used for peaking; estimated average annual generation in kilowatt-hours; estimated average head on the plant; estimated hydraulic capacity of the plant (flow through the plant) in cubic feet per second; estimated average flow of the conduit at the plant or point of diversion and the estimated average amount of that flow available for power generation; sizes, capacities, and construction materials, as appropriate, of pipelines, ditches, flumes, canals, intake facilities, powerhouses, transmission lines, and any other structures associated with the facility; estimated cost of the facility; and the planned date for beginning construction of the facility;

(4) *Exhibit L* must consist of a drawing of facility structures and equipment. It must be a simple ink drawing or a drawing of similar quality on a sheet *no smaller than* 8 inches by 10½ inches, drawn to a scale no smaller than one inch equals 50 feet for plans and profiles, and one inch equals 10 feet for sections. The drawing must show a plan, elevation, profile, and section of the power plant and any other principal facility structure and of any dam to which a facility structure would be attached. Generating and auxiliary equipment proposed must be clearly and

simply depicted and described. The plan view must include a north arrow.

(5) The *Environmental Report* must contain information consistent with the scope and environmental impact of the proposed facility's construction and operation. The environmental report must set forth in a clear and concise manner:

(i) A description of the environmental setting in and near the facility area, including vegetative cover, fish and wildlife resources, water quality and quantity, land and water uses, recreational use, socio-economic aspects, historical and archeological resources, and visual resources. Special attention must be given to endangered and threatened plant and animal species, critical habitats, and sites eligible for or included on the National Register of Historic Places. Assistance in the preparation of this information may be obtained from state natural resources departments and from local offices of federal natural resources agencies.

(ii) A description of the expected environmental impacts resulting from the continued operation of a constructed facility or from the construction and operation of an unconstructed facility. Include a discussion of specific measures proposed by the applicant and others to protect and enhance environmental resources and to mitigate adverse impacts of the facility on the environmental resources and values, the costs of those measures, and the party undertaking to implement those measures if other than the applicant.

(iii) A description of alternative means of obtaining an amount of power equivalent to that provided by the facility in the event that the facility were not constructed (or, if in the facility is already constructed, in the event that the facility's operation ceased).

(iv) A description of any steps taken by the applicant in consulting with federal, state, or local agencies during the preparation of the environmental report. Indicate any agencies that have received the final report and provide copies of any letters containing comments from those agencies.

(c) An applicant for exemption must submit to the Commission's Secretary for filing an original and 14 copies of the application, including full-size prints of all required maps and drawings. The originals (microfilm) of maps and drawings are not to be filed with the initial application, but may be requested pursuant to paragraph (c) of § 4.31.

§ 4.67 Action on application for exemption.

(a) An application for exemption for a small conduit hydroelectric facility will be processed in accordance with paragraphs (c) through (g) of § 4.31 of this part, except that notice will be published only once in a daily or weekly newspaper of general circulation in any county in which the facility would be located. The additional time that may be allowed under paragraph (d) of § 4.31 for correcting deficiencies in an application for exemption may not exceed 45 days.

(b) The Commission may order a hearing on an application for exemption either on its own motion or the motion of any party in interest. Any such hearing shall be limited to the issues prescribed by order of the Commission.

(c) If the Commission has not taken one of the actions set forth in paragraph (d) of this section within 90 days after notifying the applicant that its application for exemption is accepted for filing, the application will be considered granted as requested.

(d) Within 90 days after notifying an applicant for exemption that its application is accepted for filing, the Commission may take any of these affirmative actions:

(1) Grant the exemption as requested;

(2) Grant an exemption from provisions of Part I of the Federal Power Act (and the regulations issued under those provisions) other than those for which exemption was requested, upon finding that modification of the exemption requested is necessary or desirable to carry out the purposes of Part I;

(3) Deny exemption, upon finding that exemption is inconsistent with the provisions of Part I of the Federal Power Act or is otherwise inconsistent with the public interest; or

(4) Suspend the 90-day period for action under paragraphs (d) (1) through (3) of this section upon finding that additional time is necessary for gathering additional information, conducting additional proceedings, or deliberating on the issues raised by the application for exemption.

(e) If exemption from licensing is denied, the application for exemption will be treated as the basis of an application for license. Additional information conforming with the requirements of the Commission's regulations for license applications may be required in order to complete an application for license.

(f) Any exemption granted under paragraph (c) or (d) of this section for a small conduit hydroelectric facility is

subject to the following standard terms and conditions:

(1) *Article 1.* The construction, operation, and maintenance of the exempted facility must comply with any rule or order the Commission may from time to time prescribe for the protection of life, health, or property.

(2) *Article 2.* The Commission reserves the right to conduct investigations under sections 4(g), 306, 307, and 311 of the Federal Power Act with respect to any acts, complaints, facts, conditions, practices, or other matters related to the construction, operation, or maintenance of an exempted facility. If any term or condition of the exemption for an exempted facility is violated, the Commission may revoke the exemption, issue a suitable order under section 4(g) of the Federal Power Act, or take appropriate action for enforcement, forfeiture, or penalties under Part III of the Federal Power Act.

(3) *Article 3.* The construction, operation, and maintenance of the exempted facility must comply with any terms and conditions that fish and wildlife agencies may determine are appropriate to prevent loss of, or damage to, fish or wildlife resources or otherwise to carry out the purposes of the Fish and Wildlife Coordination Act.

(g) The Commission may also prescribe additional terms or conditions in granting an exemption for a small conduit hydroelectric facility, in order to:

(1) Protect the quality or quantity of the related water supply for agricultural, municipal, or industrial consumption;

(2) Otherwise protect life, health, or property;

(3) Avoid or mitigate adverse environmental impact; or

(4) Conserve, develop, or utilize in the public interest the water power resources of the region.

(h) Notice of an application for exemption will be circulated to interested agencies at the time the applicant is notified that the application is accepted for filing. Fish and wildlife agencies will also receive copies of the application. If a particular agency does not comment within 45 days from the issuance of that notice, that agency will be presumed to have no objection to the exemption requested. A fish or wildlife agency that does not comment within that time will also be presumed to have no recommendations for terms or conditions of the exemption other than

those that may be included in Exhibit A of the application for exemption.

[Docket No. RM79-36]  
[FR Doc. 79-12623 Filed 4-25-79; 8:45 am]  
BILLING CODE 6450-01-M

## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

#### [21 CFR Part 1308]

#### Schedules of Controlled Substances; Determination of Schedule for Preparations Containing Narcotic Drugs

**AGENCY:** Drug Enforcement Administration, Justice

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This is a notice of proposed rulemaking to specify the method to be used in calculating the amount of a narcotic drug present in a Schedule III, IV or V preparation.

**DATE:** Comments should be received on or before May 29, 1979.

**ADDRESS:** Send comments in quintuplicate to: Administrator, Drug Enforcement Administration, U.S. Department of Justice, 1405 I Street, N.W., Washington, D.C. 20537, Attention: Federal Register Representative.

**FOR FURTHER INFORMATION CONTACT:** Howard McClain, Jr., Chief, Regulatory Control Division, Drug Enforcement Administration, Telephone 202-633-1366.

**SUPPLEMENTARY INFORMATION:** The Controlled Substances Act (Public Law 91-513) allows preparations containing certain Schedule I or II narcotic drugs to be placed in lower schedules if requirements specified in the Act are met. These requirements include a maximum permitted quantity of narcotic drug. Recent occurrences involving the scheduling of these types of preparations have demonstrated to DEA that confusion exists as to the correct method of calculating the quantity of narcotic drug present. The narcotic substance in a preparation may be in the form of the free anhydrous base or alkaloid or combined in the form of various salts, both anhydrous and hydrated. All calculations of the quantity of a narcotic substance contained in a preparation are to be made based on the amount of free anhydrous base or alkaloid present and not on the amount expressed as the salt form. It is proposed to specify this

procedure by modifying 21 CFR as follows:

#### § 1308.13 Schedule III.

\* \* \* \* \*

(e) Narcotic drugs. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, or salts thereof (the quantity of narcotic drug shall be calculated as the free anhydrous base or alkaloid):

\* \* \* \* \*

#### § 1308.14 Schedule IV.

\* \* \* \* \*

(b) Narcotic drugs. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, or any salts thereof (the quantity of narcotic drug shall be calculated as the free anhydrous base or alkaloid):

\* \* \* \* \*

#### § 1308.15 Schedule V.

\* \* \* \* \*

(b) Narcotic drugs containing non-narcotic active medicinal ingredients. Any compound, mixture, or preparation containing any of the following limited quantities of narcotic drugs or any salts thereof, which shall include one or more non-narcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture, or preparation valuable medicinal qualities other than those possessed by the narcotic drug alone (the quantity of narcotic drug shall be calculated as the free anhydrous base or alkaloid):

\* \* \* \* \*

All interested persons are invited to submit their comments in writing regarding this proposal. The comments should state with particularity the issues concerning which the person desires to be heard.

Dated: April 18, 1979.

Peter B. Bonsinger,  
Administrator, Drug Enforcement Administration.  
[FR Doc. 79-12673 Filed 4-25-79; 8:45 am]  
BILLING CODE 4410-09-M

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

#### [25 CFR Part 171]

#### Leasing of Tribal Lands for Mining

**AGENCY:** Bureau of Indian Affairs.

**ACTION:** Proposed rule to toll running of certain oil and gas lease terms on Jicarilla Apache Reservation.

**SUMMARY:** Four oil and gas leases sales from 1970 to 1972 resulted in the approval of 121 leases on the Jicarilla Apache Reservation in which no prior compliance with the National Environmental Policy Act was taken. In order to now complete adequate compliance with that Act, lessee development activities are being halted during the compliance period. And in order to avoid the expiration of the primary lease term of ten years where the lease has not been put into actual production, this proposed rule will authorize the Secretary of the Interior to suspend the running of the term during the compliance period.

**DATES:** Comments are to be received by May 29, 1979.

**FOR FURTHER INFORMATION CONTACT:** David E. Jones, Indian Affairs Div., Solicitor's Office, Interior Department, Washington, D.C. 20240; (202) 343-9331.

**SUPPLEMENTARY INFORMATION:** An amendment is being proposed to 25 CFR Pt. 171 to authorize the Secretary of the Interior to toll the running of primary oil and gas lease terms on the Jicarilla Apache Reservation while the Bureau of Indian Affairs undertakes and completes adequate compliance with the National Environmental Policy Act, 42 U.S.C. § 4321 *et seq.*

When the National Environmental Policy Act was passed and became effective the Interior Department's position was that approval of a lease of Indian tribal lands—whether for mining, grazing, farming, or business purposes as is required by law, 25 U.S.C. §§ 415 and 396a-d—did not fall within the ambit of the Act. This position was challenged in litigation. The United States Court of Appeals for the Tenth Circuit in *Davis v. Morton*, 494 F.2d 595 (10th Cir. 1972), held that lease approval did fall within the scope of the Act. However, during the period from the effective date of the Act; January 1, 1970, and the date of the decision in *Davis* many leases were approved without such compliance. Adequate compliance must be completed for Jicarilla Apache Reservation oil and gas leasing approval action occurring during that period. It is this Department's position that it must review the lease approval actions as if they were only proposed. The lease approvals will be reviewed in light of the information brought out through the current compliance.

Four sales of oil and gas leases were conducted for Jicarilla Apache

Reservation lands on April 22, 1970, July 14, 1971, November 14, 1971, and September 6, 1972, in which there was no compliance with the Act prior to the approval of 121 leases covering 276,117.62 acres. Because of litigation brought by the Tribe, *Jicarilla Apache Tribe v. C. D. Andrus, et al.*, Civ. No. 76-588P, U.S.D.C. N.M., the determination has been made that compliance with the National Environmental Policy Act must now be undertaken. While compliance is undertaken for each application to permit the drilling of a particular well on a lease, that compliance only concerns the expected site specific environmental effects. In order to comprehensively consider all the effects of oil and gas development activities, the lessees of those affected leases are being prohibited from conducting any future activities pending the completion of adequate compliance. This ban on activities prevents them from putting their leases in production. Each lease has a term of ten years and as long thereafter as oil and/or gas are produced from the lands in paying quantities. This term is set by statute, 25 U.S.C. § 396a. See also 25 CFR § 171.10. In order to protect the leases from expiration during the compliance period, a rule is being proposed under the authority of another section of the same statute, 25 U.S.C. § 396d, to authorize the Secretary to suspend the running of the lease terms in order to undertake and complete compliance with the National Environmental Policy Act.

It has been determined that the proposed rule does not meet the criteria of significance established by Executive Order 12044 (43 FR 12661, March 23, 1978) and that a regulatory analysis is not required. See revision to 25 CFR Pt. 14—Departmental Proceedings, 43 FR 22573, at 22578 (May 25, 1978).

The principal author of the proposed rule in David E. Jones of the Office of the Solicitor.

Accordingly, the following section is proposed to be added to 25 CFR Pt. 171.

§ 171.31 Tolling of oil and gas lease terms, Jicarilla Apache Reservation.

(a) The Secretary of the Interior may toll the running of the primary oil and gas lease term of ten years for already approved leases on the Jicarilla Apache Reservation in order to comply with the National Environmental Policy Act, 42 U.S.C. § 4321 *et seq.* The running of the term will be suspended by notice to each lessee of record sent by certified mail, return receipt requested, and published in the Federal Register. The date upon which the running of the term will be suspended will be specified in

the notice. For the period during which the running of the primary term is tolled, all obligations of the lessee under the lease will be suspended. The tolling period will end by furnishing notice to each lessee of record 30 days in advance of the date the primary term is to recommence running. The primary term will thereby be extended by the length of time it was tolled.

(b) In the event that, during the period of suspension, acreage under lease is being drained by other producing wells, the lessee may be informed of this occurrence and notified that the tolling of the lease term will be ended and lease obligations reinstated for purposes of avoiding drainage. A reasonable time will be allowed during which drainage can be offset. If the lessee elects not to avoid drainage, the compensatory royalty obligation under the lease will be imposed for the remainder of the primary term.

James A. Joseph,

Under Secretary.

April 23, 1979.

[FR Doc. 79-12873 Filed 4-25-79; 8:45 am]

BILLING CODE 4310-02-M

## DEPARTMENT OF THE TREASURY

### Bureau of the Public Debt

[31 CFR Ch. II]

#### Semiannual Agenda of Regulations

AGENCY: Bureau of the Public Debt, Department of the Treasury.

ACTION: Semiannual agenda.

**SUMMARY:** Pursuant to Executive Order 12044, "improving Government Regulations", and the Department of the Treasury directive implementing that Executive Order, the Bureau of the Public Debt is publishing for public information a listing of significant and nonsignificant regulations that it will be reviewing and/or publishing during the next six-month period.

**FOR FURTHER INFORMATION CONTACT:** Charles A. Guerin, Assistant Chief Counsel, Bureau of the Public Debt, Room 309, Washington Building, Washington, D.C. 20226, Telephone: 202-376-0243.

#### Significant Regulations Under Development

(1) Regulations Governing United States Savings Bonds, Series EE and HH, Department of the Treasury Circular, Public Debt Series No. 3-80, 31 CFR, Part 353. (Legal authority: 31 U.S.C. 757c)

These regulations will govern the two new series of savings bonds authorized to be issued beginning in January 1980. These bonds will replace the current Series E and H bonds. This will be a new regulation applicable only to Series EE and HH bonds. A regulatory analysis will not be prepared.

(2) Regulations Governing United States Savings Bonds, Department of the Treasury Circular No. 530, 10th Rev., as amended, 31 CFR, Part 315. (Legal authority: 31 U.S.C. 757c)

This circular, which contains the regulations applicable to all outstanding series of savings bonds (Series A, B, C, D, E, F, G, H, J and K), will be amended to specify that it will not be applicable to the new savings bonds, Series EE and HH; to provide for less record-keeping for matured bonds; and to make some minor technical changes. The circular will continue to govern all savings bonds other than the bonds of Series EE and HH. No regulatory analysis will be prepared.

#### Nonsignificant Regulations Under Development

(1) The regulations and offering circulars listed below, all involving United States Savings Bonds, are classified as nonsignificant regulations in terms of this semiannual agenda for two separate reasons. First, as to the three regulations listed below, the amendments now under preparation will only extend the coverage of the affected regulations to the new Series EE and HH bonds. Such changes are essentially procedural and nonsubstantive and are considered nonsignificant. Second, as to the offering circulars, they prescribe the terms and conditions under which Treasury securities are offered to the public and, as such, they involve the fiscal policy of the United States and are exempt from the public procedure requirements of the Administrative Procedure Act. Accordingly, the amendments of existing regulations and offering circulars and the publication of new circulars are classified as nonsignificant regulations. The legal authority for the regulations and circulars is 31 U.S.C. 757c. No regulatory analysis will be prepared.

(a) Regulations Governing Agencies for the Issue of United States Savings Bonds, Department of the Treasury Circular, Public Debt Series No. 4-67, as amended, 31 CFR, Part 317;

(b) Regulations Governing Payments by Banks and Other Financial Institutions of United States Savings Bonds and United States Savings Notes (Freedom Shares), Department of the

Treasury Circular No. 750, Second Rev., 31 CFR, Part 321;

(c) Regulations Governing Payment Under Special Endorsement of U.S. Savings Bonds and U.S. Savings Notes (Freedom Shares), Department of the Treasury Circular No. 888, Third Rev., 31 CFR, Part 330;

(d) Offering of U.S. Savings Bonds of Series E, Department of the Treasury Circular No. 653, Ninth Rev., as amended and supplemented, 31 CFR, Part 316;

(e) Offering of U.S. Savings Bonds of Series H, Department of the Treasury Circular No. 905, Sixth Rev., as amended and supplemented, 31 CFR, Part 332;

(f) Exchange Offering of U.S. Savings Bonds, Series H, Department of the Treasury Circular No. 1036, First Rev., 31 CFR, Part 339;

(g) Offering of U.S. Savings Bonds of Series EE, Department of the Treasury Circular, Public Debt Series No. 1-80, 31 CFR, Part 351;

(h) Offering of U.S. Savings Bonds of Series HH, Department of the Treasury Circular, Public Debt Series No. 2-80, 31 CFR, Part 352.

(2) Regulations Governing U.S. Treasury Certificates of Indebtedness, Notes and Bonds—State and Local Government Series, Department of the Treasury Circular, Public Debt Series 3-72, Second Rev., 31 CFR, Part 344. (Legal authority: 31 U.S.C. 752, 753, 754)

An Amendment of this regulation is under consideration to require advance notice of subscriptions for the securities. This amendment is procedural in nature and a regulatory analysis will not be prepared.

#### Regulations To Be Reviewed

General Regulations Governing U.S. Securities, Department of the Treasury Circular No. 300, Fourth Rev., 31 CFR, Part 306. (Legal authority: 31 U.S.C. 738a, 739, 752, 752a, 753, 754, 754a, and 754b)

These regulations govern marketable U.S. securities and are undergoing review in light of proposals to offer at some future date Treasury bonds and notes in book-entry form and to make other changes to improve the regulations.

Dated: April 20, 1979.

By Direction of the Secretary of the Treasury,

H. J. Hintgen,

Commissioner of the Public Debt.

[FR Doc. 79-12978 Filed 4-25-79; 8:45 am]

BILLING CODE 4810-40-M

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

[33 CFR Part 110]

#### Anchorage Grounds, Disestablishment of Anchorage B, Buffalo Harbor, N.Y.

AGENCY: Coast Guard, DOT.

ACTION: Proposed Rule.

**SUMMARY:** The Coast Guard is proposing the disestablishment of Explosives and Inflammables Anchorage B, Buffalo Harbor, New York. Due to a reduction in the transfer of explosives in the harbor the anchorage is unnecessary. Since the harbor contains an additional explosive anchorage, this proposal will not affect the ability of the harbor to efficiently handle explosive cargoes.

**DATES:** Comments must be received on or before May 29, 1979.

**ADDRESSES:** Comments should be submitted to and are available for examination at the Office of the Commander, Ninth Coast Guard District, 1240 East 9th Street, Cleveland, Ohio 44199.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant Commander Howard E. Snow, Office of Marine Environment and Systems (G-WLE/73), Room 7315, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590, (202) 426-1934.

**SUPPLEMENTARY INFORMATION:** Interested persons are invited to participate in this proposed rulemaking by submitting written views, data, or arguments. Each person submitting a comment should include the writers name and address, identify this notice (77-210) and the specific section of the proposal to which the comment applies, and give the reasons for the comment. All comments received before the expiration date of the comment period will be considered before final action is taken on this proposal. No public hearing is planned but one may be held at a time and place to be set in a later notice in the Federal Register if requested in writing by an interested person raising a genuine issue and desiring to comment orally at a public hearing.

**DRAFTING INFORMATION:** The principal persons involved in drafting this proposal are Lieutenant Commander H. E. Snow, Project Manager Office of Marine Environment and Systems, and Lieutenant J. W. Salter, Project Attorney, Office of the Chief Counsel.

**Discussion of Proposed Rule**

The Coast Guard is proposing the disestablishment of Explosive and Inflammables Anchorage B, Buffalo Harbor, New York. Due to a reduction in the transfer of explosives in the harbor the anchorage is considered unnecessary. Buffalo Marine Safety Office records indicate that the anchorage has not been used in over five years. Additionally a diked dredge spoil disposal area, nearing completion, will fill the eastern one-third of the anchorage. Since the harbor contains an additional explosives anchorage that can adequately serve the harbor's needs, disestablishment of the anchorage is warranted.

An Environmental Assessment was completed in August 1978 which determined that there would be no impact on the quality of the human environment.

The Coast Guard has determined in accordance with DOT notice "Improving Government Regulations" (44 FR 11034) that these amendments are not significant. The impact of these amendments will be minimal and, accordingly, they do not warrant a full evaluation. The harbor contains an additional explosives anchorage that can adequately handle explosives transfers in the harbor.

In consideration of the foregoing it is proposed to amend Part 110 of Title 33, Code of Federal Regulations as follows:

**§ 110.208 [Amended]**

By deleting from § 110.208 paragraphs (a)(2), (b)(1), and (b)(2).

(Sec. 7, 38 Stat. 1053, as amended, (33 U.S.C. 471); Sec. 6(g)(1)(A), 80 Stat. 940, (49 U.S.C. 1655(g)(1)(A)); 49 CFR 1.46(c)(1))

Dated: April 18, 1979.

R. H. Scarborough,  
Vice Admiral, U.S. Coast Guard Acting Commandant.  
(CGD 77-210)  
[FR Doc. 79-13005 Filed 4-25-79; 8:45 am]  
BILLING CODE 4910-14-M

**DEPARTMENT OF HEALTH,  
EDUCATION, AND WELFARE****Public Health Service****[45 CFR Part 73b]****Standards of Conduct; Withdrawal of  
Notice of Proposed Rulemaking**

**AGENCY:** Office of the Secretary, DHEW.  
**ACTION:** Withdrawal of Notice of Proposed Rulemaking.

**SUMMARY:** HEW withdraws the Notice of Proposed Rulemaking published in the Federal Register August 2, 1976 (41

FR 32235) which invited interested persons to submit written comments regarding a proposal to liberalize the policy on outside work activities of employees of the National Institutes of Health (NIH). One comment was received.

**EFFECTIVE DATE:** April 26, 1979.

**FOR FURTHER INFORMATION CONTACT:** Mr. Lowell D. Peart, NIH Regulations Officer, National Institutes of Health, OA, DMP, Building 31, Room 3B-11, 9000 Rockville Pike, Bethesda, Maryland 20014, (301) 496-4606.

**SUPPLEMENTARY INFORMATION:** The Department is now carefully reviewing the justification for all regulations. It has been determined that some of the conditions that prompted the Department to consider a separate set of supplementary regulations for the employees of the NIH have changed. These employees are and will continue to be subject to the DHEW Standards of Conduct (45 CFR Part 73), which apply to all DHEW employees. Only one organizational component of DHEW has special supplementing rules of conduct. That organization is the Food and Drug Administration, which has functions of a regulatory nature, and, therefore, warrants special consideration. The National Institutes of Health does not have regulatory functions. For these reasons, the Secretary has determined that it is unnecessary to promulgate final regulations as a supplement to the DHEW Standards of Conduct.

Dated: August 31, 1978.

Julius B. Richmond,  
Assistant Secretary for Health.

Approved: April 16, 1979.

Joseph A. Calliano, Jr.,  
Secretary.  
[FR Doc. 79-12824 Filed 4-25-79; 8:45 am]  
BILLING CODE 4110-06-M

**FEDERAL COMMUNICATIONS  
COMMISSION****[47 CFR Part 73]**

**Television Broadcast Station in Allen, S. Dak.; Proposed Changes in Table of Assignments**

**AGENCY:** Federal communications Commission.

**ACTION:** Notice of Proposed Rule Making.

**SUMMARY:** Action taken herein proposes the assignment of television Channel 22 to Allen, South Dakota, in response to a petition filed by Oglala Sioux Broadcasting Company. Petitioner states that the proposed station could bring a

first local television service to the Pine Ridge Indian Reservation on which Allen is located.

**DATES:** Comment must be filed on or before June 18, 1979, and reply comments on or before July 9, 1979.

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

**FOR FURTHER INFORMATION CONTACT:** Mildred B. Nesterak, Broadcast Bureau, (202) 632-7792.

**SUPPLEMENTARY INFORMATION:**

Adopted: April 17, 1979.

Released: April 19, 1979.

In the matter of amendment of § 73.606(b), *Table of Assignments*, Television Broadcast Stations. (Allen, South Dakota), BC Docket No. 79-89, RM-3274.

1. The Commission has before it for consideration a petition for rule making<sup>1</sup> filed on behalf of Oglala Sioux Broadcasting Company ("petitioner"), proposing the assignment of UHF television Channel 22 to Allen, South Dakota. A letter in support of the proposal was filed by the native American Public Broadcasting Consortium, Inc. A letter in opposition was filed by Mr. Donald N. Leui of Martin, South Dakota.

2. Allen (pop. 100),<sup>2</sup> an unincorporated community in Bennett County (pop. 3,088), is located on the Pine Ridge Reservation in southwest South Dakota, approximately 140 kilometers (90 miles) southeast of Rapid City. The only television assignment in the area is educationally reserved Channel \*8 at Martin, seat of Bennett County. The channel is used by noncommercial educational station KZSD-TV. Martin is located approximately 19 kilometers (12 miles) southeast of Allen. Channel 22 can be assigned to Allen in conformity with the distance separation requirements and other technical criteria.

3. Petitioner asserts that seventy percent of the Indian population speaks the native tongue, and the customs, culture, and in many cases the religion, are totally Indian. It notes that there are some significant industries on the Reservation, and land near some of the larger communities has been zoned exclusively for industrial development. We are told that although Allen is unincorporated, it does have its own post office. Petitioner claims that television stations allocated to communities whose transmissions reach

<sup>1</sup> Public Notice of the petition was given on December 18, 1978, Report No. 1155.

<sup>2</sup> The community does not appear in the 1970 U.S. Census. Petitioner estimates the population to be 100 and the population of Pine Ridge Reservation to be 18,000, 2,000 of whom are non-Indian.

Indian country are set up and designed to serve the white, middle class urban and rural population of their viewing audience. It adds that a television station on the reservation would provide tribal news, personalities, and tribal processes and government functions which are of vital interest to Reservation people.

4. Petitioner states that Allen was selected as the proposed community of license because of its central location on the Pine Ridge Reservation. It claims that from a transmitter site in this area satisfactory television service could be provided to a majority of people on the Reservation. Petitioner adds that it will promptly apply for a construction permit to operate on the proposed channel, if assigned.

5. Mr. Leui contends that the proposed television channel for Allen should not be considered but does not state the nature of his opposition. He requests that he be given an opportunity to provide information in support of his position. The period set forth in the Notice for comment will provide him this opportunity.

6. In light of the foregoing, and the fact that the proposed assignment could provide a first local television service to the Pine Ridge Reservation, the Commission proposes to amend the Television Table of Assignments, § 73.606(b) of the Commission's rules, as it pertains to the community listed below:

City	Channel No.	
	Present	Proposed
Allen, South Dakota		22+

7. Authority to institute rule making proceedings, showing required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

8. Interested parties may file comments on or before June 18, 1979, and reply comments on or before July 9, 1979.

9. For further information concerning this proceeding contact Mildred B. Nesterak, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a notice of proposed rule making is issued until the matter is no longer subject to Commission consideration or court review, all ex parte contacts are prohibited in Commission proceedings, such as this one, which involve channel

assignments. An ex parte contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

Federal Communications Commission.  
Wallace E. Johnson,  
Chief, Broadcast Bureau.

#### Appendix

1. Pursuant to authority found in Sections 4(j), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the TV Table of Assignments, § 73.606(b) of the Commission's rules and regulations, as set forth in the *Notice of Proposed Rule Making* to which this appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions

by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b), and (c) of the Commission rules.)

5. *Number of copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[BC Docket No. 79-89; RM-3274]  
[FR Doc. 79-12921 Filed 4-25-79; 8:45 am]  
BILLING CODE 6712-01-M

#### [47 CFR Part 73]

#### FM Broadcast Station in Nevada, Missouri; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of Proposed Rule Making.

SUMMARY: Action taken herein proposes the assignment of a Class A FM channel to Nevada, Missouri, as that community's first FM channel. The proposal was made in a petition filed by Everett G. Wenrick who states the proposed station could provide a first local FM broadcast service to the community.

DATES: Comments must be filed on or before June 18, 1979, and reply comments on or before July 9, 1979.

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

FOR FURTHER INFORMATION CONTACT: Mildred B. Nesterak, Broadcast Bureau, (202) 632-7792.

#### SUPPLEMENTARY INFORMATION:

In the Matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations. (Nevada, Missouri), BC Docket No. 79-88, RM-3264.  
Adopted: April 17, 1979.  
Released: April 20, 1979.

1. *Petitioner, Proposal, Comments.* (a) A petition for rule making<sup>1</sup> was filed by Everett G. Wenrick ("petitioner"), proposing the assignment of FM Channel 249A to Nevada, Missouri, as a first FM assignment to that community. No responses to the petition have been filed.

(b) The channel can be assigned in conformity with the minimum distance separation requirements provided the transmitter site is located approximately 8 kilometers (5 miles) southwest of Nevada.

(c) Petitioner states that he will promptly file an application for a construction permit, if the channel is assigned, and if granted, will construct the station.

2. *Community Data*—(a) *Location.* Nevada, seat of Vernon County, is located approximately 134 kilometers (83 miles) south of Kansas City, Missouri.

(b) *Population.* Nevada—9,736; Vernon County—19,065.<sup>2</sup>

(c) *Local Broadcast Service.* Nevada is served by one full-time AM station (KNEM).

3. *Economic Considerations.* Petitioner states that Nevada, in addition to being the center of the county government, is also the commercial and social center for the surrounding area. In support of its proposal petitioner has submitted detailed information with respect to population, recreation facilities, local industry and transportation, in order to demonstrate the need for a first FM assignment in Nevada.

4. In view of the foregoing, and the fact that the proposed FM station could provide Nevada with its first FM broadcast service, the Commission believes it appropriate to propose amending the FM Table of Assignments, § 73.202(b) of the rules, with regard to Nevada, Missouri, as follows:

City	Channel No.	
	Present	Proposed
Nevada, Missouri		249A

5. Authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments on or before June 18, 1979, and reply comments on or before July 9, 1979.

7. For further information concerning this proceeding, contact Mildred B. Nesterak, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a notice of proposed rule making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

Federal Communications Commission.  
Wallace E. Johnson,  
Chief, Broadcast Bureau.

#### Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(8) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this

effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission rules.)

5. *Number of copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[EC Docket 79-88; RM-3254]  
[FR Doc. 79-12919 Filed 4-25-79; 8:45 am]  
BILLING CODE 6712-01-M

#### [47 CFR Part 73]

#### Television Broadcast Station in Orange Park, Florida; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of Proposed Rule Making.

SUMMARY: Action taken herein proposed the assignment of UHF television Channel 25 to Orange Park, Florida, at the request of Clay Television, Inc. The proposed station could bring a first local television broadcast service to Orange Park.

DATES: Comments must be filed on or before June 18, 1979, and reply comments must be filed on or before July 9, 1979.

<sup>1</sup>Public Notice of the petition was given on December 6, 1978, Report No. 1154.

<sup>2</sup>Population figures are taken from the 1970 U.S. Census.

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

**FOR FURTHER INFORMATION CONTACT:** Mildred B. Nesterak, Broadcast Bureau, (202) 632-7792.

**SUPPLEMENTARY INFORMATION:**

Adopted: April 17, 1979.

Released: April 24, 1979.

In the matter of amendment of § 73.606(b), *Table of Assignments, Television Broadcast Stations*, (Orange Park, Florida), BC Docket No. 79-90. RM-3142.

1. The Commission has before it a petition<sup>1</sup> filed on June 20, 1978, by Clay Television, Inc. ("petitioner"), requesting the assignment of UHF television Channel 25 to Orange Park, Florida. Comments were filed by the Association of Maximum Service Telecasters ("MST"). No other responses to the proposal were received.

2. Orange Park (pop. 7,619)<sup>2</sup> in Clay County (pop. 32,059) is located in northeast Florida approximately 19 kilometers (12 miles) south of Jacksonville, Florida. In requesting a channel for this small community, petitioner states its intention of providing a first local commercial television service to Orange Park and Clay County. It already receives service from one educational and three commercial television stations in Jacksonville, Florida, which also has applications pending for two nonreserved assignments. Orange Park is served locally by daytime-only AM Station WAYD.

3. Petitioner states that Orange Park is the largest of the three incorporated municipalities in Clay County. It asserts that the U.S. Department of Commerce, Bureau of Census, estimates Orange Park's population to be 8,344 as of July 1976, and according to the University of Florida's Division of Population Studies, Clay County's population is almost 50,000. Petitioner alleges that close to three-quarters of the county population resides within a 10-mile radius of the Orange Park city limits. We are told that the community is mainly residential in character. However, petitioner notes, the area has many businesses, some of which include Johns-Manville, Gustafson's Dairy, and Pyramid Company, manufacturer of metal molding. It contends that there has been a significant increase in population and business activity, and that Clay County and Orange Park are large enough and have a sufficient economic base to support a local television station. It

avers that while Orange Park is located close to Jacksonville and receives coverage from all the television stations there, the area still remains without local broadcast coverage to reflect the suburban/rural character of the county and municipal areas. Petitioner claims that no economic disadvantages would accrue to the Jacksonville metropolitan market since the proposed operation would be almost totally directed to the greater Orange Park/Clay County audience, providing a source for local advertisers who want to reach the local residents. Petitioner has submitted detailed demographic data in order to demonstrate the need for a first television assignment in Orange Park, Florida.

4. AMST, in its comments, notes that a Channel 25 assignment from the Orange Park reference coordinates would be short-spaced to two Jacksonville, Florida, assignments (one occupied and the other applied for). However, it adds, since petitioner recognizes the site restrictions involved, and intends to apply for the use of the channel at a site which meets the spacing requirements, MST does not oppose the channel assignment.

5. Petitioner makes no showing from which we could conclude that the Jacksonville stations are not adequately serving the local needs of Orange Park. Petitioner is requested to address this in comments providing documented information with respect to the need for a local television service in Orange Park and Clay County.

6. The Commission believes that consideration of this proposed channel assignment would be in the public interest. Channel 25 can be assigned to Orange Park in compliance with the distance separation requirements and other technical criteria provided the transmitter site is located at least 14.5 kilometers (9 miles) southwest of Orange Park. The channel assignment would provide the community an opportunity to acquire its first local television station. Accordingly, we propose to consider the following revision in the Television Table of Assignments (§ 73.606(b) of the rules) with respect to the community listed below:

City	Channel No.	
	Present	Proposed
Orange Park, Florida		-25

7. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in

the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

8. Interested parties may file comments on or before June 18, 1979, and reply comments on or before July 9, 1979.

9. For further information concerning this proceeding, contact Mildred B. Nesterak, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a notice of proposed rule making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

Federal Communications Commission,  
Wallace E. Johnson,  
Chief, Broadcast Bureau.

#### Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the TV Table of Assignments, Section 73.606(b) of the Commission's rules and regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered

<sup>1</sup> Public Notice of the petition was given on July 10, 1978, Report No. 1132.

<sup>2</sup> Population figures are taken from the 1970 U.S. Census unless otherwise indicated.

if advanced in reply comments. (See § 1.420(d) of Commission rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments service.* Pursuant to applicable procedures set out in § 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission rules.)

5. *Number of copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[EC Docket No. 79-99; RM 3142]

[FR Doc. 79-12923 Filed 4-25-79; 8:45 am]

BILLING CODE 6712-01-M

#### **ACTION: Five Year Plan for Motor Vehicle Safety and Fuel Economy Rulemaking.**

**SUMMARY:** This revised plan for the motor vehicle safety and fuel economy rulemaking of the National Highway Traffic Administration (NHTSA) is an update of the five-year rulemaking plan published March 16, 1978 (43 FR 11100). It is based on public comments received on that plan as well as recent accident data and progress in rulemaking. The plan briefly describes the proposed rulemaking priorities and each planned rulemaking action. Also discussed is a variety of rulemaking actions that the Agency is terminating or deferring. This plan will be updated periodically in response to the dynamic environment in which rulemaking must take place.

It is an expression of NHTSA's current intent and can serve as a guide to the Agency's performance. It will also permit the manufacturers to anticipate NHTSA priorities as an aid to their own long-range corporate planning.

**ADDRESS:** Interested persons may obtain additional copies of the plan or its appendix free of charge by contacting Ms. Kitts, Office of Management Services, National Highway Traffic Safety Administration, Room 4423, 400 Seventh Street, SW., Washington, D.C. 20590, (202) 426-1874.

**FOR FURTHER INFORMATION CONTACT:** Ms. Deborah Parker, Special Projects Planning Staff, Plans and Programs, National Highway Traffic Safety Administration, Room 5212, 400 Seventh Street, SW., Washington, D.C. 20590, (202) 426-1570.

(Sec. 9, Pub. L. 89-670, 80 Stat. 931 (49 U.S.C. 1657); sec. 301, Pub. L. 94-163, 89 Stat. 901 (15 U.S.C. 2002) secs. 103, 112, 119, 203, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1401, 1407, 1423); delegation of authority at 49 CFR 1.500

Issued on April 20, 1979.

Joan Claybrook,  
Administration.

#### **Update**

#### **5-Year Plan for Motor Vehicle Safety and Fuel Economy Rulemaking**

This is NHTSA's plan for motor vehicle safety and fuel economy rulemaking for the next five years, which updates the draft plan published for public comment on March 16, 1978 (43 FR 11100). The objectives of the plan are two-fold:

- First, to provide policy guidance for use within NHTSA for the development and issuance of motor vehicle safety and fuel economy standards.

- Second, to provide the public with information on proposed future activities and priorities, and permit the industry to anticipate potential requirements in its long-range planning.

The plan is presented in three sections. Section I briefly describes the tentative rulemaking goals and priorities, summarizes and analyzes public comments on those goals and priorities, addresses accomplishments since the March 16, 1978 publication, and identifies those areas where significant rulemaking is not expected to take place.

Section II presents a rulemaking schedule showing the anticipated dates for issuance of proposals and final rules and a rough estimate of the anticipated effective dates. Also included are those pending rulemaking actions which NHTSA contemplates terminating.

Section III provides cross reference indices covering three areas: changes since the March 1978 rulemaking plan, proposed safety rulemaking by vehicle type, and rulemaking by proposed effective date.

An Appendix describes in more detail the individual motor vehicle safety rulemaking actions, including a discussion of the safety problem that a regulation is designed to ameliorate, the approach to be used in developing and issuing the rule, and some of the major issues to be resolved in the development of the final rule. Fuel economy standards are described fully in the main body of the five-year plan and thus are not included in the Appendix. Interested persons may obtain copies of the Appendix free of charge by contacting Ms. Eleanor Kitts, Office of Management Services, National Highway Traffic Administration, Room 4423, 400 Seventh Street, SW., Washington, D.C. 20590 (202-426-0874).

This plan is intended to be a dynamic document. As the current plan updates the March 16, 1978 version, it is expected that the future updates and amendments in the plan will occur in response to technological innovations, new crash injury findings, persistent safety hazards, changes in Agency resource availability, formal Agency evaluations, or other pertinent information. The plan is an expression of the Agency's current intent, that can serve as a guide to the government's performance. It contains specific goals and timetables against which the Agency's rulemaking progress can be judged.

This plan for improving vehicle safety and fuel economy is also the result of a careful assessment of the

## **DEPARTMENT OF TRANSPORTATION**

### **National Highway Traffic Safety Administration**

#### **[49 CFR Chapter V]**

#### **5-Year Plan for Motor Vehicle Safety and Fuel Economy Rulemaking**

**AGENCY:** National Highway Traffic Safety Administration, Department of Transportation.

capabilities of the Agency. The plan will use all of the funding and staffing resources NHTSA now has available, which will be concentrated in those areas where the greatest payoff lies. Additional resources would be required to pursue additional areas of safety rulemaking. Although the plan is ambitious in relation to Agency resources, it is anticipated that with efficient and effective management, the rulemaking program can be successfully implemented under this plan.

## Section I: Rulemaking Priorities

### A. Public Comments

The draft Five Year Plan, published for comment on March 16, 1978, elicited widespread response from the public. Comments were received from over 50 individuals and organizations offering many helpful suggestions and reactions.

All comments applauded NHTSA for implementing a long term planning program. Encouragement for further government/industry dialogue was offered by Ford, Volkswagen, and Chrysler. Ford also encouraged a five-year plan for highway safety, to parallel that for vehicle safety and fuel economy. A draft highway safety plan is now available. It is entitled "Proposed Plan for Highway Safety Research, Development and Demonstration (Section 403 of Title 23 U.S.C.) for Fiscal Years 1980-1984," and is available as noted in the April 5, 1979 Federal Register (44 FR 20533).

The majority of respondents offered comments on many or all of the individual proposed rulemaking actions. These comments were fully considered in updating the plan. In addition, many responses addressed NHTSA's overall approach and policy direction in the vehicle safety rulemaking and fuel economy rulemaking. Comments of this nature are summarized in Sections I-B and I-C below.

NHTSA is encouraged by the informative nature of the comments and appreciative of the time and effort given by all who responded to the request for views on the March 16, 1978 draft plan.

### B. Accomplishments Since March 1978 Draft

This plan represents NHTSA's current thinking on the nature of future motor vehicle rulemaking activities. Because the motor vehicle regulatory programs operate in a dynamic environment, there have been a number of changes since the March 16, 1978 draft. NHTSA spent the past months revising the plan based on public comments as well as recent accident data and progress in rulemaking. New areas of activity have

been added, schedules have been changed, and some of the activities contemplated in the March plan have been deleted. As a result of public petitions, technological advancement, and new safety problems revealed by accident investigation studies, additional rules and modifications to existing rules have been required. Similarly, cancellations or delays in the scheduled issuance dates of certain rules have been necessary, resulting from a variety of factors including indecisive research findings, redundancy among various rules, and unanticipated cost impacts. At the same time, some proposals have been advanced.

All changes from the previous plan, as well as actions not included in the plan, are presented in the Appendix. The majority of changes are in projected dates (NPRM, Rule, or Effective Date), category (e.g., from Near-Term Rulemaking to Exploratory Rulemaking), and addition or removal of a planned section. Further, certain types of rulemaking actions have occurred, and will continue to occur, without references in the plan. These are items which are either of minor significance to a five-year planning document (changes for clarification or consistency) or responses to petitions which, if not minor, could not be anticipated.

### C. Motor Vehicle Safety

Motor vehicle traffic crashes claimed over 50,000 lives in 1978, or almost 140 lives every day of the year, the equivalent of a major airline disaster each day. This represents about one-half of the deaths due to all types of accidents in the United States. Motor vehicle crashes are by far the largest killer of young people between ages 1 to 24. Fatalities are only a part of the problem. Approximately 2 million people suffer disabling injuries each year and millions more are injured less severely. Vehicle crashes are the single most common cause of paraplegia and a major of epilepsy. The societal loss due to these accidents is estimated to be more than \$48 billion per year, a sum that does not begin to show the true magnitude of the cost of crashes since it is impossible to place a dollar value on life or to quantify the cost of pain and suffering. With many more lighter passenger cars being sold, motor vehicle crashes may become an even more serious problem unless appropriate actions are taken to ensure adequate levels of occupant protection.

Substantial progress has been and is being made in motor vehicle safety, but traffic crashes remain a serious public

health problem and there is considerable work yet to be accomplished. With the decision on automatic restraint systems, the hazard confronting the motoring public is expected to be reduced significantly. When all passenger cars have been equipped with automatic restraints, the Agency anticipates a reduction in automobile fatalities approaching 20 percent or approximately 9,000 lives per year. The Agency is following the progress of the manufacturers and suppliers in implementing the automatic restraint system rule and will be evaluating the effectiveness of the new systems.

The challenge now facing the Agency is to address other areas and other vehicles where the promulgation of Federal motor vehicle safety standards would significantly enhance the safety of the public. In some areas this can be achieved very quickly. In others, the existence of a serious safety hazard, in and of itself, may not be a sufficient basis for preparing immediate rulemaking. There must also be a solution reasonable chance of developing a solution to that problem. Where certain types of deaths and injuries are occurring, but solutions are not readily apparent, research is required. Even where solutions may be available, research may be necessary to characterize the cause of the harm with sufficient precision that an objective performance standard to ameliorate the injuries can be established. In other cases innovative suppliers have developed remedies which makes it possible for the Agency to move quickly.

In setting motor vehicle safety rulemaking priorities, and in establishing the scope of the program, the NHTSA considered the following factors:

- Number of deaths and injuries
- Availability of practical solutions
- Lifesaving potential of a safety standard
- Research and engineering data on the problem
- Anticipated costs to consumers and industry

These are the same factors that were considered in developing the draft plan published on March 16, 1978. Many public comments expressed concern as to how vehicle safety rulemaking priorities were set relative to these factors. Specifically, a number of respondents looked for quantification of benefits and measures of effectiveness considering the five factors listed above. Comments of this nature were offered by the Japanese Automobile Manufacturers Association, Ford,

General Motors, Chrysler, American Motors, Truck-Trailer Manufacturers Association, Public Interest Economics Foundation, Volkswagen, International Harvester, and Peugeot-Renault.

The level of detail sought by these respondents regarding quantification of benefits and measures of effectiveness on a rule-by-rule basis will not be found in this document. In fact, the rulemaking priorities underlying this plan were established based on available death and injury data and on the considered judgment and analysis by NHTSA's high level technical staff and senior management. NHTSA is currently expanding its accident data gathering activities to assemble the data needed to support some of the proposed rulemakings in this plan. Quantitative analysis of the benefits and costs of prospective rules will be performed and subjected to public view as an intrinsic part of specific rulemaking proceedings.

Another concern expressed in the public comments, specifically by General Motors, Peugeot-Renault, and Chrysler, was that public ability to comment on specifics of the plan was limited by the lack of detail on individual proposed rules. These respondents wanted additional detail, such as costs, performance tests for compliance, and numbers of lives saved. Again, it is premature, and indeed impossible, to provide this level of detail in a program plan. The information is not fully available. It will be developed during the rulemaking process for each specific proposed action, and will be offered as a part of each individual rulemaking proposal as it is published for comment.

Criticism of the lead time allowed for the effective date of standards was put forth by General Motors, Chrysler, American Motors, Volvo, Japanese Automobile Manufacturers Association, Toyo Kogyo, Volkswagen, and International Harvester. Overall, it was felt that the lead times were too short. However, the lead times stated in the plan (i.e., the difference between the rule's issuance date and its effective date) can only be characterized as rough estimates at this time. At the time of issuance of a proposal, for each standard, NHTSA determines lead time considering the need for the safety or fuel economy provisions and the capabilities of the industry to respond.

There also appeared to be a misunderstanding regarding lead time, specifically that NHTSA was putting manufacturers "on notice" to begin complying with items in the plan and that NHTSA would then shorten the lead times. This is a mistaken

impression. NHTSA does not expect commitments from manufacturers at this stage in the development process. Of course, voluntary actions to improve vehicle safety in advance or in the absence of rulemaking would be most appropriate and in the public interest.

Several comments were offered on the economic impact to the industry of NHTSA's regulatory activities in vehicle safety, expressing concern at the potential for unnecessary increased costs to industry and consumers and an adverse effect on employment. However, the rulemaking proposals listed in this plan are high-payoff items designed to address severe safety problems or fuel economy issues. Ford, the Truck Trailer Manufacturers Association, and California Citizen Action Group spoke to this concern. NHTSA conducts a detailed economic impact assessment of the impact on industry, consumers, and society in general, for each regulation issued. These rule-by-rule documents are placed in the public docket for comment and represent the Agency's assessment of the potential economic and safety consequences of its proposals. The assessments take particular cognizance of industry's ability to raise capital to meet the safety, fuel economy and environmental regulations. Also, over the last two years, the NHTSA has begun a systematic evaluation of existing standards to determine their effectiveness. Based on the results of these evaluations, standards may be amended or revoked.

Several comments urged conformity and harmonization with international organizations such as the International Standards Organization (ISO), the European Economic Community (EEC), and the Economic Commission for Europe (ECE), especially in regard to standardized Vehicle Identification Number (VIN), pedestrian safety, rear lighting, handling and stability, controls and displays, and visibility proposals. Comments of this nature were offered by Volvo, Volkswagen, General Motors, Japanese Automobile Manufacturers Association, Toyo Kogyo, and Peugeot-Renault. The NHTSA agrees that harmonization is beneficial, and intends to increase its commitment to international standards to the extent that they are consistent with the Agency's mission.

The lack of an emphasis on heavy truck safety was addressed by the International Brotherhood of Teamsters, John Hopkins University, the Professional Drivers Council, and the Teamsters Safety and Health Department. The current plan includes

several proposed regulations affecting the safety aspects of vehicles over 10,000 pounds GVWR, as well as research activities which may result in further rulemaking in the near future. These are listed in Section II-B of the plan, which describes proposed actions by type of vehicle.

The plan classified safety rulemaking activities into three categories: *near-term rulemaking*, *technical amendments*, and *exploratory research and rulemaking*. Near-term rulemaking includes those areas in which research has advanced to the point where it is clear that rulemaking is a reasonable way to solve fairly well-defined problems. Technical amendments include that class of projected rulemaking actions in which the principal focus is to clarify present standards, remove minor inconsistencies, or resolve a specific technical problems. In most cases, the technical amendments listed would reduce the costs to both consumers and manufacturers. The final class, *exploratory research and rulemaking*, covers those categories of activities where a safety problem has been determined but additional research and engineering analysis are necessary to explore feasible solutions. At such time as the necessary research and analysis is completed, if rulemaking is shown to be warranted, and appropriate action will be initiated promptly. The NHTSA is devoting a significant amount of its resources to both research and engineering analysis for exploratory activities, and expects this commitment to result in rulemaking during the next several years.

The current plan retains its priority areas of occupant crash protection, light truck and van safety, pedestrian safety, and braking. It adds one additional priority, motorcycle safety, and area where fatalities increased 24 percent from 1976 to 1977, and an additional 10 percent from 1977 to 1978. Heavy truck safety is also given greater emphasis in the current plan. Some areas of emphasis are truck rear underride protection, fields of view, interior noise levels, fuel system integrity, and lighting.

**1. Motor Vehicle Safety Rulemaking Priorities Occupant Protection.**— Increased protection will be afforded passenger car occupants in frontal crashes as a result of the automatic restraint rule issued in 1977. The Agency has as one of its priorities the extension of automatic protection to occupants of light trucks, vans, and multi-purpose vehicles. The next major cause of injuries and fatalities is side crashes. Of the nearly 25,000 passenger car front

seat occupants who were killed in crashes during 1978, about 8,200 were victims of side crashes. Thus, improving the safety of people involved in side crashes in passenger cars, light trucks, vans and multi-purpose passenger vehicles is the NHTSA's highest short-term occupant protection priority. In the near-term, resources will be focused on upgrading present side crash requirements with the ultimate intention of requiring significantly higher levels of side crash protection as a part of a comprehensive set of total vehicle crashworthiness performance standards.

The major, longer-term objectives will be to consolidate and upgrade all occupant protection rules through a systems approach toward improving safety of vehicle occupants. The requirements will be applicable to passenger cars, light trucks, and vans. The safety benefits in terms of lives saved and injuries prevented are expected to be substantial, perhaps equal to or surpassing those anticipated from the current occupant crash protection standard issued in June 1977. In addition to safety improvements, benefits in economy and innovation are expected to accrue since manufacturers will be afforded a significantly greater amount of design flexibility as compared to that permitted by present component oriented performance standards.

The concept upon which the long-term occupant protection upgrade is based is the integration of a major portion of the existing crashworthiness standards into a set of comprehensive performance standards along with an upgrade in performance levels. These standards will deal with four major crash modes—frontal, side, rear, and rollover—and with the aggressiveness of vehicles when colliding with other vehicles.

These standards will build upon the knowledge that was gained in developing the automatic restraint requirement. They will specify requirements for overall vehicle performance as measured by injury levels with test dummies.

These new comprehensive standards will be designed to reduce injury levels that would occur in frontal, side, rear, or rollover dynamic crashes. For these standards, NHTSA will develop and advanced test dummy as a high priority activity.

**Light Trucks and Vans.** Another safety problem stems from the increased growth of light trucks and vans in the vehicle fleet, projected to number 55–60 million by 1990. Many of the standards applicable to passenger cars do not apply to light trucks and vans. With the enormous increase in the use of these

vehicles, the number of preventable, accident-related injuries and fatalities is growing. In 1978, over 6,000 light truck and van occupants were killed in vehicle crashes. Thus, in the near future, the NHTSA plans to extend the applicability of many of its present standards to cover these vehicles in either their present form, or modified to be consistent with the particular characteristics of these vehicles. Rulemaking in the near future will address occupant interior protection, steering column displacement and energy absorption (for which proposals have been published for public comment) and hydraulic brake performance.

**Pedestrian Safety.** Another critical area is pedestrian safety. About 7,900 pedestrians were killed in vehicle accidents during 1978. This is an area where little has been accomplished in reducing pedestrian fatalities and injuries with vehicle safety standards. It is an area where the options open to the NHTSA include measures other than rulemaking. To date, most of NHTSA's pedestrian programs have been in the traffic safety program under the Highway Safety Act. The Agency will continue to use its research and demonstration funds under this Act to further enhance pedestrian protection. However, the magnitude and nature of the problem are such that the Agency must explore all options. Given that vehicle-pedestrian impacts cannot be totally eliminated, a long-term priority of the NHTSA is the development of vehicle standards that will reduce injuries to pedestrians who are struck by motor vehicles. In the near-term, the Agency contemplates issuing a rule to modify vehicle front-end bumpers and hood edges to lessen pedestrian injury, particularly for children, and to substantially expand research into the causes and prevention of pedestrian injuries.

**Braking Systems.** Braking is the fourth area in which an increase in the NHTSA's efforts is contemplated. Although substantial improvements have been made, vehicle braking performance should be susceptible to further improvement with a consequent reduction in crash occurrences and severity. Additionally, NHTSA will be completing rulemaking to resolve the issues raised by the *Paccar vs NHTSA and vs D.O.T.* decision on FMVSS 121.

There is a wide array of problems associated with current braking systems. Some examples are different stopping distances among vehicles of various types (e.g., passenger cars and light and heavy trucks), the varied

reliability and performance of aftermarket brakes, and the problems associated with inspection and diagnosis of degraded systems. NHTSA is contemplating issuing several rules in the area of braking in the near future.

Over the longer term, high priority is being given to improving braking performance of both air and hydraulically braked non-passenger vehicles through automatic adjusting devices, as well as exploring advanced concepts such as anti-lock brakes for passenger cars and motorcycles, automatic brakes and long-life brake systems. Although more research and development is needed before rulemaking can be completed, the work to date has been promising.

**Motorcycles.** The motorcycle population has increased fivefold since 1964 to a current 5 million and motorcycle travel has increased sixfold. Deaths have also increased dramatically, from 1,175 fatalities in 1964 to an estimated 4,500 in 1978. NHTSA views these statistics as alarming, particularly the 24 percent increase in motorcycle fatalities from 1976 to 1977, and the further increase of 10 percent in 1978. Thus, this is a high priority area for attention, both through the traffic safety program under the Highway Safety Act, and through increased attention to vehicle safety standards. Options will be explored in the areas of rider protection, motorcycle braking, rider and vehicle visibility, and education and training.

In the near-term rulemaking, NHTSA is focusing on motorcycle helmets to assure that all sizes of helmets provide adequate safety protection. Over the longer term, NHTSA will place primary program emphasis on crash avoidance, that is, improvements of both the rider's skill and knowledge, and the vehicle's braking, which will reduce the probability of an accident, thus preventing both injuries and fatalities.

## 2. Terminated and Deferred Rulemaking Activities

The March 16, 1978 draft plan listed a number of motor vehicle safety areas where rulemaking was planned to be either terminated or deferred until further action is warranted. While none of these areas is without potential safety benefits, NHTSA resources are limited, and priorities must be established and efforts concentrated on the most serious problems and in program areas where the greatest reduction in fatalities and injuries can be expected.

a. **Terminated Rulemaking Actions.**— In the past, the NHTSA initiated rulemaking in a number of areas by issuing an Advanced Notice of Proposed

Rulemaking (ANPRM) or a Notice of Proposed Rulemaking (NPRM) or by granting a petition, but never completed the action by issuing a rule. A review of the active dockets revealed that a number of actions were not completed either because limited resources were directed toward higher priority actions, the magnitude of the problem was not large, or the NHTSA was unable to adequately document the nature and extent of the problem. A listing and brief discussion of each of the 13 actions which the Agency contemplated terminating was presented in Section II-C of the March 16, 1978 draft plan.

Few public comments were offered on the terminations. The Center for Auto Safety urged that rulemaking should be considered to make vehicle mounted bicycle carriers less aggressive. However, since NHTSA resources are fully committed under the Plan, this could be done only at the expense of rulemaking actions or research now proposed in the plan. Such a substitution does not appear to be warranted in terms of safety payoff. Similar comments regarding Electrical Systems Integrity and Spray Protectors will be addressed through NHTSA's exploratory research in the categories of Visibility and Electromagnetic Interference/Reliability. Ford agreed with NHTSA's intent to terminate the 13 actions. No other comments were received.

Consequently, NHTSA has now terminated these actions:

Lamps, Reflection Devices and Associated Equipment (Docket 74-5)  
 New Pneumatic Tires (Docket 74-2)  
 Occupant Protection in Interior Impacts, Passenger Cars (Docket 2-1)  
 Head Restraints and Seating Systems (Docket 74-13)  
 Door Locks and Door Retention Components (Docket 74-30)  
 Odometer Study (Docket 73-11)  
 High Speed Warning (Docket 74-8)  
 Mounted Bicycle Carriers (Docket 70-21)  
 Spray Protectors (Docket 70-21)  
 Multi-Purpose Passenger Vehicle Definition (Docket 73-21)  
 Vehicle Seating Reference (Docket 73-1)  
 Electrical System Integrity (Docket 75-23)  
 Seatbelt Assembly Anchorages (Docket 72-23)

In the above dockets, issues were raised which are no longer relevant or have been resolved, however in the future, new dockets may be opened in these subject areas. For example, although NHTSA will terminate the present Docket 74-41, "Flammability of Interior Materials," the Agency is considering opening a new docket relating to flammability requirements for school buses. Also NHTSA will terminate

Docket 74-8, "High Speed Warning," but proposes to explore the feasibility of road speed governors for heavy trucks and buses. Depending on the results of this effort, a new docket may be opened.

b. *Deferred Rulemaking Activities.*— In the March 16, 1978 draft plan, a number of other areas were listed in which NHTSA plans no new initiatives. However, it was pointed out that NHTSA does intend to issue technical amendments as needed to maintain the effectiveness of the existing standards and to respond to petitions to amend standards when justified.

The following list from the March plan identifies current Federal Motor Vehicle Safety Standards (FMVSS) and other areas in which new rulemaking activity will be at a minimum unless some event occurs to warrant a reexamination of an area. (Trailer Towing has been removed from the list published in the March 1978 draft plan since the Agency now expects to do exploratory research on trailer towing handling and stability; similarly FMVSS 215, "Exterior Protection" (Bumper Standard), has been removed from the list since the Agency is contemplating near term rulemaking under Part 581, "Bumper Standard.")

#### FMVSS:

- 102 Transmission Shift Sequence, etc.
- 103 Windshield Defrosting and Defogging
- 104 Windshield Wiping
- 106 Brake Hoses
- 107 Reflecting Surfaces
- 110 Tire Selection and Rims
- 112 Headlamp Concealment
- 113 Hood Latch Systems
- 116 Brake Fluids
- 117 Retreaded Tires
- 118 Power Windows
- 123 Motorcycle Controls
- 124 Accelerator Controls
- 125 Warning Devices
- 126 Truck—Camper Loading
- 205 Glazing Materials
- 211 Wheel Nuts, etc.
- 212 Windshield Mounting
- 217 Bus Window Retention
- 219 Windshield Zone Intrusion
- 220 School Bus Rollover
- 221 School Bus Body Strength
- 301 Fuel System Integrity Jacking Systems

A special case, which shows one possible way NHTSA may react to changing circumstances is shown by Standard 301, "Fuel System Integrity." As a result of some recent serious accidents that resulted in vehicle fires, NHTSA has been testing a number of vehicles in car-to-car, rear-end crashes. In addition, NHTSA is in the process of formally evaluating the current standard with preliminary results expected in the Fall of 1979. When these actions are completed, an amendment to the present standard may be proposed.

A few public comments were offered on the deferred rules. The California Highway Patrol suggested consideration be given to developing a standard for motorcycle safety rims (FMVSS 110), recommended further activity with respect to triangular warning devices (FMVSS 125) and suggested updating the glazing material standard for bullet resistant materials and glass in opera windows (FMVSS 205). Alliance, Prudential and Chrysler commented on FMVSS 215 (as well as the Part 581 Standard), Chrysler questioning the safety benefits of the 5 mph bumpers, while the others urged the mandating of a 10 mph bumper.

While we agree that each of these areas may have potential safety implications, evidence was not offered that these areas offer greater safety benefits than the priority emphasis areas to which the plan directs NHTSA's rulemaking resources. Since, as mentioned before, the plan totally commits NHTSA's resources, it is our judgment that the above-listed areas must continue to be considered in the Deferred Rulemaking Category, other than Trailer Towing and the FMVSS 215 Bumper Standard.

#### D. Motor Vehicle Fuel Economy

This section summarizes the current plan for establishing and modifying average fuel economy standards for passenger automobiles and light trucks, and for establishing and revising procedural regulations under the authority of Title V, Motor Vehicle Information and Cost Savings Act (hereafter called "the Act"). It identifies each planned rulemaking activity with milestones for issuance of ANPRM's, NPRM's, and final rules through 1983. The Voluntary Truck and Bus Fuel Economy Improvement Program, which is also administered by NHTSA, is not included in this Plan.

1. *Passenger Automobiles.*—The Act required an evaluation of the capability of the automobile manufacturers to meet the passenger automobile average fuel economy standard of 27.5 miles per gallon for model year 1985. NHTSA's analysis in this regard is contained in the "Automotive Fuel Economy Program: Third Annual Report to the Congress," January 1979. Further, the President has directed the Secretary of Transportation to "begin the analytic work necessary to examine how his authority should be used to raise mileage standards above 27.5 mph beyond 1985."

To meet these requirements, NHTSA is conducting the necessary analyses and may issue a notice of proposed rulemaking covering at least model

years (MY) 1985 and 1986 passenger automobiles before the end of the year. Approximately two years later, this process will be repeated for MY 1986-1988 passenger automobiles with an NPRM to be issued in early 1981 and the final rule about six months later. This contemplated sequence of passenger car rulemaking will maintain the 4-to-6 year lead-time between issuance of the standards and start of production. In some cases, an ANPRM may be listed about one year in advance of the NPRM.

Several public comments were offered regarding the fuel economy section of the March 16, 1978 Five Year Plan. Ford and Chrysler requested a reconsideration of the 2 mpg intervals in the fuel economy standard as being inflationary, and raised concern over possible increases above 27.5 mpg in 1985 due to their perception of the impact on cost without comparable benefits. In regard to the first issue, NHTSA has been examining newly supplied information from the industry concerning economic practicability as well as manufacturing costs and consumer prices associated with the existing standards and the industry's proposed "straight line" standards (i.e., equal annual mile per gallon increments from 20.0 mpg in 1980 to 27.5 mpg in 1985). A decision as to whether to reopen rulemaking on the 1981-1984 standards; that is, whether to issue an NPRM, is expected to be made by late April or early May 1979.

In response to the second issue concerning standards beyond 1985, NHTSA will assess the industry's capabilities to meet higher fuel economy standards while also considering the effect of possible future safety and emission regulations. This assessment will be made prior to a decision to initiate rulemaking.

Volkswagen requested that NHTSA address the fact that the present method of calculating Corporate Average Fuel Economy (CAFE) makes it disadvantageous for Volkswagen to manufacture cars whose content is over 75 percent domestically produced. Also, Volkswagen commented that classifying vehicles based on interior volume means that manufacturers will attempt to maximize shoulder room and thus reduce padding on the door.

NHTSA has examined Volkswagen's concern regarding the current method of calculating the CAFE and addressed this issue in the 1979 Annual Report to Congress on Fuel Economy. A recommendation was made that the statute be amended to allow a manufacturer to average U.S. assembled automobiles with imports if U.S.

production began after the Act was passed. Regarding how interior room is measured, NHTSA has calculated that the reduction in interior volume from additional padding should not affect the current classification of vehicles.

**2. Light Trucks.**—The Act requires fuel economy standards to be set for light trucks and vans at least 18 months before the start of the model year. The NHTSA set the requirements for MY 1979 light trucks and vans of certain classes on March 14, 1977 (42 FR 13807). NHTSA issued the final rule establishing standards for classes of MY 1980 and 1981 light trucks and vans in March 1978. The NPRM was published in December 1977 (December 15, 1977, 42 FR 63184). Work on the standards for MY's 1982-1984 has begun. An NPRM is planned for August 1979 and a final rule for December 1979. The 1982-1984 rulemaking is expected to give a four-year lead-time for the MY 1984 vehicles.

The next rulemaking will cover MY's 1985-1986 later with an NPRM in March 1980 and a final rule in August 1980. Rules for MY 1987-1988 light trucks and vans will be set with an NPRM in March 1982 and a final rule in August 1982.

Recently Chrysler has requested an amendment to the MY 1981 standards. To address the issue raised by Chrysler, NHTSA issued an NPRM in December 1978. A final rule is expected by the end of April 1979.

Since most of the research on automotive fuel economy issues to date has emphasized the passenger automobile, additional research must be conducted on the fuel economy of light trucks and vans to provide the substantive basis for rulemaking that most accurately reflects the manufacturers' potential capability to improve the fuel economy of those vehicles.

**3. Low-Volume Manufacturers.**—The Act permits manufacturers with less than 10,000 passenger automobiles annual production to petition for a reduction in the average fuel economy standards applicable to them under certain conditions. In July 1977, NHTSA issued the regulations pertaining to petitions for reduction for low-volume manufacturers and the procedures for handling such petitions (July 28, 1977; 42 FR 38374). The Act requires that NHTSA set an alternative standard at the maximum feasible level if it grants a waiver from the applicable standards. There must also be an opportunity for public comment.

In the Annual Report to Congress, NHTSA recommended that, because of the burden on small businesses and the extremely small possible fuel savings,

automobile manufacturers producing fewer than 10,000 vehicles per year be exempt from both the fuel economy standards and the statute's semi-annual reporting requirements. In carrying out its present responsibilities, the Agency has just published (April 1979) a proposal to revise the procedures which it follows in considering a petition for exemption. The new procedures are expected to streamline the process. A final rule on this proposal, assuming no Congressional action, could be issued in September 1979.

#### *Rulemaking Schedule*

Section II summarizes the contemplated milestones for the various rulemaking activities described previously and shows their relations in time. As discussed previously, these schedules are subject to change.

In specific instances, the timing of the effective date will depend on such factors as the urgent need to remedy a severe safety problem, the availability of known solutions, the complexity of the rule and research and engineering requirements.

It should be noted that the schedule for ANPRM's, NPRM's and RULES is based on calendar years. (This is a change from the March 1978 Plan.) Effective dates refer to the vehicle model years, which usually begin on September 1 and are identified by the calendar year in which they end. Thus, model year 1980 vehicles generally become available for sale on September 1, 1979.

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SECTION II: RULEMAKING SCHEDULE AND RESEARCH SUMMARY

## A. MOTOR VEHICLE SAFETY RULEMAKING

1. Near-Term Rulemaking\*Side Impact Protection (Upgrade).

Amend FMVSS 214 relative to performance when struck by a moving barrier. Requirements will be based on dummy performance and will possibly include occupant protection and compartment integrity criteria. Applicability will be to passenger cars, light trucks, vans and multi-purpose passenger vehicles.

NPRM 1980

RULE 1981

EFFECTIVE Model 1984

Collapsible Steering Columns, Column Displacement and Interior Impact Requirements.EXTENSION

Extend FMVSS 201, 203, and 204 to all vehicles under 10,000 pounds Gross Vehicle Weight Rating (GVWR) (i.e., light trucks, vans and multi-purpose passenger vehicles). Upgrading of the present FMVSS 203 requirements will also be considered.

NPRM Issued

RULE 1979

\*\*EFFECTIVE Model 1981

Automatic Restraints.

Passive protection requirements of FMVSS 208 will be extended to all vehicles under 10,000 pounds Gross Vehicle Weight Rating (GVWR) (i.e., light trucks, vans and multi-purpose passenger vehicles.)

NPRM 1980

RULE 1981

EFFECTIVE Model 1984

Pedestrian Initial Impact Protection.

Standards to require appropriate modification to vehicle bumpers and hood edges to reduce the severity of pedestrian initial impact injuries will be applied to passenger cars, light trucks, vans, and multi-purpose passenger vehicles.

NPRM 1979

RULE 1980

EFFECTIVE Model 1983 (Passenger Cars)

EFFECTIVE Model 1984 (Other)

Hydraulic Brake Systems

This rule will expand the coverage of FMVSS 105 to light trucks, vans, and multi-purpose vehicles and include a split system requirement for heavy trucks and buses. The standard now only covers passenger car and school buses. Other performance requirements for heavy duty trucks and buses will be proposed in 1980 with an effective date of 1984.

NPRM 1979

RULE 1979

EFFECTIVE Model 1981

\* Near-term rulemaking represent areas where information now available appears sufficient to justify Federal rulemaking action.

\*\* FMVSS 203 and 204: Model 1981 effective date applies to non-forward control vehicles; effective date of Model 1982 will apply to forward-control vehicles.

Motorcycle Helmet Compliance Test

Extend FMVSS 218 to cover large and small motorcycle helmets. The current standard applies only to medium sized helmets. EFFECTIVE 1980

Require that brakes on all vehicles under 10,000 pounds GVWR (i.e., new passenger cars, light trucks, multi-purpose passenger vehicles and vans) be designed so that the brake shoes or pads and other components can be inspected without removing the wheel. NPRM 1979  
RULE 1980  
EFFECTIVE Model 1982

(There is an interim technical amendment in process to allow the testing of additional helmets which will fit on the existing size C headform.)

Seat Belt Assemblies (Manual and Automatic Belts).

Improved seat belt comfort and convenience by prescribing parameters for performance of seat belt assemblies in passenger cars, light trucks and vans. ANPRM Issued  
NPRM 1979  
RULE 1980  
EFFECTIVE Model 1981

Air Brake Systems.

In the interest of resolving safety issues raised by the Paccar vs NHTSA and DOT decision on FMVSS 121 a solicitation of views will be undertaken regarding a new Air Brake Standard No. 130 for trucks, buses and trailers to replace Air Brake Standard 121 in its present form. ANPRM Issued  
NPRM 1979  
RULE: TO BE DETERMINED  
EFFECTIVE: TO BE DETERMINED

Child Restraint Systems.

Extend the applicability of FMVSS 213 to infant restraints and child harnesses and require a dynamic test using test dummies. NPRM Issued  
RULE 1979  
EFFECTIVE Model 1980

Truck Rear Underride Protection

Require protective devices to eliminate vehicle penetration under the rear-ends of heavy trucks and trailers and to dissipate crash force, thus reducing accident severity. Anticipate earlier implementation (partial coverage) for vehicles with operational conditions compatible with state-of-the-art devices. TYPE OF COVERAGE  
PARTIAL  
NPRM 1979 1980  
RULE 1980 1981  
EFFECTIVE Model 1981 1982

Rearview Mirror Systems.

Require that drivers of all vehicles\*, including motorcycles, be able to see specified percentages of target areas directly behind and on either rear side of the vehicle, and require that outside mirrors meet breakaway or foldaway requirements to reduce pedestrian injuries. NPRM Issued  
RULE 1979/1980  
EFFECTIVE Model 1982

\*Where it appears in Sections II.A.1, and II, A.2, the term "all vehicles" includes all motor vehicles except motorcycles, unless otherwise specified.

Direct Fields of View.

Specify requirements for all vehicles by limiting the extent to which vehicle structures obstruct the driver's line of sight, improve night-time visibility by establishing glazing surface light transmission levels and specify visibility of ground surface targets from buses.

NPRM Issued  
RULE 1979/1980  
EFFECTIVE Model 1982

Control and Displays.

Amend FMVSS 101 to specify the location and method of operation for certain controls on the instrument panel and steering column of passenger cars, light trucks, vans and multi-purpose passenger vehicles and to specify the location and visibility of certain displays on the instrument panel.

NPRM 1982  
RULE 1983  
EFFECTIVE Model 1985

Consumer Information Regulation.

Amend Part 575 by deleting acceleration and passing ability requirements, modifying tire reserve load requirements to include heavy use vehicles, and deleting applicability to most passenger cars.

NPRM Issued  
RULE 1980  
EFFECTIVE Model 1981

Tire Selection and Rims (Multi-Piece Wheels).

Amend FMVSS 120 to prohibit the manufacture of motor vehicles with multi-piece wheels and require the manufacture for all vehicles other than passenger cars of single piece, drop center rims and tubeless tires. A phase-in schedule of effective dates will be established.

ANPRM Issued  
NPRM 1980  
RULE 1980  
EFFECTIVE DATE TO BE DETERMINED

Rear Lighting and Signalling.

A recent study on a taxi fleet showed that rear-end accidents were reduced by almost 50 percent on taxis equipped with a separate high-mounted brake light. If additional research confirms these findings, FMVSS 108 will be amended to require a separate high-mounted brake light on all passenger vehicles.

ANPRM 1979  
NPRM 1980  
RULE 1981  
EFFECTIVE Model 1983

Battery Explosion.

Provide requirements to insure battery safety by reducing the likelihood of battery explosion from lead acid batteries in all vehicles including motorcycles.

NPRM 1979  
RULE 1980  
EFFECTIVE Model 1981

Interior Noise Levels.

Provide requirements establishing maximum interior sound levels for new heavy trucks and buses over 10,000 pounds GVWR.

NPRM 1979  
RULE 1980  
EFFECTIVE Model 1982

Gross Coupling Weight Rating.

An amendment to the regulations on certification (Part 567) of the vehicles manufactured in two or more stages (Part 568) will require labelling of the Gross Coupling Weight Rating (GCWR) on all semi-trailers

NPRM Issued  
RULE 1979  
EFFECTIVE Model 1980

ANPRM: 1979  
NPRM, RULE and EFFECTIVE  
DATE TO BE DETERMINED

Flammability of Interior Materials

Solicit views and information regarding flammability of interior materials used in school buses for possible amendment to FMVSS 302, or creation of an interior flammability standard for school buses in accordance with guidelines of the Urban Mass Transportation Administration, U.S. DOT (UMTA) for public service vehicles. UMTA guidelines have been submitted to NHTSA for this purpose.

2. Technical Amendments\*.Door Locks and Retention Components.

This amendment will extend the applicability of the present FMVSS 206 to cover transverse rear doors, e.g., those on hatchback passenger cars. Existing FMVSS 206 test procedures will be clarified.

NPRM 1979  
RULE 1980

\*\*EFFECTIVE Model 1981-1982

Gross Coupling Weight Rating.

An amendment to the regulations on certification (Part 567) of the vehicles manufactured in two or more stages (Part 568) will require labelling of the Gross Coupling Weight Rating (GCWR) on all semi-trailers

NPRM Issued  
RULE 1979  
EFFECTIVE Model 1980

ANPRM: 1979  
NPRM, RULE and EFFECTIVE  
DATE TO BE DETERMINED

Theft Protection.

Amend FMVSS 114 by providing requirements that would further impede entry into, and operation of, a vehicle by unauthorized persons. Also extend the standard to light trucks, vans, and multi-purpose vehicles.

NPRM Issued  
RULE 1979

EFFECTIVE Model 1982 (Passenger Cars)  
EFFECTIVE Model 1983 (Light Trucks, Vans, Multi-purpose Vehicles)

Bumper Standard

Extend Part 581 bumper standard height regulation to include light trucks, vans and multi-purpose vehicles. The height requirement is 16 to 20 inches above the ground.

ANPRM 1979  
NPRM 1980  
RULE 1981

EFFECTIVE Model 1983

Consider amending the Part 581 bumper

standard as it pertains to passenger cars

by determining the impact speed which

yields the greatest net consumer benefits.

ANPRM Issued

FURTHER ACTION

TO BE DETERMINED

The purpose of these rulemaking actions is primarily to clarify existing requirements or resolve specific technical problems.

\*\* The range of dates reflects the Agency's present uncertainty of the specific model year for which it is anticipated the rule will first become mandatory.

- School Bus Crash Protection.  
 Consider amending FMVSS 222 to allow for greater passenger comfort on long distance and special activity trips by permitting seats on activity buses to be spaced farther apart.
- NPRM 1979  
 RULE 1980  
 EFFECTIVE Model 1980
- Motorcycle Brakes - Test Procedure.  
 Change the current FMVSS 122 test procedure. The proposed procedure involves towing the motorcycle behind a truck so that the motorcycle is roll-constrained (i.e. supported so that it cannot tip over) and eliminates the need for a test rider during high-speed braking tests. The current water immersion procedure may be replaced by a water spraying system during the wet recovery tests.
- NPRM 1981  
 RULE 1982  
 EFFECTIVE Model 1984
- Speedometers and Odometers.  
 Amends FMVSS 127 by specifying requirements for distinguishing between original equipment and replacement odometers. This proposed amendment is in response to a petition for reconsideration of the speedometers and odometers final rule issued in March 1979.
- NPRM Issued  
 RULE 1979  
 EFFECTIVE Model 1982
3. Exploratory Research and Rulemaking\*  
 a. Crashworthiness  
Pedestrian Impact Protection  
 Explore appropriate modification to hood surfaces and windshield headers to reduce the severity of pedestrian injuries. Exploratory activity in the pedestrian area is intended to complement the proposed near-term rulemaking for pedestrian initial impact protection.
- NPRM Issued  
 RULE 1979  
 EFFECTIVE Model 1982
- Occupant Protection Upgrade  
 The concept upon which the long-term occupant protection upgrade is based is a total systems approach evaluating a vehicle's occupant protection capability by exposing it to a series of crash exposures representative of the real world. Many of the existing component oriented standards would be discarded, and the product will be a set of comprehensive performance standards which will significantly increase the level of occupant protection with regard to four major crash modes (frontal, side, rear, and rollover) and will deal with the aggressiveness of vehicles impacting other vehicles. These new comprehensive standards will be developed in terms of injury levels that occur in frontal, side, rear, or rollover dynamic crashes. This requires developing an advanced test dummy, an activity which is being given very high priority. The new standard would apply to passenger cars, light trucks and vans.
- NPRM Issued  
 RULE 1979  
 EFFECTIVE Model 1982
- This category includes motor vehicle safety areas where the need for improvement is obvious but where precise solutions have not yet been defined or developed.

Motorcycle Rider Protection

Explore means to insure the integrity of safety related vehicle components and increase the level of rider protection, particularly focusing on the potential for motorcycle rider leg protection through performance requirements for crash bars.

Electric, Hybrid, and Restricted Performance Vehicles

A substantial increase in the number of electric and lightweight restricted performance vehicles is expected in the future. Requirements will be developed to insure a satisfactory level of crashworthiness and operational safety of these unique vehicles.

School Bus Crash Protection

Monitor school bus accident data and other information to assure satisfactory level of safety, including assurance of safe transportation by day-care centers using small van-type buses.

Fuel System Integrity (Heavy Trucks)

Data from the Bureau of Motor Carrier Safety (BMCS) and other sources will be reviewed to determine if NHTSA rulemaking is required to ensure compatibility with BMCS regulations or to upgrade requirements.

b. Crash AvoidanceBrakes

Exploratory braking activity will focus on a variety of possible means to increase safety, with an ANPRM to be issued in 1979 soliciting views on long range issues of brake technology such as automatic brake adjusters and other means to impose vehicle stability, including anti-lock systems. Exploratory activities will consider:

- o improved stopping distances, greater stability during braking, preventing or reducing wheel lock-up for motorcycles (FMVSS 122).
- o increased downhill retardation through engine driveline retarders for heavy trucks in mountainous terrain.
- o upgrade braking performance (air and hydraulic) through automatic brake adjustment devices for all vehicles other than passenger cars (FMVSS 105/121).
- o automatic warning and actuation systems for passenger cars, light trucks, vans, buses and multi-purpose vehicles.
- o increased reliability and performance of aftermarket brake shoe and pad assemblies (friction properties, fade, wear rate, wet performance).
- o longer life braking systems for passenger cars, light trucks, vans, buses and multi-purpose passenger vehicles.

Tires

Exploratory tire safety activity will include consideration of:

- o means to assure that the current minimum traction performance for passenger car tires does not suffer degradation from possible emphasis by manufacturers on treadwear.
- o reevaluation of the passenger car tire standard (FMVSS 109) as it applies to radial tire performance as experienced by the consumer.
- o means to warn when tire inflation pressure drops below recommended levels, including minimum performance for warning devices, for all vehicles.
- o establishing tire traction requirements under FMVSS 119 applicable to all vehicles except passenger cars and including motorcycles.

Electromagnetic Interference/Reliability/Maintainability

Exploratory activities in this area will be of general vehicle applicability and will focus on insuring that electronic on-vehicle devices and systems (e.g., brake antilocks, air cushion electronic devices, fuel injection monitors) are electromagnetically compatible both among themselves and with other external and internal electronic devices.

Controls and Displays

Exploratory activities for controls and displays will focus on two areas:

- o safety requirements of adaptive driving aids used by handicapped drivers, based on the nature and extent of the handicapped driver problem and the effectiveness of adaptive aids presently in use. NHTSA is working closely with and depending primarily on the activities of the Veterans Administration regarding adaptive aids.
- o standardization of control and display accessibility, location and identification on heavy trucks and buses to improve accessibility and operation.

Heavy Vehicle Environment

Exploratory activity will be focused on upgrading the quality of the ride in heavy trucks for safer driving. Considerations will include definition and limitation of vibration and other hazardous ride quality characteristics, and location requirements for the "fifth wheel" on tractor-trailer combinations.

Visibility

Exploratory activities are planned to focus on reducing the splash and spray problem that heavy trucks, buses and trailers create for following vehicles. The NHTSA safety issuance may be in the form of a recommended practice or a safety standard.

Handling and Stability

Handling and stability research will concentrate on three areas:

- o improving, in both normal and emergency maneuvers, the handling and stability of all vehicles including towing trailers for passenger car and light trucks. An early focus will be on yaw stability for passenger cars and heavy vehicles.
- o the potential of increasing safety and energy conservation through vehicle speed control devices, such as road speed governors, particularly on heavy trucks and buses. Consideration will include issuing a recommended practice or a safety standard.
- o establishing performance requirements for strength of fifth wheel and pintle hook assemblies mounted on heavy trucks to be coupled with either semi-trailers or full trailers or both.

Lighting

Exploratory lighting work will be carried on for all vehicles:

- o for motorcycles and mopeds, the focus will be on increased conspicuity through requirements for daytime lighting systems; and, in addition, work will proceed to determine physical and photometric characteristics to provide the driver with safe nighttime illumination.

o for heavy trucks and buses, review will be made of lighting and marking systems (excluding headlights) in view of present day lighting, signalling and conspicuity requirements, in order to define performance requirements for these vehicles

o for all vehicles headlighting systems will be researched for the safety potential of an upgrade in terms of deterioration requirements, beam pattern and candlepower

Low Volume Manufacturers  
 A rule may be proposed and issued to refine the requirements regarding the contents of and procedures for disposition of petitions from low volume manufacturers for exemption and for establishment of alternative standards

NPRM 1979  
 RULE 1979

B FUEL ECONOMY RULEMAKING

SCHEDULE

MY	MY
85-86	86-88
----	1980
1979	1981
1980	1981

Passenger Automobiles

Two rules are to be issued to establish fuel economy standards for Model Years 1985 through 1988

Included in the rulemaking actions will be a reexamination of previous standards

MY	MY	MY
82-84	85-86	87-88
1979	1980	1982
1979	1980	1982

Light Trucks and Vans

Four rules are anticipated for light trucks and vans

Standards are to be established at least 18 months before the start of the model year



CURRENT PLAN

MARCH 16 PLAN

Uniform Tire Quality Grading System SET EFFECTIVE DATES:  
 1978 & 1979 Issued as  
 EFFECTIVE MY: 1979 & 1980 described below

EFFECTIVE DATE SET: 1978 for bias belted and bias ply  
 1979 for radials

EFFECTIVE: All Except Molding

1979 - for bias ply and bias belted

1980 - for radials

EFFECTIVE: Molding

1979 - for bias ply

1980 - for bias belted and radials

Brake Inspectability ANPRM: 1978 Will Not be

Issued

NPRM: 1979

RULE: 1980

EFFECTIVE: MY 1982-1983 MY 1982

Theft Protection NPRM: 1978 Issued

RULE: 1979

EFFECTIVE: MY 1980-1981 MY 1982 (passenger cars)

MY 1983 (light trucks, vans, multi-purpose vehicles)

CURRENT PLAN

MARCH 16 PLAN

Standardized Vehicle Identification NPRM: Issued  
 Number--Removed from Plan When Rule RULE: 1979 Issued  
 Was Issued EFFECTIVE: MY 1980-1981 MY 1981

Passenger Car Tire Traction NPRM: 1979 NO DATES

Moved to Exploratory Category, RULE: 1980

therefore, No Projected EFFECTIVE: MY 1982

Dates

Low Tire Pressure Warning NPRM: 1978 NO DATES

Moved to Exploratory Category; RULE: 1979

therefore, No Projected EFFECTIVE: MY 1981

Dates

Direct Fields of View NPRM: 1978 Issued

RULE: 1979

EFFECTIVE: MY 1981-1982 MY 1982

Rearview Mirror Systems NPRM: 1978 Issued

RULE: 1979

EFFECTIVE: MY 1981-1982 MY 1982

Rear Lighting and Signalling ANPRM: 1979

NPRM: 1980

RULE: 1981

EFFECTIVE: MY 1983 MY 1983



	<u>MARCH 16 PLAN</u>	<u>CURRENT PLAN</u>
Motorcycle Rider Protection -- Motorcycle Visibility Moved to Exploratory: Lighting; No Other Change		
Aftermarket Brakes -- Exploratory: Brakes		
Truck Brakes -- Exploratory: Brakes		
Advanced Braking Systems -- Exploratory: Brakes		
Motorcycle Brake Upgrade -- Exploratory: Brakes		
Traction Amendment -- Exploratory: Tires		
Truck Ride Quality -- Exploratory: Vehicle Environment		
Electric, Hybrid and Restricted Performance Vehicles -- No Change		
Flammability and Toxicity of Interior Materials -- Moved to Near-Term Rulemaking with Focus on School Buses		
Electromagnetic Interference (EMI) -- Exploratory: EMI/Reliability/Maintainability		
Controls for the Handicapped -- Exploratory: Controls and Displays		
Handling and Stability -- No Change		
Motorcycle Brakes-Test	NPRM: 1979	1981
Procedure	RULE: 1980	1982
	EFFECTIVE: MY 1981-1982	MY 1984
Gross Coupling Weight Rating	NPRM: Issued	
Moved to Near-Term	RULE: 1978	1979
Rulemaking	EFFECTIVE: MY 1979	MY 1980
Door Locks and Retention	NPRM: 1978	1979
	RULE: 1979	1980
	EFFECTIVE: MY 1980-1981	MY 1981-1982
<u>Exploratory Rulemaking</u>		
Occupant Protection Upgrade -- No Change		
Pedestrian Impact Protection		
-- Modifications to Vehicle Bumper and Hood Edges Moved to Near-Term Rulemaking with NPRM 1979; RULE 1980; EFFECTIVE MY 1983 (Passenger Cars), MY 1984 (Other Than Passenger Cars)		
-- Modifications to Hood Surfaces and Windshield Headers--No change		

Motorcycle Rider Protection -- Motorcycle Visibility Moved to

Exploratory: Lighting; No Other Change

Aftermarket Brakes -- Exploratory: Brakes

Truck Brakes -- Exploratory: Brakes

Advanced Braking Systems -- Exploratory: Brakes

Motorcycle Brake Upgrade -- Exploratory: Brakes

Traction Amendment -- Exploratory: Tires

Truck Ride Quality -- Exploratory: Vehicle Environment

Electric, Hybrid and Restricted Performance Vehicles -- No Change

Flammability and Toxicity of Interior Materials -- Moved to

Near-Term Rulemaking with Focus on School Buses

Electromagnetic Interference (EMI) -- Exploratory: EMI/Reliability/

Maintainability

Controls for the Handicapped -- Exploratory: Controls and Displays

Handling and Stability -- No Change

MARCH 16 PLANCURRENT PLAN

Controls and Displays

NPRM: Issued

Issued

EFFECTIVE: MY 1979-1981

MY 1981

Motorcycle Brakes-Test

NPRM: 1979

1981

Procedure

RULE: 1980

1982

EFFECTIVE: MY 1981-1982

MY 1984

Gross Coupling Weight Rating

NPRM: Issued

Moved to Near-Term

RULE: 1978

1979

Rulemaking

EFFECTIVE: MY 1979

MY 1980

Door Locks and

NPRM: 1978

1979

Retention

RULE: 1979

1980

EFFECTIVE: MY 1980-1981

MY 1981-1982

Exploratory Rulemaking

Occupant Protection Upgrade -- No Change

Pedestrian Impact Protection

-- Modifications to Vehicle Bumper and Hood Edges Moved to Near-Term

Rulemaking with NPRM 1979; RULE 1980; EFFECTIVE MY 1983 (Passenger

Cars), MY 1984 (Other Than Passenger Cars)

-- Modifications to Hood Surfaces and Windshield Headers--No change

8 FUEL ECONOMY RULEMAKING  
Passenger Automobiles

	<u>MY 1985-1986</u>	<u>CURRENT PLAN</u>
	<u>MARCH 16 PLAN</u>	

ANPRM: 1978	Will Not Be Issued
NPRM: 1979	1979
RULE: 1979	1980

	<u>MY 1986-1988</u>	<u>CURRENT PLAN</u>
	<u>MARCH 16 PLAN</u>	

ANPRM: 1980	1980
NPRM: 1981	1981
RULE: 1981	1981

Light Trucks and Vans

MARCH 16 PLAN

<u>MY 1982-1983**</u>	<u>MY 1984-1986***</u>	<u>MY 1986-1988****</u>
1979	1980	1982
1979	1980	1982

CHANGES IN CURRENT PLAN

\* Issued  
 \*\* MY 1982-1984  
 \*\*\* MY 1985-1986  
 \*\*\*\* MY 1987-1988

Low Volume Manufacturers

	<u>MARCH 16 PLAN</u>	<u>CURRENT PLAN</u>
	<u>NPRM: 1978</u>	Issued
	<u>RULE: 1978</u>	1979

Petitions for Reduction in

<u>1980 Fuel Economy Standards</u>	<u>MARCH 16 PLAN</u>	<u>CURRENT PLAN</u>
	Proposed Decision: 1979	DELETED
	Final Decision: 1979	

BILLING CODE 4910-19-G

**C. Rulemaking Actions Initiated But Not Referenced in Rulemaking Plan: March 16, 1978–December 31, 1978**

1. *NPRM Issued.*—Part 571.3: Defines "Designated Seating Position" in dimensional terms. Proposed Effective MY 1980.

FMVSS 115: Standardized Vehicle Identification Number. Several Minor Amendments, In Response to Petitions for Reconsideration. Proposed Effective MY 1980.

FMVSS 109: New Tire Sizes. Addition of New Tire Sizes. Proposed Effective On Date Rule is Issued.

FMVSS 108: Tail Lamps. Increases Maximum Candlepower, In Response to Petitions. Proposed Effective On Date Rule is Issued.

Part 575: Uniform Tire Quality Grading System. Revised Symbols for Traction Grades and Amends Tire Testing Temperatures. Effective October 23, 1978.

Part 572: Anthropomorphic Test Dummies. Amends Specifications for Child Dummies (2 NPRM's). Proposed Effective On Date Rules are Issued.

2. *NPRM and Rule Issued.*—FMVSS 208: Seat Belt Spool Emergency Release. Allows Design Experimentation for Automatic Belt Systems. Effective November 13, 1978.

FMVSS 210: Seat Belt Assembly Anchorage. Eliminates Anchorage Location Requirement for Automatic Belts that Meet FMVSS 208 Standard. Effective November 16, 1978.

3. *Rules Issued.*—FMVSS 121: School Bus Air Brakes. Suspends 121 Requirement on School Buses. Effective March 23, 1978.

FMVSS 126: Truck-Camper Loading. Eliminates Requirement that Standardized Vehicle Identification Number be Printed in Owner's Manual. Effective April 27, 1978.

FMVSS 210: Seat Belt Anchorage. Eliminates "Buckle Cutout" as an Option. Effective May 18, 1978.

FMVSS 106-74: Brake Hoses. Permits Less Expensive Labeling and Gives Relief on Several Requirements. Effective May 25, 1978.

FMVSS 109: New Tire Sizes. Added Four New Metric Tire Sizes; Sets Criteria for Testing and Labeling Higher Pressure Tires; In Response to Petitions. Effective June 5, 1978.

FMVSS 108: Colors for Signal Lights. Amends Color Specifications to Facilitate OSHA Rules; Response to Petition. Effective June 1, 1979.

Part 568: Vehicles manufactured in Two or More Stages. Denial Response to Petitions, Except for the Effective Date. Effective January 1, 1979.

Part 575: Uniform Tire Quality Grading System. Permits a Single Temperature for Testing. Effective July 17, 1978.

FMVSS 108: Side Marker Lamps. Restricts Height on Large Trailers, Consistent with BMCS Rules. Effective March 1, 1979.

FMVSS 108: Moped Lamps. Interim Rule to Allow Smaller Stop Lamps. Effective September 11, 1978.

FMVSS 109: New Tire Sizes. Allows Ten New Tire Sizes. Effective November 1, 1978. Allows Four New Tire Sizes. Effective January 3, 1979.

FMVSS 122: Motorcycle Brake Systems. Modifies Parking Brake Requirements for Three-Wheel Cycles.

FMVSS 121: Air Brakes. Amends as Specified by the Court to Provide for "Due Care" Specification. Effective October 13, 1978.

FMVSS 121: Air Brakes. Amends Volume and Stopping Distance of Air Brake Systems. Effective December 18, 1978.

**Index B.—Proposed Safety Rulemaking by Vehicle Type**

*Passenger Car*

1. *Near-Term Rulemaking*  
Side Impact Protection (Upgrade)  
Pedestrian Initial Impact Protection  
Seat Belt Assemblies: Comfort and Convenience

Brake Inspectability  
Rearview Mirror Systems  
Direct Fields of View  
Controls and Displays  
Rear Lighting and Signalling  
Battery Explosion  
Theft Protection  
Consumer Information Regulation  
Bumper Standard

2. *Technical Amendments*  
Door Locks and Retention Components

3. *Exploratory Research and Rulemaking*

Pedestrian Impact Protection  
Occupant Protection Upgrade  
Electric, Hybrid and Restricted Performance Vehicles  
Brakes—Longer Life  
Tires—Minimum Traction Performance  
Tires—Tire Inflation Pressure  
Electromagnetic Interference/  
Reliability—Electromagnetic  
Compatibility

Controls and Displays—Driving Aids for Handicapped Drivers  
Handling and Stability—Handling and Stability  
Lighting—Headlighting

*Light Truck, Van, and Multi-Purpose Passenger Vehicle*

1. *Near-Term Rulemaking*

Side Impact Protection (Upgrade)  
Collapsible Steering Columns, Column Displacement and Interior Impact Requirements

Automatic restraints  
Pedestrian Initial Impact Protection  
Hydraulic Brake Systems

Seat Belt Assemblies: Comfort and Convenience

Brake Inspectability

Rearview Mirror Systems

Direct Fields of View

Controls and Displays

Tire Selection and Rims

Battery Explosion

Theft Protection

Bumper Standard

Consumer Information Regulation

2. *Technical Amendments*

Door Locks and Retention Components

3. *Exploratory Research and Rulemaking*

Pedestrian Impact Protection

Occupant Protection Upgrade

Electric, Hybrid and Restricted

Performance Vehicles

Brakes—Longer Life

Brakes—Upgraded Braking Performance

Tires—Upgrade of 119

Tires—Minimum Traction Performance

Tires—Tire Inflation Pressure

Electromagnetic Interference/  
Reliability—Electromagnetic

Compatibility

Controls and Displays—Driving Aids for

Handicapped Drivers

Handling and Stability—Handling and

Stability

Lighting—Headlighting

Motorcycle

*Motorcycle*

1. *Near-Term Rulemaking*  
Motorcycle Helmet Compliance Test  
Rearview Mirror Systems  
Battery Explosion

2. *Technical Amendments*  
Motorcycle Brakes—Test Procedure

3. *Exploratory Research and Rulemaking*

Motorcycle Rider Protection

Brakes—Stopping Distance

Tires—Upgrade of 119

Electromagnetic Interference/  
Reliability—Electromagnetic

Compatibility

Lighting—Conspicuity

Lighting—Headlighting

*Heavy Trucks (Greater Than 10,000 Pounds GVWR) (+ Includes Trailers)*

1. *Near-Term Rulemaking*  
+ Truck Rear Underride Protection  
+ Air Brake Systems

Hydraulic Brake Systems

Rearview Mirror Systems

Direct Fields of View

+ Tire Selection and Rims

Battery Explosion

- Interior Noise Levels  
 + Gross Coupling Weight Rating  
   2. *Exploratory Research and Rulemaking*  
 Fuel System Integrity  
 Brakes—Increased Downhill Retardation  
 + Brakes—Upgraded Braking Performance  
 + Tires—Upgrade of 119  
 Tires—Tire Inflation Pressure  
 + Electromagnetic Interference/Reliability—Electromagnetic Compatibility  
 Controls and Displays—Standardization  
 Vehicle Environment—Ride Quality  
 + Visibility—Splash and Spray  
 + Handling and Stability—Handling and Stability  
 Handling and Stability—Speed Control Devices  
 + Handling and Stability—Coupling  
 + Lighting—Lighting and Marking  
*Intercity and Transit Buses*  
   1. *Near-Term Rulemaking*  
 Air Brake Systems  
 Hydraulic Brake Systems  
 Rearview Mirror Systems  
 Direct Fields of View  
 Tire Selection and Rims  
 Battery Explosion  
 Interior Noise Levels  
   2. *Exploratory Research and Rulemaking*  
 Brakes—Upgraded Braking Performance  
 Tires—Upgrade of 119  
 Tires—Tire Inflation Pressure  
 Electromagnetic Interference/Reliability—Electromagnetic Compatibility  
 Controls and Displays—Standardization  
 Visibility—Splash and Spray  
 Handling and Stability—Speed Control Devices  
 Lighting—Lighting and Marking  
*School Buses*  
   1. *Near-Term Rulemaking*  
 Flammability of Interior Material  
   2. *Technical Amendment*  
 School Bus Crash Protection—Activity Buses  
   3. *Exploratory Research and Rulemaking*  
 School Bus Crash Protection  
*Equipment*  
   1. *Near Term Rulemaking*  
 Child Restraint Systems  
 Battery Explosion  
   2. *Exploratory Research and Rulemaking*  
 Brakes—Aftermarket  
 Brakes—Automatic Warning and Actuation  
 Tires—Upgrade of 119  
 Tires—Minimum Traction Performance  
 Controls and Displays—Driving Aids for Handicapped Drivers  
 Handling and Stability—Speed Control Devices  
*Towing Trailers for Passenger Cars and Light Trucks*  
   1. *Exploratory Research and Rulemaking*  
 Handling and Stability—Handling and Stability  
 Index C.—Near-Term Rulemaking and Technical Amendments by Proposed Effective Date (Model Year)  
*Model Year 1980*  
 Child Restraint Systems  
 School Bus Crash Protection—Activity Buses  
 Gross Coupling Weight Rating  
*Model Year 1981*  
 Collapsible Steering Columns, Column Displacement, and Interior Impact Requirements—Non-Forward Control Vehicles  
 Motor Cycle Helmet Compliance Test  
 Seat Belt Assemblies (comfort and convenience)  
 Truck Rear Underride Protection—Partial Coverage  
 Hydraulic Brake Systems  
 Consumer Information Regulation  
 Battery Explosion  
 Door Locks and Retention Components (1981–1982)  
*Model Year 1982*  
 Collapsible Steering Column, Column Displacement and Interior Impact Requirements—Forward Controls Vehicles Only  
 Truck Rear Underride Protection—Full Coverage  
 Rearview Mirror Systems  
 Direct Fields of View  
 Interior Noise Levels  
 Theft Protection—Passenger Cars  
 Brake Inspectability  
*Model Year 1983*  
 Pedestrian Initial Impact Protection—Passenger Cars  
 Rear Lighting and Signalling  
 Theft Protection—Other Than Passenger Cars  
 Bumper Standard  
*Model Year 1984*  
 Side Impact Protection—Upgrade  
 Automatic Restraints—Extension  
 Pedestrian Initial Impact Protection—Other Than Passenger Cars  
 Motorcycle Brakes—Test Procedure  
*Model Year 1985*  
 Controls and Displays

# Notices

Federal Register

Vol. 44, No. 82

Thursday, April 26, 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.

## ARMS CONTROL AND DISARMAMENT AGENCY

### General Advisory Committee; Availability of Report on Closed Meeting Activities

Pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I, and OMB Circular A-63 (revised March 27, 1974), a report on the activities of the General Advisory Committee on Arms Control and Disarmament covering closed meetings held in 1978 has been prepared and is available for public inspection as follows:

Library of Congress, Federal Advisory Committee Desk, Federal Documents Section, Exchange and Gift Division, Washington, D.C.

U.S. Arms Control and Disarmament Agency, ACDA Library, 8th Floor, State Annex 6, 1700 North Lynn Street, Rosslyn, VA.

Dated: April 19, 1979.

Sidney D. Anderson,  
Advisory Committee Management Officer.  
[FR Doc. 79-13080 Filed 4-25-79; 8:45 am]  
BILLING CODE 6820-32-M

### General Advisory Committee; Meeting

Notice is hereby given in accordance with Section 10(a) (2) of the Federal Advisory Committee Act, 5 U.S.C. App. I, (the Act) and paragraph 8b of Office of Management and Budget Circular No. A-63 (Revised March 27, 1974) (the OMB Circular), that a meeting of the General Advisory Committee (GAC) is scheduled to be held on May 10, 1979 from 9 a.m. to 6 p.m. and on May 11, 1979 from 9 a.m. to 6 p.m. at 2201 C Street, NW, Washington, D.C., in Room 75616.

The purpose of the meeting is for the GAC to receive briefings and hold discussions concerning arms control and related issues which will involve national security matters classified in

accordance with Executive Order 12065, dated June 28, 1978.

The meeting will be closed to the public in accordance with the determination of April 9, 1979 made by the Acting Director of the U.S. Arms Control and Disarmament Agency pursuant to Section 10(d) of the Act and paragraph 8d(2) of the OMB Circular that the meeting will be concerned with matters of the type described in 5 U.S.C. 552(b) (1). This determination was made pursuant to a delegation of authority from the Office of Management and Budget dated June 25, 1973, issued under the authority of Executive Order 11769 dated February 21, 1974.

Dated: April 20, 1979.

Sidney D. Anderson,  
Advisory Committee  
Management Officer.  
[FR Doc. 79-13081 Filed 4-25-79; 8:45 am]  
BILLING CODE 6820-32-M

## DEPARTMENT OF AGRICULTURE

### Forest Service

#### Forest Plan for the Arapaho and Roosevelt National Forests and Pawnee National Grasslands; Intent To Prepare an Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, will prepare an Environmental Impact Statement for the Forest Plan. This Plan will provide resource goals for the Arapaho and Roosevelt National Forests and the Pawnee National Grassland administered by the Forest Supervisor located in Fort Collins, Colorado. These National Forest System lands are located in Weld, Larimer, Boulder, Gilpin, Grand, Jefferson, and Clear Creek Counties.

This Plan is being developed in accordance with the provisions of the Forest and Rangeland Renewable Resources Planning Act of 1974 (RPA), as amended by the National Forest Management Act of 1976 (NFMA).

The purpose of this Plan is to establish the multiple use and sustained yield levels of the products and services provided by the two National Forests and the National Grassland. The Plan,

when implemented, will guide resource management activities.

Three public meetings and several workshops have been conducted. The two purposes of the sessions were to (1) describe the planning process in general, and (2) gain input on the public issues significant to the management of the two National Forests and the National Grassland.

Based on the input received from the sessions, as well as from previous public involvement efforts on the Forests, a listing of public issues affecting plan development was developed. These public issues will be addressed in the Forest planning effort. A summary of the public issues is available from the Forest Supervisor, Arapaho and Roosevelt National Forests, 301 South Howes Street, Fort Collins, Colorado 80521.

The proposed regulations implementing the National Forest Management Act state that an environmental impact statement will be prepared.

The responsible official for approving the Plan is Craig W. Rupp, Regional Forester, Rocky Mountain Region, Forest Service-USDA. The Draft Environmental Impact Statement for the Plan is scheduled for filing in the summer of 1979. The Final Environmental Impact Statement is scheduled for filing in late fall of 1979.

Comments on this Notice of Intent or the Forest's planning process should be sent to Gray F. Reynolds, Forest Supervisor, Arapaho and Roosevelt National Forests, at the address mentioned above.

Dated, April 18, 1979.

F. A. Dorrill,  
Acting Regional Forester, Rocky Mountain Region.  
[FR Doc. 79-12879 Filed 4-25-79; 8:45 am]  
BILLING CODE 3410-11-M

## Soil Conservation Service

### Horse Pasture Creek Watershed, Va.; Notice of Intent Not To Prepare an Environmental Impact Statement

#### Correction

In FR Doc. 79-101-32, appearing at page 19498, in the issue of Tuesday, April 3, 1979, on page 19499, in the first column, the third full paragraph, the third line, insert the words "until thirty

days after the date of this publication" after the word "taken".

BILLING CODE 1505-01-M

## ADVISORY COUNCIL ON HISTORIC PRESERVATION

### Public Information Meeting

Notice is hereby given pursuant to Section 800.6(b)(3) of the Council's regulations, "Protection of Historic and Cultural Properties" (36 CFR Part 800), that on May 8, 1979, at 7:30 p.m., a public information meeting will be held at the Town Hall in Lone Pine, California. The meeting is being called by the Executive Director of the Council in accordance with Section 800.6(b)(3) of the Council's regulations. The purpose of the meeting is to provide an opportunity for representatives of national, State, and local units of government, representatives of public and private organizations, and interested citizens to receive information and express their views concerning the proposed Coso Geothermal Element Program, an undertaking of the U.S. Department of the Navy, Naval Weapons Center, that will adversely affect Coso Hot Springs, a property included in the National Register of Historic Places. Consideration will be given to the undertaking, its effects on National Register or eligible properties, and alternate courses of action that could avoid, mitigate, or minimize any adverse effects on such properties.

The following is a summary of the agenda of the meeting:

- I. An explanation of the procedures and purpose of the meeting by a representative of the Executive Director of the Council.
- II. A description of the undertaking and an evaluation of its effects on the property by the Department of the Navy.
- III. A statement by the California State Historic Preservation Officer.
- IV. Statements from local officials, private organizations, and the public on the effects of the undertaking on the property.
- V. A general question period.

Speakers should limit their statement to 5 minutes. Written statements in furtherance of oral remarks will be accepted by the Council at the time of the meeting. Additional information regarding the meeting is available from the Executive Director, Advisory Council on Historic Preservation, Western Office of Review and

Compliance, P.O. Box 2508, Denver, Colorado 80255, (303) 234-4946.

Robert M. Utley,  
Deputy Executive Director.  
[FR Doc. 79-12847 Filed 4-25-79; 8:45 am]

BILLING CODE 4310-01-M

## CIVIL AERONAUTICS BOARD

### Air Carrier Rules Governing Failure To Operate on Schedule or Failure To Carry; Order To Show Cause

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

Most U.S. carriers subscribe to Rule 380 in the domestic passenger rules tariffs, CAB No. 142, which sets forth the responsibilities carriers accept or, more importantly, do not accept when they are unable to carry passengers to their destinations. Primarily, the rule covers schedule irregularities and schedule changes. When a delay or schedule change occurs, for example, Rule 380 states that the airline will arrange alternate transportation or make a refund to the passenger. In addition, the rule describes some basic amenities, such as hotel rooms, meals, and telephone calls, that may be provided to stranded or delayed passengers by the subscribing carriers under some circumstances. Rule 380(H) explicitly disavows any additional carrier responsibility to passengers beyond that which is provided in the tariff:

Except to the extent provided in this rule, no carrier shall be liable for failing to operate any flight according to schedule or for changing the schedule of any flight, with or without notice to the passenger.

For reasons discussed in this order, the Board has tentatively decided that this provision is unjust, unreasonable and unlawful, and we are ordering all interested parties to show cause why it should not be cancelled.

Recently, carriers have begun to exercise the greater flexibility afforded them by the Deregulation Act to enter and withdraw from markets. They have also been experimenting with different flight frequencies and schedules in various markets to improve their operating efficiency and meet increased competition. These developments, while healthy from the point of view of the overall transportation system, may increase the exposure of passengers to inconvenience resulting from schedule changes and service terminations, and we are now reexamining existing tariff provisions governing passenger rights in such cases. We are concerned that Rule

380(H) may be overly broad and that it may unreasonably exculpate airlines, since it covers virtually any situation in which a passenger might be inconvenienced by any type of scheduling problem.

This provision may be applied, for example, to changes that are planned and programmed into the carriers' reservations computer weeks, or even months, before the new schedules are to go into effect, regardless of when or whether the carrier notifies the passenger of the changes. We believe a rule which purports to relieve carriers of any obligation to provide advance notice to passengers of schedule changes affecting the passenger and of which the carrier has advance knowledge is unreasonable and therefore unlawful.

The problem is particularly serious when service is discontinued in a particular market, since the language of other provisions in Rule 380 does not clearly indicate what protections, if any, most carriers will afford passengers in these situations. The rule divides scheduling problems into two basic categories: Schedule irregularities and schedule changes. When an airline must rebook passengers because of a "schedule change", a term not defined in the rule, Rule 380(F) provides, in most cases, for rebooking only on another flight or flights of that airline. Treating withdrawal from a market as a scheduling change, therefore, would not help affected passengers, since an airline that is leaving a market obviously will not be able to accommodate passengers on its own flights.<sup>1</sup> If, on the other hand, the problem is considered a "schedule irregularity", most carriers will arrange alternate transportation on competing airlines if necessary. Schedule irregularities, according to Rule 380(B)(8), include:

- (a) Delay in scheduled departure or arrival of a carrier's flight resulting in a misconnection, or
- (b) Flight cancellation, omission of a scheduled stop, or any other delay or interruption in the scheduled operation of a carrier's flight, or
- (c) Substitution of equipment of a different class of service, or
- (d) Schedule changes which require rerouting of passenger at departure time of the original flight.

The Board's staff has interpreted this definition of schedule irregularity to

<sup>1</sup>United Airlines has filed an exception to Rule 380(F)(1)(a), effective April 14, 1979, stating it will reroute confirmed passengers at no additional charge on other carriers when the schedule change results in the cancellation of all United service at a city.

include all flight cancellations, including suspensions of service, and we agree with this interpretation. At least one Federal district court, however, disagreed that the rule covered flight cancellations resulting from strikes, finding that it "was intended for the assistance of passengers whose air travel is delayed or interrupted by unexpected events with a short-term duration effects."<sup>2</sup> We are concerned that this reasoning may be applied in the future, by carriers or by a court, to situations in which carrier withdrawal from markets results in wholesale cancellations. Should this occur, Rule 380 would not provide for rerouting on other carriers for some passengers holding tickets or confirmed reservations on flights cancelled because of suspension of service. Passengers could, as a result, incur substantial inconvenience and additional expense if they cannot find reservations on other airlines, if they must pay fares higher than those agreed to or if they must accept circuitous routings to reach their destinations, with the possibility of redress through civil litigation effectively cut off by the provisions of Rule 380(H). To permit carriers to exculpate themselves through such tariff language from legal responsibility to passengers with confirmed reservations whose travel plans may be disrupted by the carriers' withdrawal from markets, without even notifying the passengers, seems to us patently unjust and unreasonable.

We understand that carriers cannot realistically guarantee their schedules and that some scheduling problems are unforeseeable or clearly beyond the carriers' control. We do not believe, however, that the elimination of Rule 380(H) would make airlines automatically liable for damages in the event of delays and cancellations due to factors such as inclement weather, air traffic congestion, or last-minute mechanical malfunctions. Carriers may, of course, wish to reexamine Rule 380 and seek ways to more clearly state their positive obligations.

Similarly, we do not anticipate that removal of this rule will adversely affect the ability of carriers to make schedule changes or to experiment with innovative low-cost service offerings. While the presence of a broad exculpatory tariff provision clearly affords the carriers some protection against customer claims, the absence of such a rule will not, in our view, be the determining factor in the way disputes over schedule changes, market

withdrawals, economic cancellations, and other irregularities are resolved. The airline's complaint department or a court will consider things like the cause of the irregularity, the notice given to the passenger of the airline's scheduling practices, and the reasonableness of the claimant's expectations and demands. Potential civil liability should provide the incentive for carriers to make their best efforts, under the particular circumstances, to notify and accommodate passengers affected by schedule changes and irregularities, just as the same considerations encourage unregulated companies to make their best efforts to perform the services they have advertised and sold. Whether those efforts are reasonable and adequate under the circumstances can be decided by both parties and, if necessary, a court. All we are proposing by this tentative action is to remove an absolute technical defense to all legal claims against the carrier, not to establish its liability for such claims.

Accordingly:

1. The Board directs all interested parties to show cause why we should not issue an order making final the tentative findings and conclusions that Rule 380(H) in CAB No. 142 should be cancelled;

2. Any interested party objecting to the issuance of such an order shall, within 45 days after the service of this order, file with the Board a statement of objection which shall set forth in detail any facts, economic or statistical data, and other evidence relied upon in support of the objection. Answers to objections shall be filed with the Board within an additional 14 days;

3. Parties requesting an evidentiary on-the-record hearing in this matter shall set forth in detail the reasons why a hearing is needed, including a statement of the facts they intend to develop in a hearing and the reasons why such facts cannot otherwise be presented;

4. If timely and properly supported objections are filed, we will consider fully the matters or issues they raise before taking further action; and

5. If no objections are filed, all further procedural steps will be deemed to have been waived, and the matter will be submitted to the Board for final action.

This order shall be served on all U.S. certificated air carriers and shall be published in the Federal Register.

By the Civil Aeronautics Board.<sup>3</sup>

Phyllis T. Kaylor,

Secretary.

[Order 79-4-115; Docket 35361]

[FR Doc. 79-12816 Filed 4-25-79; 8:45 am]

BILLING CODE 6320-01-M

## **Braniff Airways and Northwest Airlines; Order**

**AGENCY:** Civil Aeronautics Board.

**ACTION:** Notice of Order (79-4-120)

**SUMMARY:** The Board is proposing to grant Atlanta-Raleigh/Durham and Atlanta-Greensboro/High Point/Winston-Salem nonstop authority to Northwest Airlines, Braniff Airways, and 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 May 24, 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 May 9, 1979.

**ADDRESSES:** Objections or Additional Data should be filed in Docket 35363, Docket Section, Civil Aeronautics Board, Washington, D.C. 20429.

**FOR FURTHER INFORMATION CONTACT:** Charles W. McNagny, B-72, Bureau of Pricing and Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673-5342.

**SUPPLEMENTARY INFORMATION:** Objections should be served upon the following persons: Delta Air Lines, Piedmont Aviation, Braniff Airways, Northwest Airlines, Eastern Air Lines, the City of Atlanta and Atlanta Chamber of Commerce, the Raleigh-Durham Airport, the Research Triangle Foundation of North Carolina, and the Environmental Protection Agency.

The complete text of Order 79-4-120 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 79-4-120 to the Distribution Section,

<sup>2</sup> *Civil Aeronautics Board v. Frontier Airlines, Inc.*, C.A. No. 78-1216 D.D.C., July 28, 1978).

<sup>3</sup> All Members concurred.

Civil Aeronautics Board, Washington, D.C. 20428:

By the Civil Aeronautics Board, April 19, 1979.

Phyllis T. Kaylor,  
Secretary.

[Order 79-4-120]

[FR Doc. 79-12966 Filed 4-25-79; 8:45 am]

BILLING CODE 6320-01-M.

### Cochise Airlines, Inc., Proposed Temporary Subsidy Mail Rate

**AGENCY:** Civil Aeronautics Board.

**ACTION:** Summary of Order 79-4-133 proposing a temporary subsidy mail rate for Cochise Airlines, Inc., for annual periods beginning December 4, 1978.

**SUMMARY:** The Board adopted an order directing Cochise Airlines, Inc., to show cause why the following subsidy rate should not be established:

Annual periods effective December 4, 1978; \$400,000.

**DATES:** Parties must file notices of objection within ten days of the date of service and must file objections within 30 days of the date of service.

**FOR FURTHER INFORMATION:** John R. Hokanson or James Craun, Bureau of Pricing and Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C., 20428, 202-673-5132.

The complete text of Order 79-4-133 is available from our Distribution Section, Room 516, 1825 Connecticut Avenue NW., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 79-4-133 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board, April 20, 1979.

Phyllis T. Kaylor,  
Secretary.

[FR Doc. 79-12967 Filed 4-25-79; 8:46 am]

BILLING CODE 6320-01-M.

### Salt Lake City Show-Cause Proceeding

**AGENCY:** Civil Aeronautics Board.

**ACTION:** Notice of Order 79-4-123, Salt Lake City Show-Cause Proceeding.

**SUMMARY:** The Board is proposing to grant the applications of all fit, willing and able applicants whose fitness can be established by officially noticeable material to the extent that they request nonstop Salt Lake City-Baltimore, Billings, Burbank, Denver, Houston, Minneapolis/St. Paul, Long Beach, Los Angeles, Ontario, Portland, Sacramento, St. Louis, San Diego, San Francisco, San

Jose, Seattle/Tacoma, Spokane and Washington authority. 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 May 24, 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 May 9, 1979.

**ADDRESSES:** Objections or Additional Data should be filed in Docket 35372; Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

**FOR FURTHER INFORMATION CONTACT:** Richard Clusman, Bureau of Pricing and Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Ave., Washington, D.C., 20428, (202) 673-5216.

**SUPPLEMENTARY INFORMATION:** Objections should be served upon the following persons: Braniff Airways, Hughes Airwest, American Airlines, Western Air Lines, Pacific Southwest Airlines, Frontier Airlines, Allegheny Airlines, Northwest Airlines, Continental Air Lines, Trans World Airlines, Ozark Air Lines, Utah Air Travel Commission, The City of Long Beach, and the Public Utilities Commission of the State of California.

The complete text of Order 79-4-123 is available from our Distribution Section, Room 516, 1825 Connecticut Avenue NW., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 79-4-123 to the Distribution Section, Civil Aeronautics Board, Washington, D.C., 20428.

By the Civil Aeronautics Board, April 19, 1979.

Phyllis T. Kaylor,  
Secretary.

[Order 79-4-123]

[FR Doc. 79-12965 Filed 4-25-79; 8:45 am]

BILLING CODE 6320-01-M.

### Transpacific Low-Fare Route Investigation; Reassignment of Proceeding

This proceeding has been reassigned from Administrative Law Judge Stephen J. Gross to Administrative Law Judge Rudolf Sobernheim.

Dated at Washington, D.C., April 20, 1979.

Nelson Litt,

Chief Administrative Law Judge.

[Docket 33008]

[FR Doc. 79-12964 Filed 4-25-79; 8:45 am]

BILLING CODE 6320-01-M.

### COMMISSION ON CIVIL RIGHTS

#### North Carolina Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a press conference of the North Carolina Advisory Committee (SAC) of the Commission will convene at 10:30 am and will end at 12 noon, May 10, 1979, at Velvet Cloak, 1515 Hillsborough Street, Queen Elizabeth Room, Raleigh, North Carolina 27605.

Persons wishing to attend this press conference should contact the Committee Chairperson, or the Southern Regional Office, Citizens Trust Bank Building, Room 362, 75 Piedmont Avenue, N.E., Atlanta, Georgia 30303.

The purpose of this conference is to release migrant report.

This meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

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

John E. Blakley,

Advisory Committee Management Officer.

[FR Doc. 79-13065 Filed 4-25-79; 8:45 am]

BILLING CODE 6335-01-M.

### DEPARTMENT OF COMMERCE

#### Economic Development Administration

#### Office of Eligibility and Industry Studies; Petitions by Eleven Producing Firms for Determinations of Eligibility to Apply for Trade Adjustment Assistance

Petitions have been accepted for filing from 11 firms: (1) Auerbach & Company, 1200 South Grand Avenue, Los Angeles, California 90015, a producer of men's slacks and jackets (accepted April 12, 1979); (2) The Torsion Balance Company, 125 Ellsworth Street, Clifton, New Jersey 07012; a producer of balances and laboratory equipment, and credit card readers (accepted April 12, 1979); (3) Snappy Garments Manufacturing, Inc., 1-3 Central Avenue, East Newark, New Jersey 07029, a producer of women's coats (accepted April 16, 1979); (4) Tram/Diamond Corporation, Lower Bay Road, P.O. Box 187, Winnisquam, New Hampshire 03289, a producer of citizens band radios

(accepted April 16, 1979); (5) Spectronics, Inc., 1491 East 28th Street, Signal Hill, California 90806, a producer of digital displays and frequency counters for amateur radios (accepted April 17, 1979); (6) ArqTex Mills, Inc., Unity and Leiper Streets, Philadelphia, Pennsylvania 19124, a producer of yarn (accepted April 17, 1979); (7) United Plastics, Inc., 109 North Duncan Road, P.O. Box 3353, Champaign, Illinois 61820, a producer of plastic aprons, boots, gloves and table covers (accepted April 18, 1979); (8) Custom Casuals, Inc., 205 West 39th Street, New York, New York 10018, a producer of women's dresses, suits, blouses, jackets and coats (accepted April 18, 1979); (9) Draco Laboratories, Inc., 1005 Washington Street, Grafton, Wisconsin 53024, a producer of automotive alarms and power amplifiers, and FM tuners (accepted April 19, 1979); (10) Screen Print Corporation, Industrial Park, Coventry, Rhode Island 02816, a producer of printed textiles (accepted April 19, 1979); and (11) Condor Footwear, Inc., 50 Grand Avenue, Englewood, New Jersey 07631, a producer of footwear (accepted April 19, 1979). The petitions were submitted pursuant to Section 251 of the Trade Act of 1974 (Pub. L. 93-618) and Section 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315).

Consequently, the United States Department of Commerce has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to decrease in sales of production of each petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of the tenth calendar day following the publication of this notice.

Jack W. Osburn, Jr.,  
Chief, Trade Act Certification Division, Office of Eligibility  
and Industry Studies.

[FR Doc. 79-12913 Filed 4-25-79; 8:45 am]

BILLING CODE 3510-24-M

## Foreign-Trade Zones Board

### Foreign-Trade Zone No. 23, Buffalo, New York; Application for Expansion

Notice is hereby given that the County of Erie, New York, grantee of Foreign-Trade Zone No. 23, has applied to the Foreign-Trade Zones Board (the Board) for authority to expand its zone to include an additional zone site (Site No. 2) in the Town of Amherst, Erie County, some ten miles from the existing zone. This expansion application was formally filed on April 23, 1979.

The existing zone site, located at the Niagara Frontier Transportation Authority's Buffalo Marine Terminal on Lake Erie, was authorized by the Board on March 31, 1976 (Board Order No. 110), and became operational on May 28, 1976. During fiscal 1978 the zone was used by 26 firms which received \$5.8 million in merchandise. Seventy percent of the goods shipped from the zone, valued at \$4.4 million, were for export.

The application seeks zone status for a 33-acre parcel within the 273-acre Wehrle Drive Industrial Park, located in the Town of Amherst immediately adjacent to the New York State I-90 Thruway and the Greater Buffalo International Airport. The industrial park developer is the Amherst Industrial Development Agency, a public agency, which will contract the zone operation to Buffalo Foreign-Trade Zone Operators Inc., operator of the existing site. A 40,000 square foot multi-tenant warehouse structure is planned as the zone's initial facility.

Erie County is requesting the additional site in order to provide zone facilities for light industrial users and distributors. The proposed facility is expected to be used at the outset for storage, testing, manipulation, exhibition and distribution activities involving such products as heavy machinery, electronic items, leather goods, jewelry, bicycles, and sporting equipment.

In accordance with the Board's regulations, an Examiners Committee has been appointed to investigate the application and report thereon to the Board. The committee consists of: Hugh J. Dolan (Chairman), Office of the Secretary, U.S. Department of Commerce, Washington, D.C. 20230; Donald F. Kelly, Assistant Regional Commissioner (Operations), U.S. Customs Service, Region I, 100 Summer Street, Suite 1819, Boston, Massachusetts 02110; and Colonel Daniel D. Ludwig, District Engineer, U.S. Army Engineer District Buffalo, 1776 Niagara Street, Buffalo, New York 14207.

Comments concerning the proposed zone expansion are invited in writing from interested parties. They should be addressed to the Board's Executive Secretary at the address below and be postmarked on or before May 25, 1979.

A copy of Erie County's application is available for public inspection at each of the following locations:

Office of the District Director, U.S. Customs Service, 111 West Huron Street, Buffalo, New York 14202.

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 6886-B, 14th and E Street, NW, Washington, D.C. 20230.

Dated: April 23, 1979.

John J. Da Ponte, Jr.,  
Executive Secretary, Foreign-Trade Zones Board.

[Docket No. 3-79]

[FR Doc. 79-12916 Filed 4-25-79; 8:45 am]

BILLING CODE 3510-25-M

## National Telecommunications and Information Administration

### Public Telecommunications Facilities Program; Applications

Applications are invited under the Public Telecommunications Facilities Program.

Authority for this program is contained in the Public Telecommunications Financing Act of 1978 (Pub. Law 95-567, 92 Stat. 2405).

The purpose of this program is stated in 47 U.S.C. 390: " \* \* \* to assist, through matching grants, in the planning and construction of public telecommunications facilities in order to achieve the following objectives: (1) Extend delivery of public telecommunications services to as many citizens of the United States as possible by the most efficient and economical means, including the use of broadcast and nonbroadcast technologies; (2) increase public telecommunications services and facilities available to, operated by, and owned by minorities and women; and (3) strengthen the capability of existing public television and radio stations to provide public telecommunications services to the public."

Proposed rules and policies to govern administration of the program were published on March 9, 1979, 44 FR 13262. Public comments on the proposal were requested by April 12, 1979. In order to make it possible to make grant awards in fiscal year 1979, NTIA is proceeding with this solicitation of applications at the same time that it is preparing the final version of the rules. While the final rules will not be available in time to be

included in the application form, final rules will be available prior to the closing date for submission of applications. Applications should be guided by the proposed rules in the preparation of their applications.

**Closing date for transmittal of applications:** Applications for awards must be mailed or be hand-delivered by June 4, 1979.

**Applications delivered by mail:** An application sent by mail must be addressed to the Public Telecommunications Facilities Program, NTIA/DOC, 1325 G Street, NW., Room 298, Washington, D.C. 20005. The National Telecommunications and Information Administration prefers a legible U.S. Postal Service dated postmark or a legible mail receipt with the date of the mailing stamped by the U.S. Postal Service as proof of mailing.

**Note:** The U.S. Postal Service does not uniformly provide a dated postmark. Applicants should check with their local post office before relying on this method.

Applicants are encouraged to use registered or at least first class mail.

Each late applicant will be notified that its application will not be considered in the current competition.

**Applications delivered by hand:** An application that is hand-delivered must be taken to 1325 G Street, NW., Room 298, Washington, D.C. Hand-delivered applications will be accepted between 8 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays.

Applications that are hand-delivered will not be accepted after 4:00 p.m. on the closing date.

**Application forms:** Application forms, which include copies of the authorizing legislation and of the proposed rules for the program, may be obtained by writing to John Cameron, Public Telecommunications Facilities Program, NTIA/DOC 1325 G Street, NW., Washington, D.C. 20005, or by calling 202/724-3307.

**Further information:** For further information, contact John Cameron at 202/724-3307.

Catalog Number: Catalog of Federal Domestic Assistance Number 11-550.

Cloyd C. Dodson,  
Director of Administration.

April 23, 1979.

[FR Doc. 79-12833 Filed 4-25-79; 8:45 am]

BILLING CODE 3510-60-M

## National Oceanic and Atmospheric Administration.

### Gulf of Mexico Fishery Management Council's Sharks Advisory Subpanel, Billfishes Advisory Subpanel, and Scientific and Statistical Committee; Public Meetings

**AGENCY:** National Marine Fisheries Service, NOAA.

**SUMMARY:** The Gulf of Mexico Fishery Management Council was established by Section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265) and the Council has established a Sharks Advisory Subpanel (AP); a Billfishes Advisory Subpanel (AP); and a Scientific and Statistical Committee (SSC) which will meet separately to review draft fishery management plans (FMP's).

**DATES:** The Billfishes AP will meet on Monday, May 14, 1979, 8 a.m. to 4 p.m.; the Sharks AP will meet on Tuesday, May 15, 1979, 8:30 a.m. to 4 p.m.; the SSC will meet on Wednesday, May 16, 1979, 10 a.m. to 5 p.m. and on Thursday, May 17, 1979, 8 a.m. to 12 noon to review the Shark FMP; the SSC will meet on Thursday, May 17, 1979, 1 p.m. to 5 p.m. and Friday, May 18, 1979, 8 a.m. to 12 noon to review the Billfish FMP. The meetings are open to the public.

**ADDRESS:** The Billfishes AP will meet in the Tampa Room of the Barclay Best Western Hotel, 5303 West Kennedy Boulevard, Tampa, Florida; the Sharks AP will meet in the Chateau Room B of the Landmark Motor Hotel, 2601 Severn Avenue, Metairie, Louisiana; and the SSC will meet in the Hacienda Room A of the Landmark Motor Hotel.

**FOR FURTHER INFORMATION CONTACT:** Executive Director, Gulf of Mexico Fishery Management Council, Lincoln Center, Suite 881, 5401 West Kennedy Boulevard, Tampa, Florida 33609. Telephone: (813) 228-2815.

Dated: April 20, 1979.  
Winfred H. Meibohm,  
Executive Director, National Marine Fisheries Service.  
[FR Doc. 79-12241 Filed 4-25-79; 8:45 am]  
BILLING CODE 3510-22-M

### Outer Continental Shelf Diver Research Program; Availability at Draft Plan

**AGENCY:** National Oceanic and Atmospheric Administration/Commerce.

**ACTION:** Notice of availability of the draft plan for the Outer Continental Shelf Diver Research Program. Notice of a public forum to receive comments and review the above plan.

**SUMMARY:** In response to the recently passed Outer Continental Shelf (OCS) Lands Act Amendments of 1978 Section 21(e), a preliminary draft of a diver research program plan has been developed by NOAA with the assistance of other federal agencies. To ensure that this program is responsive to the needs of the OCS diving industry, comments from the private sector are being sought.

**DATE:** The public forum will be held on May 29, 1979 at the Key Biscayne Hotel and Villas, Key Biscayne, Florida. The meeting will take place in the Santa Marta Room from 9:00 a.m. to 4:00 p.m.

**ADDRESSES:** Copies of the draft Diver Research Program Plan and further information about the public forum, can be obtained by contacting Dr. James W. Miller, Deputy Director, Manned Undersea Science and Technology, Office of Ocean Engineering, NOAA, 6010 Executive Boulevard, Rockville, MD 20852, Phone (301) 443-8391.

**SUPPLEMENTARY INFORMATION:** It is considered essential that representatives from the national diving community participate in the development of this program. Interested parties are encouraged to obtain copies of the draft plan and to attend the public forum on May 29.

James W. Miller,  
Deputy Director, Manned Undersea Science and Technology,  
[FR Doc. 79-12840 Filed 4-25-79; 8:45 am]  
BILLING CODE 3510-12-M

## Office of the Secretary

### Bureau of the Census; Organization Order

Subject: This order effective March 26, 1979 amends the material appearing at 43 FR 12356 of March 24, 1978.

Department Organization Order 35-2B, dated February 14, 1978, is hereby amended as shown below. The purpose of this amendment is to (1) establish the 1980 Census Promotional Office (Subparagraph 3.03d.), (2) change the name of the Demographic Analysis Staff to the Center for Demographic Studies (subparagraph 5.01e.), and (3) establish the Center for Human Factors Research (subparagraph 7.d.).

1. Section 3. Office of the Director. A new subparagraph .03d. is added, to read as follows:

"d. The 1980 Census Promotional Office shall plan, develop, coordinate, and administer a comprehensive national informational and educational program to encourage and foster support of the 1980 Decennial Census of Population and Housing by the public.

private interests and government entities; prepare and disseminate informational and instructional materials for use by public information and communications media; plan and carry out programs to obtain the support of national and local organizations and associations, especially those representing selected minorities and women; and coordinate a program of promotional support to draw the public's attention to the importance of the census."

2. *Section 5. Office of the Associate Director for Demographic Fields.* Subparagraph .01e: is revised to read as follows:

"e. The *Center for Demographic Studies* shall plan and develop analyses of and publish social and socioeconomic data; prepare articles, position papers, and detailed analytic reports related to current policy issues; develop measures of social well-being and publish social indicator reports; develop and publish a quarterly journal on social, socioeconomic, and demographic trends; conduct research on possible data gaps and develop recommendations to fill these needs; and conduct research on new analytic techniques."

3. *Section 7. Office of the Associate Director for Statistical Standards and Methodology.* A new subparagraph d. is added, to read as follows:

"d. The *Center for Human Factors Research* shall provide the Bureau with a research and consulting facility oriented specifically to human factors which affect respondent cooperation, the quality of data obtained, and the efficiency of Bureau data collection activities."

4. The organization chart attached to this amendment supersedes the organization chart dated February 14, 1978. A copy of the organization chart is on file with the original of this document in the Office of the Federal Register.

Elsa A. Porter,  
Assistant Secretary for Administration.

[Transmittal 448; Order No. 35-2B, Amdt. 1]  
[FR Doc. 79-12911 Filed 4-25-79; 8:45 am]  
BILLING CODE 3510-17-M

### Economic Advisory Board; Meeting

Pursuant to the provisions of section 10(a)(2) of the Federal Advisory Committee Act, as amended, 5 U.S.C. App. (1976), notice is hereby given that the meeting of the Department of Commerce Economic Advisory Board will be held on Wednesday, May 23, 1979, from 9:30 a.m. to 4:00 p.m. in Room 4830 Main Commerce Building, 14th Street and Constitution Avenue NW., Washington, D.C.

The Board was established by the Secretary of Commerce on January 13, 1967. The purpose of the Board is to advise the Secretary of Commerce on economic policy issues. The intended agenda for this meeting is as follows:

A review of the economic outlook by major sector.

A discussion of the outlook for prices and employment and of strategies for sustaining economic growth and dealing with inflation.

A limited number of seats will be available to the public on a first-come, first-served basis. Public participation will be limited to request for clarification of items under discussion. Additional statements or inquiries may be submitted to the chair before or after the meeting. Copies of the minutes will be available on request 30 days after the meeting.

Additional information concerning this meeting may be obtained by contacting Ms. Virginia R. Marketti, Office of the Chief Economist for the Department of Commerce, Room 4848, Department of Commerce, Washington, D.C. 20230 (202) 377-3523.

Dated: April 23, 1979.

Courtenay M. Slater,  
Chief Economist for the Department of Commerce.  
[FR Doc. 79-12917 Filed 4-25-79; 8:45 am]  
BILLING CODE 3510-17-M

### Industry and Trade Administration; Organization Order

Subject: This order effective April 8, 1979 further amends the material appearing at 42 FR 64724 of December 28, 1977, 43 FR 35522 of August 10, 1978, and 43 FR 38614 of August 29, 1978.

Department Organization Order 40-1, dated December 4, 1977, is hereby further amended as shown below. The purpose of this amendment is to change the organization and realign the functions of the Bureau of Export Development (Section 5.), and remove consumer affairs functions which have been transferred to the Office of the Deputy Under Secretary (paragraph 9.02).

1. *Section 5. Bureau of Export Development.* Section 5. is revised to read as follows:

"*Section 5. Bureau of Export Development.*—"*The Deputy Assistant Secretary for Export Development shall direct the Bureau and shall be assisted by a Deputy Director who shall perform the functions of the DAs in the latter's absence. The DAS shall serve as the National Export Expansion Coordinator and shall assist and advise the Assistant Secretary for Industry and*

Trade in creating an export awareness among U.S. industries, providing counseling, marketing information services and promotional assistance to U.S. business firms and organizing and conducting overseas sales events, trade missions and trade promotions in specific foreign countries, excluding those countries which are the responsibility of the Bureau of East-West Trade. The Office of the DAS shall develop the Worldwide Information and Trade System. The functions of the DAS shall be carried out through the principal organizational elements prescribed below:

"01 The *Office of Export Marketing Assistance* shall develop programs designed to foster an export consciousness in the United States; identify and attract to exporting U.S. companies that do not export and assist U.S. companies to export to their full potential; inform U.S. companies of export methods, benefits and opportunities; develop and carry out programs to attract small and minority businesses to exporting; assess industry's needs for promotional assistance and marketing information through contacts with trade associations, experienced exporters, government entities and individual U.S. companies; maintain information about the United States and foreign trading communities; serve the needs of U.S. exporters by identifying and assisting them to select and establish relationships with specific foreign sales representatives, distributors, licensees, and direct purchase customers; assist U.S. companies to compete for major infrastructure and industrial systems contracts; attract foreign buyers to U.S. trade shows and assist foreign buyers to meet with appropriate U.S. producers; and facilitate foreign direct capital investments and licensing by foreign firms in the U.S.

"02 The *The Office of Export Promotion* shall implement the Bureau's overseas trade promotion programs; be responsible for recruitment of participants in all overseas trade events; provide logistical, design, and operations support for all overseas trade promotion events; conduct market promotion activities at U.S. trade fairs and marketing centers; and develop and carry out special trade promotion techniques such as trade and seminar missions and other selective marketing techniques.

"03 The *Office of Country Marketing* shall develop and monitor the Country Commercial Programs which govern the U.S. Government's marketing strategies with its major trading partners; develop

and maintain information on countries and developments and other commercial information on countries and regional economic groupings of the free world; counsel and assist the U.S. business community with commercial and marketing information on these countries and regions; and develop program recommendations for the overseas trade promotions activities of the Bureau.

“.04 The *Office of Export Planning and Evaluation* shall develop short and long term goals, objectives, and strategies for the Bureau's export development activities; acquire or produce market research for U.S. products abroad for use by the U.S. business community and for use in the Bureau's domestic and overseas export development activities; and measure and evaluate the performance and effectiveness of all Bureau programs.”

2. *Section 9. Bureau of Domestic Business Development.* Paragraph .02 is revised read as follows:

“.02 The *Office of Ombudsman* shall serve as a focal point for business assistance, consultation, and advice; receive and respond to inquiries from business and industry, the Congress, other agencies of the Government, trade and professional associations, the academic community, State and local Governments, and the public; and identify and take action to clarify business and public concerns involving Government policies and programs. In carrying out its functions, the Office shall not represent, intervene on behalf of, or otherwise seek to assist a business and individuals on specific matters, cases, or issues before Federal regulatory agencies or before Federal departments exercising a regulatory function with respect thereto; nor shall it participate in, intervene in regard to, or in any way seek to influence the negotiation or renegotiation of the terms of contracts between business and the Government.”

3. The attached organization chart, Exhibit 1, supersedes the organization chart dated August 9, 1978. A copy of the organization chart is on file with the original of this document in the Office of the Federal Register.

4. The attached list of ITA District Offices supersedes Exhibit 2 dated December 4, 1977. A copy of the ITA District Offices list is on file with the

original of this document in the Office of the Federal Register.

Elsa A. Porter,  
Assistant Secretary for Administration.

[Transmittal 445; Order No. 40-1, Amdt. 3]  
[FR Doc. 79-12912 Filed 4-25-79; 8:45 am]  
BILLING CODE 1610-01-M

### Maritime Administration; Organization Order

Subject: This order effective March 29, 1979 supersedes the materials appearing at 42 FR 5743 of January 31, 1977, 42 FR 38420 of July 28, 1977 and 43 FR 32445 of July 27, 1978.

*Section 1. Purpose.*—.01 This Order prescribes the organization and assignment of functions within the Maritime Administration. The delegations of authority to the Assistant Secretary for Maritime Affairs and the Maritime Subsidy Board are set forth in Department Organization Order 10-8.

.02 This revision reflects the abolishment of the Office of Civil Rights (as a result of transfer of its contract compliance functions to the Department of Labor); changes the title of Assistant Administrator for Operations to Assistant Administrator for Shipbuilding and Ship Operations, and the name of the Office of Domestic Shipping to Office of Ship Operations (Section 11.); incorporates the provisions of previous amendments (Sections 9. and 12.); and, in general, updates the language of the Order.

*Section 2. Organization Structure.*—The organization structure and line of authority of the Maritime Administration shall be as depicted in the attached organization chart (Exhibit 1). A copy of the organization chart is on file with the original of this document in the Office of the Federal Register.

*Section 3. Office of the Assistant Secretary for Maritime Affairs.*—.01 The Assistant Secretary for Maritime Affairs (the "Assistant Secretary"), who is ex-officio Maritime Administrator, is the head of the Maritime Administration and serves as Chairman of the Maritime Subsidy Board.

.02 The Deputy Assistant Secretary for Maritime Affairs shall be the principal assistant to the Assistant Secretary and perform such duties as the Assistant Secretary shall prescribe, together with the duties which are to be performed as a member of the Maritime Subsidy Board. In addition, the Deputy Assistant Secretary shall be the Acting Assistant Secretary during the absence or disability of the Assistant Secretary and, unless the Secretary of Commerce designates another person, during a

vacancy in the office of the Assistant Secretary.

.03 The *Executive Staffs* shall consist of the Secretary of the Maritime Administration who also serves as Secretary of the Maritime Subsidy Board, the administrative law judges, and officials concerned with other special services for the Assistant Secretary and the Maritime Subsidy Board.

*Section 4. Maritime Subsidy Board.*—The Maritime Subsidy Board shall be responsible for and perform the following functions:

a. The functions with respect to making, amending, and terminating subsidy contracts, which shall be deemed to include, in the case of construction-differential subsidy, (1) the contract for the construction, reconstruction or reconditioning of a vessel, and (2) the contract for the sale of the vessel to the subsidy applicant or the contract to pay a construction-differential subsidy and the cost of the national defense features, and, in the case of operating-differential subsidy, the contract with the subsidy applicant for the payment of the subsidy;

b. The functions with respect to: (1) conducting hearings and making determinations antecedent to making, amending, and terminating subsidy contracts, under the provisions of Titles V, VI, and VIII, and Sections 301 (except investigations, hearings and determinations, including changes in determinations, with respect to minimum manning scales, minimum wage scales and minimum working conditions), 708, 805(a) and 805(f) of the Merchant Marine Act, 1936, as amended (the "Act"); (2) making readjustments in determinations as to operating cost differentials under Section 606 of the Act, and (3) the approval of the sale, assignment, or transfer of any operating subsidy contract under Section 608 of the Act;

c. The functions with respect to investigating and determining: (1) the relative cost of construction of comparable vessels in the United States and foreign countries, (2) the relative cost of operating vessels under the registry of the United States and under foreign registry, and (3) the extent and character of aids and subsidies granted by foreign governments to their merchant marines, under the provisions of subsections (c), (d), and (e) of Section 211 of the Act;

d. So much of the functions specified in Section 12 of the Shipping Act, 1916, as amended, as the same relate to the functions of the Board under

subparagraphs a. through c. of this paragraph; and

e. So much of the functions with respect to adopting rules and regulations, subpoenaing witnesses, administering oaths, taking evidence, and requiring the production of books, papers, and documents, under Sections 204 and 214 of the Act, as relate to the functions of the Board.

**Section 5. Office of the General Counsel.**—The *Office of the General Counsel* shall, subject to the overall authority of the Department's General Counsel as provided in Department Organization Order 10-8, serve as the law office of the Maritime Administration (hereinafter, the "Administration"); review and give legal clearance to applications for subsidy and other Government aids to shipping, sales, mortgages, charters, and transfers of ships; prepare and approve as to form and legality, contracts, agreements, performance bonds, deeds, leases, regulations, and related documents; render legal opinions as to the interpretation of such documents and the statutes; coordinate preparation and issuance of regulations for guidance of the public and outside organizations; prepare drafts of proposed legislation, executive orders, and legislative reports to Congressional committees and the Office of Management and Budget; provide advice to Administration officials on matters concerning the Privacy and Freedom of Information Acts; negotiate and settle, or recommend settlements of, admiralty claims, just compensation claims, tort claims, and claims referred to the Office for litigation; assist the Department of Justice in the trial, appeal and settlement of litigation; represent the Administration in public proceedings involving all shipping matters before administrative agencies of the Government; and represent the Administration before State and Federal courts with the permission of the Department of Justice.

**Section 6. Office of Public Affairs.**—The *Office of Public Affairs* shall develop and coordinate a public information and publications program as needed to further the objectives of the Administration's programs; issue or clear for issuance all information for the general public on shipping and on decisions and activities of the Administration; and prepare periodic and special reports, as assigned. These activities shall be carried out in coordination with the Departmental Office of Public Affairs.

**Section 7. Office of International Activities.**—The *Office of International*

*Activities* shall plan, conduct and coordinate the Administration's participation in intergovernmental and international organizations concerned with shipping matters; keep abreast of developments in the United States and foreign countries with a foreign relations impact that may affect the U.S. merchant marine; take and/or coordinate action to establish and present the Administration's position in these matters. Within this Office are personnel responsible for representing the Administration in international activities, as assigned, for development of maritime foreign cost data, and other technical maritime activities in foreign countries.

**Section 8. Office of Maritime Labor and Training.**—The *Office of Maritime Labor and Training* shall analyze and advise the Administration regarding labor management relations and problems as they apply to seafaring, longshore and shipyard workers, including labor trends, potential areas of dispute, and the effects of technological changes and proposed legislation on labor; develop plans in cooperation with the Department of Labor to provide a reserve maritime work force for mobilization and other emergencies; obtain, analyze, and publish data for use of industry, labor, Government and the public concerning maritime employment, wages, hours, working conditions, crewing, and work force requirements; process nominations for appointment of Mishipmen to the U.S. Merchant Marine Academy; administer a grant-in-aid program for the State maritime academies; determine need for and coordinate training programs for licensed and unlicensed personnel in maritime industries; coordinate technical maritime training assistance to foreign countries under international cooperative programs; and issue merchant marine decorations and awards.

**Section 9. Assistant Administrator for Policy and Administration.**—The Assistant Administrator for Policy and Administration shall be the principal assistant and adviser to the Assistant Secretary on administrative services and procurement, budget and program evaluation, financial analysis and accounting, data processing and management information systems, management and organization, personnel, and policy and planning activities. Within the immediate office of the Assistant Administrator are personnel responsible for ADP planning and evaluation activities, and for planning and administering the equal employment opportunity program of the

Administration. The Assistant Administrator shall direct the activities of the following organizational units:

.01 The *Office of Administrative Services and Procurement* shall plan and establish national policies and programs for the conduct of facilities and supply management and office services activities, including material control and disposal of real and personal property, other than ships; provide procurement services, within delegated authority; administer the security program; settle loss or damage claims arising from shipments on Government bills of lading; secure allocations of the production capacity of private plants for the manufacture of components and materials required in the event of mobilization; administer programs for the management of mail, files, records equipment, vital records, and records disposition; and, for headquarters of the Administration, provide or obtain travel and office services, including space, communications, correspondence control, and administrative property management services.

.02 The *Office of Budget and Program Evaluation* shall develop the Administration's program structure and objectives for budget formulation and program reporting; conduct studies to evaluate the effectiveness of programs in accomplishing established objectives; prepare analyses of special program issues; collect and disseminate summarized program and management information; formulate, recommend, and interpret budgetary policies and procedures; develop and present budget requests and justifications; allocate and maintain budgetary control of funds available; analyze fiscal and program plans and reprogramming proposals for conformance with established policies; and maintain a continuous review of the status of funds and program performance in relation to fiscal plans.

.03 The *Office of Financial Management* shall render financial advice and opinions with respect to the substantive programs and contractual activities of the Administration; prescribe a uniform system of accounts for subsidized operators, agents, charterers, and other contractors; administer a program of audits of contractors' accounts (except those of Research and Development contracts) to determine compliance with applicable laws, regulations and contract provisions concerning subsidizable expenses under operational-differential subsidy contracts, qualified deposits and withdrawals under capital construction fund agreements, vessel

expenses under general agency agreements, and construction costs under construction-differential subsidy contracts; analyze financial statements and other data submitted by contractors to determine financial qualifications and limitations; make special financial surveys and analyses of contractors or of their operations, when necessary; develop a data base and a financial analysis system to determine the financial conditions of the American merchant marine, or segments thereof; perform accounting, payroll and related functions, including preparation of financial statements and reports, auditing and certification of vouchers for payment, and collection of amounts due the Administration; and develop and maintain a financial information reporting system to assist officials in managing their programs and resources.

.04 *The Office of Management Information Systems* shall plan, design, develop, program, document and maintain the Administration's computer based information systems; conduct and review feasibility studies to determine costs and benefits of acquiring ADP equipment and systems; provide systems analysis, programming, and system software support to all components of the Administration; and manage and operate the electronic data processing facility, including auxiliary equipment.

.05 *The Office of Management and Organization* shall conduct staffing surveys to determine personnel requirements for all components of the Administration; conduct surveys and studies to improve management practices, organization structures, delegations of authorities, procedures, and work methods; coordinate management improvement activities; maintain a system for the issuance of the manual of orders and other directives; administer programs for the management of reports, forms, correspondence, and committee activities; and prepare special progress and administrative reports to the Office of the Secretary and others, as required.

.06 *The Office of Personnel* shall plan and administer personnel programs and activities relating to recruitment, placement, promotion, separation, employee performance evaluation, training and career development, employee recognition and incentive awards, employee relations and services, employee-management relations, position classification, pay management, and various employee benefit programs.

.07 *The Office of Policy and Plans* shall develop and recommend long-

range marine affairs policies and plans, including new program initiatives and modifications of policies and plans for the revitalization of the United States merchant marine; conduct economic studies and operations analysis activities in support of the policy and planning functions; identify major issues and problems affecting shipping, and conduct or direct and coordinate studies and analyses to provide solutions thereto; generate methodologies for the conduct of economic and operational analyses, and provide analytic services to other offices of the Administration; direct and coordinate the development and maintenance of plans for carrying out the Administration's responsibilities and functions in the event of mobilization for war or other national emergency; provide representation and participate in the formulation of international and national plans for emergency and mobilization activities; and coordinate disaster assistance plans and programs, energy conservation and related activities of the Administration.

*Section 10. Assistant Administrator for Commercial Development.*—The Assistant Administrator for Commercial Development shall be the principal assistant and adviser to the Assistant Secretary on research and development, market development, port and intermodal transportation development, and related promotion activities. Within the immediate office of the Assistant Administrator are personnel responsible for overall program development and control in the above areas, and for planning, directing and coordinating the activities of the National Maritime Research Center located at Kings Point, N.Y. The Assistant Administrator shall direct the activities of the following organizational units:

.01 *The Office of Maritime Technology* shall develop, coordinate and manage programs to establish a scientific and technological base for achieving a more productive and competitive United States merchant marine; initiate, solicit, develop and recommend specific projects, such as research in advanced ship analysis, marine science, energy and environmental control subjects which have a bearing on improvements in the merchant marine, and institutional and university research in these subjects appropriate to maritime affairs; develop technical scopes of work for contracts; and administer technical aspects of contracts in above areas.

.02 *The Office of Advanced Ship Development* shall develop, organize, coordinate and manage programs for the application of scientific and technology

developments to improve ship systems, shipbuilding, ship machinery, equipment, and other components, with the objective of increasing the efficiency, productivity, and effectiveness of the United States merchant marine; initiate, solicit, develop, and recommend specific projects; develop technical scopes of work for contracts; and administer technical aspects of contracts in these areas.

.03 *The Office of Advanced Ship Operations* shall develop, organize, coordinate and manage programs for the application of scientific, technological, and other developments to upgrade the operational efficiency and competitive position of the United States merchant marine; initiate, solicit, develop, and recommend specific projects in these areas, including navigation and communications, port and terminal operations, cargo handling, marine personnel requirements, automation, ship handling and other operational aspects of the ship; develop technical scopes of work for contracts; and administer technical aspects of contracts in above areas.

.04 *The Office of Market Development* shall formulate national policies and programs, and conduct programs for the promotion and development of increased trade for U.S.-flag ships in the foreign commerce of the United States; develop and maintain cooperative efforts with Government agencies, and with shippers, forwarders, bankers, insurance and other groups to promote cargo and trade expansion for U.S.-flag ships; calculate and recommend guideline rates, terms and conditions for transportation of Government-financed cargoes; and regulate, review and report on the administration of cargo preference activities under Public Law 664, 83rd Congress, Public Resolution 17, 73rd Congress, and other statutes, in accordance with Section 901 of the Act.

.05 *The Office of Port and Intermodal Development* shall formulate national policies and programs, and conduct programs for the development and promotion of intermodal transportation systems; conduct studies and formulate plans for the promotion, development and utilization of ports and port facilities; provide technical advice to other Government agencies, private industry and State and municipal governments in the above fields; coordinate and provide leadership to the Department's overall effort to reduce, simplify and otherwise facilitate the use of documents required for trade, travel, and transport purposes; and conduct

emergency planning for the utilization and control of ports and port facilities under national mobilization conditions.

**Section 11. Assistant Administrator for Shipbuilding and Ship Operations.**—

The Assistant Administrator for Shipbuilding and Ship Operations shall be the principal assistant and adviser to the Assistant Secretary on ship construction, shipbuilding costs, ship operations, and domestic shipping activities, and shall direct the activities of the following organizational units:

.01 The *Office of Ship Construction* shall conduct studies in naval architecture, marine engineering, electrical engineering, and engineering economics; develop preliminary designs establishing the basic characteristics of proposed ships; review and approve ship designs submitted by applicants for Government aid; recommend and, upon request, conduct research and development projects in ship design and construction; develop or approve contract plans and specifications for the construction of ships; review, obtain approval and certification of national defense features by the Department of the Navy; inspect ships during course of construction to determine progress and assure conformance with approved plans and specifications; approve or recommend approval of changes in contract plans and specifications; provide naval architectural and engineering services in connection with construction of special purpose ships for other Government agencies; maintain current records of facilities, capacities, workload and employment in commercial shipyards in the United States; develop requirements for mobilization ship construction programs; and plan and conduct programs for the development of minority business enterprises through contractors and subcontractors of the Administration and for assuring compliance by recipients of Federal financial assistance with the provisions of Title VI of the Civil Rights Act of 1964 and related regulations.

.02 The *Office of Shipbuilding Costs* shall collect, analyze, and maintain data on the relative costs of shipbuilding in the United States and foreign countries; calculate and recommend the amount of construction-differential subsidy; prepare cost estimates, invitations to bid, and recommendations for the award of ship construction type contracts; authorize progress payments; prepare cost estimates of changes in contract plans and specifications, adjudicate change orders, and recommend approval of cost settlements and contract addenda; secure, analyze and maintain

data on domestic and world market values of ships; direct and coordinate a pollution abatement program to protect and enhance the quality of the marine environment by control and abatement of ship-generated pollution; and coordinate implementation of the provisions of the National Environmental Policy Act of 1969 within the Administration.

.03 The *Office of Ship Operations* shall formulate national policies and programs for the operation, maintenance and repair of Administration-owned or acquired merchant ships, conduct of ship conditions surveys, maintenance of the national defense reserve fleet, including the ship preservation programs, and related ship operations activities; recommend terms of and administer general agency, charter, and related agreements for operation of ships; award or recommend approval of the award of ship repair contracts; administer the ship sales program; provide safety engineering services; approve or recommend approval of transfers of ships to foreign ownership, registry or flag; develop plans for the acquisition, allocation, and operation of merchant ships in time of national emergency and administer these activities, as required; formulate and implement national policies and programs for the development and promotion of the domestic waterborne commerce of the United States; and collect, maintain, analyze and disseminate data on cargo and commodity movements in the domestic waterborne commerce of the United States.

**Sec. 12. Assistant Administrator for Maritime Aids.**—The Assistant Administrator for Maritime Aids shall be the principal assistant and adviser to the Assistant Secretary on subsidy administration, Title XI ship financing guarantees, capital construction funds, marine insurance activities, and related Government aids programs. The Assistant Administrator for Maritime Aids shall direct the activities of the following organizational units:

.01 The *Office of Subsidy Contracts* shall receive and process applications for construction-differential subsidy, operating-differential subsidy, construction reserve and capital construction fund agreements, and other forms of Government aid to shipping pursuant to Titles V, VI and VII of the Act; conduct negotiations with applicants, obtain comments of other offices, and recommend approval or disapproval of these applications; and take other actions within delegated authority, or recommend approval or

disapproval thereof, as required, in relation to the administration of the contracts and agreements entered into by the Administration in the above areas.

.02 The *Office of Ship Financing Guarantees* shall receive and process applications for Federal ship financing guarantees to aid in the financing of ship construction, reconstruction, and reconditioning of vessels pursuant to Title XI of the Act; conduct negotiations with applicants, obtain comments of other offices, and recommend approval or disapproval of these applications; approve and take other actions within delegated authority, or recommend approval or disapproval thereof, as required, in relation to the administration of Title XI contracts and related agreements entered into by the Administration.

.03 The *Office of Ship Operating Costs* shall collect, analyze, and maintain data on the relative costs of operating ships under United States and foreign flags; calculate and recommend approval of operating-differential subsidy rates by the Maritime Subsidy Board; review applications for construction-differential subsidy and operating-differential subsidy with respect to proposed crewing scales and estimated subsidizable operating costs; review and prepare administrative determinations and recommendations on the eligibility of costs for subsidy rate-making and accrual purposes; and develop related vessel operating cost statements and reports, as required.

.04 The *Office of Trade Studies and Statistics* shall analyze and recommend the trade route structure and service requirements of the foreign oceanborne commerce of the United States, pursuant to Section 211 of the Act; analyze and recommend the substantiality and extent of foreign-flag competition on essential trade routes; review and approve or disapprove voyages of subsidized U.S.-flag operators; evaluate and prepare recommendations on requests of subsidized operators for changes in service descriptions, sailings, and related requirements; prepare reports on traffic and related aspects of applications for construction and operating-differential subsidies and ship financing guarantees; and to collect, maintain, analyze, and disseminate statistical data on cargo and commodity movements in the foreign oceanborne commerce of the United States, on composition and characteristics of world's merchant fleets, and on employment and utilization of U.S.-flag ships.

.05 The Office of Marine Insurance shall develop, coordinate, control, and administer the marine insurance and the marine war risk insurance activities and programs of the Administration; maintain contact with the commercial insurance markets, analyze events and trends, and take action to meet changing conditions and foster cooperation between the Federal Government and American marine insurance underwriters in helping to strengthen the domestic marine insurance market; gather, analyze, and disseminate information on marine insurance useful to ship operators and the marine insurance industry; and settle or recommend settlement of claims of a marine insurance and marine war risk insurance nature.

**Section 13. Field Organization.**—01a. There shall be four field organizations called Regions, each headed by a Region Director, as specified below:

**Region and Headquarters Location**

Eastern Region, New York, New York.  
Great Lakes Region, Cleveland, Ohio.  
Central Region, New Orleans, Louisiana.  
Western Region, San Francisco, California.

b. The Regions shall have geographic areas of responsibility as shown in Exhibit 2. A copy of geographic areas is on file with the original of this document in the Office of the Federal Register.

c.1. The *Region Directors* shall be responsible for all field operations and programs of the Administration within their respective Regions, except ship construction and the United States Merchant Marine Academy, subject to national policies, determinations, procedures and directives of the appropriate headquarters office in Washington, D.C. The programs and activities under their jurisdiction shall include marine inspections; training for marine personnel in radar, loran, etc.; market development; port and intermodal transportation development; development of minority business enterprises through contractors and subcontractors of the Administration; compliance activities under Title VI of the Civil Rights Act of 1964; external auditing; financial analysis of the shipping industry; and administrative support activities.

2. In addition, the Eastern, Central, and Western Region Directors shall be responsible for the custody and preservation of ships in the national defense reserve fleets; activities relating to the award and/or administration of contracts for operation, repair and maintenance of ships; facilities management; accounting; and

procurement and disposal of property and supplies.

3. The Great Lakes Region Director shall conduct programs and activities to promote the development of Great Lakes shipping.

.02 The *United States Merchant Marine Academy*, Kings Point, New York, shall develop and maintain programs for the training of United States citizens to become officers in the United States merchant marine.

Elsa A. Porter,  
Assistant Secretary for Administration.

[Transmittal 449; Order No. 25-2]  
[FR Doc. 79-12909 Filed 4-25-79; 8:45 am]  
BILLING CODE 3510-17-M

**National Oceanic and Atmospheric Administration; Organization Order**

Subject: This order effective March 23, 1979 further amends the materials appearing at 43 FR 51438 of November 3, 1978, 44 FR 3303 of January 16, 1979, and 44 FR 15522 of March 14, 1979.

Department Organization Order 25-5B, dated October 16, 1978, is hereby further amended as shown below. The purpose of this amendment is to abolish the Office of Congressional Liaison, establish the Office of Congressional Affairs, and establish the Office of University Affairs.

1. **Section 4. Special Staff Offices.** a. Paragraph .01 is revised to read as follows:

“.01 *The Office of Congressional Affairs* shall coordinate contacts with Congress involving NOAA (except for budgetary matters involving the Appropriations Committees); identify and track all legislation of interest to NOAA; develop positions setting forth NOAA's views as to the merits of proposed or pending legislation; receive all requests for NOAA testimony before Congress (except for budgetary matters) and coordinate preparation of testimony; and assist the NOAA Office of General Counsel in clearing legislative positions and testimony through the appropriate Departmental offices. The activities shall be carried out in coordination with and in recognition of the responsibilities of the Departmental Office of Congressional Affairs and Office of General Counsel.”

b. A new paragraph .06 is added, as shown below:

“.06 *The Office of University Affairs* shall develop policies and programs designed to improve NOAA's relations with the academic and research communities. It shall serve as the focal point and assist managers in locating and attracting highly-qualified academic scientists to work in NOAA. The Office

shall maintain cognizance of University research, studies, curriculum and personnel applicable to NOAA programs.”

2. **Section 5. General Counsel.** Section 5 is revised to read as follows:

**Section 5. General Counsel.**—“The *General Counsel* shall provide the full range of legal services for all components of NOAA; review and process claims against NOAA; be responsible for the drafting of legislation and the legal review of legislative positions and testimony to be given before Congress; and, in cooperation with the NOAA Office of Congressional Affairs, clear legislative positions and testimony through appropriate Departmental offices. These activities shall be carried out subject to the overall authority of the Department's General Counsel as provided in Department Organization Order 10-6. Legislative activities shall be carried out in cooperation with and in recognition of the responsibilities of the Departmental Office of General Counsel and the Office of Congressional Affairs.”

3. The organization chart, Exhibit 1, attached to this amendment supersedes the organization chart dated January 28, 1979. A copy of the organization chart is on file with the original of this document in the Office of the Federal Register.

Elsa A. Porter,  
Assistant Secretary for Administration.

[Transmittal 447; Order No. 25-5B, Amdt. 3]  
[FR Doc. 79-12910 Filed 4-25-79; 8:45 am]  
BILLING CODE 3510-17-M

**Office of the Secretary**

**Advisory Committee on Minority Enterprise Development; Establishment**

In accordance with the provisions of the Federal Advisory Committee Act (5 U.S.C. App. (1976)) and Office of Management and Budget Circular A-63, and after consultation with General Services Administration, the Secretary of Commerce has determined that the establishment of the Advisory Committee on Minority Enterprise Development is in the public interest in connection with the performance of duties imposed on the Department by law.

The Committee will identify, evaluate and make recommendations to the Secretary concerning current and proposed Federal and Department of Commerce programs, policies, and activities pertinent to the enhancement of minority business and economic development.

The Committee will consist of not more than 35 members, with a balanced representation from among the business, industry, banking and academic sectors as well as others representing the public interest. These members will be appointed by the Secretary of Commerce.

The Committee will report and be responsible to the Secretary of Commerce, and will function solely as an advisory body in compliance with the Federal Advisory Committee Act. Copies of its charter shall be filed pursuant to the provisions of the Act 15 days after the publication of this notice.

Interested persons are invited to submit comments regarding the establishment of the Advisory Committee on Minority Enterprise Development. Such comments, as well as any related inquiries, may be addressed to the Special Assistant to the Secretary of Commerce, Mr. Joseph B. Anderson, Jr., Office of the Secretary, U.S. Department of Commerce, Washington, D.C. 20230, telephone 202/377-5151.

Dated: March 26, 1979.

Guy W. Chamberlin,

Assistant Secretary for Administration.

[FR Doc. 79-12933 Filed 4-25-79; 8:45 am]

BILLING CODE 3510-17-M

### Proposed East and West Flower Gardens, Marine Sanctuary; Public Hearings on Draft Environmental Impact Statement

Notice is hereby given that the Office of Coastal Zone Management, National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce, will hold a public hearing for the purpose of receiving comments on the Draft Environmental Impact Statement (DEIS) Prepared on the Proposed East and West Flower Gardens, Marine Sanctuary.

The hearings will begin 7:00 p.m. The hearing schedule is:

Thursday, May 17, 1979, LeCentre Civique—  
Room A, 900 Lakeshore Drive, Lake Charles, Louisiana

Friday, May 18, 1979, Cabin Fever Room—  
Galvez Mall, 6402 Broadway, Galveston, Texas

The views of interested persons and organizations on the adequacy of the impact statement, the proposed East and West Flower Gardens, Marine Sanctuary, and the proposed regulations for activities in the Marine Sanctuary, are solicited, and may be expressed orally or in written statements. Persons or organizations wishing to be heard on

this matter should contact the Office of Coastal Zone Management (OCZM), National Oceanic and Atmospheric Administration, 3300 Whitehaven Street, N.W., Washington, D.C. 20235 (phone: 202/634-4353), so that an appearance schedule may be prepared. In addition, requests for presentations will be accepted immediately prior to the hearing. Presentations are scheduled on a first-come, first-served basis, and should be limited to ten minutes in order to assure that all views can be heard. Office of Coastal Zone Management staff may wish to question each speaker following the conclusion of his/her statement. If time permits, additional statements (and general discussion) may be scheduled at the conclusion of presentations. A verbatim transcript of the hearing will be prepared; staff present will also record the general thrust of the remarks.

As part of the review of the Proposed East and West Flower Gardens, Marine Sanctuary, the Assistant Administrator for Coastal Zone Management will consider fully all comments received at these hearings, as well as written statements submitted to, and received by OCZM on or before June 12, 1979. As part of the procedures leading toward designation of this sanctuary, a Final Environmental Impact Statement, reflecting consideration of these comments, will be prepared pursuant to the National Environmental Policy Act of 1969 and its implementing guidelines. All written comments received by OCZM prior to the deadline will be included in the FEIS.

Dated: April 20, 1979.

R. L. Camahan,

Acting Assistant Administrator for Administration.

[FR Doc. 79-12977 Filed 4-25-79; 8:45 am]

BILLING CODE 3510-08-M

## DEPARTMENT OF DEFENSE

### Department of the Army:

#### Engineers Corps

#### Intent To Prepare a Draft Environmental Impact Statement, Fernandina Beach, Fla.

To prepare a draft Environmental Impact Statement on the permit application by the Eastern Seaboard Petroleum Company for a petroleum off-loading facility near Fernandina Beach, Florida.

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

ACTION: Notice of Intent to prepare a draft Environmental Impact Statement (DEIS).

**SUMMARY:** 1. The project consists of construction of a pier, dredging, and placing riprap along the shore of the Amelia River incidental to the construction of an oil off-loading terminal near Fernandina Beach, Florida.

2. Alternatives under consideration are to issue the permit, deny the permit, or issue the permit with conditions.

3. A preliminary list of significant issues to be analyzed in depth in the DEIS is as follows:

a. Relative risks of oil spills under present conditions and with proposed project.

b. Effects on recreational value of Fort Clinch State Park.

c. Effects on endangered species.

d. Economic effects of the project.

e. Alternative sites for the project.

4. A scoping meeting with participation by affected Federal, State, and local agencies, and other interested private organizations has been scheduled for 17 May 1979, 10:00 a.m., in the Federal Building, Room 930, 400 West Bay Street, Jacksonville, Florida.

5. Consultation and environmental review will be coordinated in accordance with the Endangered Species Act, Section 404b of the Federal Water Pollution Control Act, and the National Historic Preservation Act.

6. The DEIS is expected to be available for review in the fourth quarter of FY 1979.

**ADDRESS:** Questions about the proposed action and DEIS can be referred to Mr. Moray Harrel, Chief of the Environmental Quality Section, U.S. Army Engineer District, P.O. Box 4907, Jacksonville, Florida 32201, telephone (904) 791-3615.

Dated: April 20, 1979.

James W. R. Adams,

Colonel, Corps of Engineers, District Engineer.

[FR Doc. 79-12883 Filed 4-25-79; 8:45 am]

BILLING CODE 3710-AJ-M

#### Intent To Prepare a Draft Environmental Impact Statement; Marco Island, Fla.

To prepare a draft Environmental Impact Statement on the permit application by the Deltona Corporation for a residential development at Marco Island, Florida.

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

ACTION: Notice of intent to prepare a draft Environmental Impact Statement (DEIS).

**SUMMARY:** 1. The project consists of construction of 4,300 single-family lots

and 10,500 multifamily units on 4,000 acres of wetlands and 1,500 acres of uplands.

2. Alternatives under consideration are to issue the permit, deny the permit, or issue the permit with conditions.

3. Following is a list of significant issues to be analyzed in depth in the DEIS.

a. Do the subject wetlands serve important natural biological functions.

b. Effects of the proposed project on the quality and quantity of freshwater drainage.

c. Economic effects of the project.

d. Alternative sites for the project.

4. The scoping process has been completed.

5. Consultation and environmental review has been coordinated in accordance with the Endangered Species Act, Section 404b of the Federal Water Pollution Control Act, and the National Historic Preservation Act.

6. The DEIS is expected to be available for review in the third quarter of FY 1979.

**ADDRESS:** Questions about the proposed action and DEIS can be referred to Mr. Moray Harrell, Chief of the Environmental Quality Section, U.S. Army Engineer District, P.O. Box 4970, Jacksonville, Florida 32201, telephone (904) 791-3615.

Dated: April 20, 1979.

James W. R. Adams,

Colonel, Corps of Engineers, District Engineer.

[FR Doc. 79-12880 Filed 4-25-79; 8:45 am]

BILLING CODE 3710-01-M

## Department of the Navy

### Navy Resale System Advisory Committee; Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Navy Resale System Advisory Committee will meet on May 14, 1979, at the Royal Orleans Hotel, 621 St. Louis Street, New Orleans, LA. The first session from 9:00 a.m. to 10:30 a.m. will be open to the public. The second session from 10:45 a.m. to 12:00 Noon will be closed to the public.

The agenda will consist of discussions of operations, organization, industrial relations, procurement, distribution, field support, and financial management.

The Secretary of the Navy has determined in writing that the public interest requires that the second session of the meeting, which will involve discussion of information relating solely to either internal agency personnel rules and practices or trade secrets, or

confidential and privileged business information, be closed to the public. These matters fall within the exemptions listed in subsections 552b (c)(2) and (c)(4) of title 5, United States Code. The first session of the meeting, which will involve other non-privileged matters related to the Navy Exchange Resale System, will be open to the public.

For further information concerning this meeting, contact: Commander J. D. Felt, USN, Navy Supply Systems Command, NAVSUP 09B, Room 801, Crystal Mall, Building No. 3, Arlington, VA 20376, telephone number (202) 695-5457.

Dated: April 17, 1979.

P.B. Walker,

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

[FR Doc. 79-12844 Filed 4-25-79; 8:45 am]

BILLING CODE 3810-71-M

## DEPARTMENT OF ENERGY

### Rocky Flats Plant Site; Trespassing on DOE Property

#### Correction

In FR Doc. 79-11571 appearing at page 22145 in the issue for Friday, April 13, 1979, the following corrections should be made on page 22148:

1. In the first column, in the paragraph immediately following the paragraph designated as "1.", in the third to the last line, the figure "2713" should read "2701.13".

2. In the second column, in the paragraph designated as "3.", in the second line, the phrase "right-of-way" should read "rights-of-way".

3. In the third column, in the second paragraph following the paragraph designated as "b", in the second to the last line, the phrase "of the point of beginning." Should read "to the point of beginning."

4. In the third column, in the paragraph designated as "c.", in the second line, the word "adjourns" should read "adjourns".

5. In the third column, in the paragraph immediately following the paragraph designated as "c.", in the third to the last line, the phrase "and a radius of" should read "and having a radius of".

BILLING CODE 1505-01-M

## Economic Regulatory Administration

### Application for Presidential Permit, PP-68 San Diego Gas & Electric

**AGENCY:** Department of Energy, Economic Regulatory Administration.

**ACTION:** Notice of Application for Presidential Permit for 230 kV International Transmission Line: San Diego Gas and Electric.

**SUMMARY:** San Diego Gas and Electric filed an application for a Presidential Permit, PP-68, to construct, connect, operate and maintain a 230 kV international transmission line at the United States-Mexican boundary.

#### FOR FURTHER INFORMATION CONTACT:

James M. Brown, Jr., System Reliability and Emergency Response Branch, Department of Energy, Room 4070, Vanguard Building, 1111 20th Street, N.W., Washington, D.C. 20461, (202) 634-5620.

Lise Courtney Howe, Office of General Counsel, Department of Energy, Room 5113, Federal Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C. 20461, (202) 633-9380.

**SUPPLEMENTARY INFORMATION:** On April 2, 1979, San Diego Gas and Electric (SDG&E) filed an application with the Economic Regulatory Administration for a presidential permit pursuant to Executive Order No. 10485, as amended. SDG&E requests authority to construct, connect, operate and maintain a 230 kV international transmission line at a point on the U.S.-Mexican border in the vicinity of San Diego County. SDG&E proposes to construct the line from its Miguel substation in Southern San Diego County to the international border where it will interconnect with a similar line owned by the Comision Federal de Electricidad de Mexico (CFE), an agency of the Republic of Mexico.

Applicant states that if the two systems are interconnected both will operate at a greater level of reliability than when operated as separate systems. The expected magnitude and frequency of loss of load on both systems will also be reduced.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the System Reliability and Emergency Response Branch, Economic Regulatory Administration, Room 4070, 1111 20th Street, N.W., Washington, D.C. 20461, in accordance with sections 1.8 and 1.10 of the Rules of Practice and Procedure (18 CFR 1.8, 1.10).

All such protests and petitions should be filed on or before May 14, 1979.

Protests will be considered by ERA in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Economic Regulatory Administration and will, upon request, be made available for public inspection and copying at the ERA Docket Room, Room B-110, 2000 M Street, N.W., Washington, D.C., and at the System Reliability and Emergency Response Branch, Room 4070, 1111 20th Street, N.W., Washington, D.C..

Dated: April 17, 1979:

Jerry L. Pfeffer,  
Acting Assistant Administrator for Utility Systems, Economic Regulatory Administration.  
[FR Doc. 79-12832 Filed 4-25-79; 8:45 am]  
BILLING CODE: 6450-01-M

### Lowe Oil Co.; Proposed Remedial Order

Pursuant to 10 C.F.R. § 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 Lowe Oil Company, 510 Price Lane, Clinton, Missouri 64735. This Proposed Remedial Order charges Lowe Oil with pricing violations in the amount of \$83,298.31, in sales of the motor oils and motor gasoline during the time period November 1, 1973, through April 30, 1974, in the State of Missouri.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from Robert D. Gerring, District Manager of Enforcement, 324 East 11th Street, Kansas City, Missouri 64106. Within 15 days of publication of this notice, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 M Street, N.W., Washington, D.C. 20461, in accordance with 10 C.F.R. § 205.193. Issued in Kansas City, MO, on the 17th day of April 1979.

Robert D. Gerring,  
District Manager, Central Enforcement District.

I, David H. Jackson, Chief Enforcement Counsel, Central Enforcement District, concur in the issuance of the Proposed Remedial Order (PRO) to Lowe Oil Company, and in the notice prepared for publication in the Federal Register.

Dated: April 17, 1979.

David H. Jackson,  
Chief Enforcement Counsel, Central Enforcement District.  
[FR Doc. 79-12875 Filed 4-25-79; 8:45 am]  
BILLING CODE 6450-01-M

### Energy Information Administration

#### Publication of Energy Emergency Management Information System Program Plan

AGENCY: Energy Information Administration, Department of Energy.

ACTION: Notice of Publication of Energy Emergency Management Information System Program Plan.

SUMMARY: The Energy Information Administration (EIA) of the Department of Energy (DOE) announces the publication of a program plan for development of the Energy Emergency Management Information System (EEMIS). The objective of EEMIS is to assemble and provide rapid access to information that is used in the management of energy emergencies, including the capability to monitor and forecast supply/demand conditions and to assess the probable impact of alternative emergency response measures.

#### FOR FURTHER INFORMATION CONTACT:

Robert Gillette (Office of Public Hearing Management), Department of Energy, 2000 M Street, N.W., Room 2313, Washington, D.C. 20461, 202-254-5201.

Barry Yaffe (Energy Emergency Management Information System Project Office), Department of Energy, 1726 M Street, N.W., Room 820, Washington, D.C. 20461, 202-634-2079.

Peter J. Schaumberg (Office of General Counsel), Department of Energy, 1726 M Street, N.W., Room 510, Washington, D.C. 20461, 202-634-5545.

#### SUPPLEMENTAL INFORMATION:

##### I. Background Information:

On September 29, 1978, the Energy Information Administration issued a notice (43 FR 46564, October 10, 1978), announcing publication of a proposed EEMIS program plan, the schedule for public hearings and the opportunity for the submission of written comments. Although the EEMIS program plan is not a rule within the meaning of 5 U.S.C. section 551 and section 501 of the Department of Energy Organization Act (Pub. L. 95-91), EIA was of the view that publication of the EEMIS program plan for public comment would result in the development of a better plan, and would serve to give notice to the public of how EIA was implementing its responsibility

of gathering and disseminating relevant information.

Public hearings were held in Boston, Massachusetts, and Washington, D.C. In addition, over 65 comments were received by EIA. The comments came from the following groups: 22 energy industry companies, 28 governmental units or associations, 11 private or trade associations, 4 public interest groups or private citizens. Of the 65 respondents, 41 can be considered as supporting the EEMIS program plan, 18 as opposing it, and 6 were not clear as to their position. Of the total of 65 respondents, 51 wish to participate in the continued development and operation of EEMIS, 13 do not wish to participate further and 1 took no position.

EIA hereby is giving notice that the EEMIS program plan is being adopted. Section 205 (a)(2) of the Department of Energy Organization Act (Pub. L. 95-91) assigns to the Administrator of EIA the responsibility for carrying out a central, comprehensive and unified energy data and information program to collect, evaluate, assemble, analyze and disseminate data and information which is relevant to energy resource reserves, energy production, demand and technology, and related information. EEMIS is one part of the implementation of this responsibility. It is essential to recognize that the EEMIS program plan being adopted today is only a plan, and as EIA determines that needs have changed during the process of implementation, alterations to the plan will be made. EIA encourages continued public participation during the period of plan development.

EEMIS will assemble and provide rapid access to information useful to the management of energy emergencies. This information will be provided to government officials responsible for dealing with energy emergencies involving petroleum, natural gas, coal and electric power. Information provided will include current and projected fuel supply and demand, fuel transportation and substitution capabilities, the potential impact of the emergency on various sectors of the population and the status of actions to deal with it.

##### II. Discussion of Major Comments and Changes to the Plan

Major comments were: (1) DOE does not have statutory authority to undertake the system; (2) the system is burdensome and should not go beyond current reporting mechanisms; (3) EEMIS should work closely with the States; and (4) proprietary data should

be protected and sharing of such data should be carefully weighed.

The plan has been adjusted where applicable to reflect the above comments. In reply to these concerns: (1) in addition to the authorities cited in the first notice of comment and hearings (43 FR 46564), EIA has authority under section 205(a)(2) of the Department of Energy Organization Act (Pub. L. 95-91) to implement the EEMIS system; (2) The interim system will use existing data systems and reporting mechanisms; therefore, no additional reporting requirement will be necessary. The advanced system will be developed with the objective of minimizing new reporting requirements, and it will entail a comprehensive review of all relevant information systems. (3) The concerns and needs of the States will continue to be represented in the EEMIS program by the National Governors Association, representatives of which are members of the EEMIS Users Panel. Additionally, the EIA intends to work closely with individual States whenever possible, since the ultimate utility of the system will depend on State participation and support; (4) The EIA intends to insure full protection from unauthorized disclosure of any information it determines to be proprietary or classified data. Non-DOE users will not be provided protected data until data-sharing agreements and safeguards have been adopted.

Chapters 4 and 5 have been updated to reflect the passage of the National Energy Act and the organizational changes in DOE. Language has also been introduced to explain the relationship that has been established between the National Governors Association and the Energy Information Administration to design and implement this information system.

The content of Chapter 7 (Development Approach) has been reorganized from a four-step development process to a two-step development process. The first step is the development of an interim system that relies on current technology and equipment and utilizes data currently being reported to DOE. The second step consists of development of an advanced system, the design for which would be started in 1979, with results forthcoming in subsequent years.

### III. Discussion of Other Comments

Over 65 comments were received in response to the notice of the proposed EEMIS plan. Some of these comments addressed issues leading to plan changes discussed in the previous section. Others will be considered by

the EIA in the development of the system.

All comments and the adopted program plan are available for review in the Department of Energy Freedom of Information Reading Room, Room GA-152, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C.

Copies of the adopted plan are available from: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Price \$3.00, Stock No. 061-000-00289-8.

Issued in Washington, D.C. on April 20, 1979.

Lincoln E. Moses,  
Administrator, Energy Information Administration.  
[FR Doc. 79-12833 Filed 4-25-79; 8:45 am]  
BILLING CODE: 6450-01-M

### Federal Energy Regulatory Commission

#### Arkansas-Missouri Power Co.; Certification of Settlement Agreement

Take notice that on March 28, 1979 Presiding Administrative Law Judge Bruce L. Birchman in the above captioned proceeding certified to the Commission a proposed settlement agreement between FERC Staff and the utility company.

Any person desiring to be heard or to protest said settlement agreement should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before May 1, 1979. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of the filing are on file with the Commission and are available for public inspection.

April 20, 1979.

Lois D. Casbell,  
Acting Secretary.

[Docket EP78-4863]  
[FR Doc. 79-12850 Filed 4-25-79; 8:45 am]  
BILLING CODE 6450-01-M

#### East Tennessee Natural Gas Co.; Amendment to Stipulation and Agreement

Take notice that on April 17, 1979, East Tennessee Natural Gas Company (East Tennessee) tendered for filing a proposed revision to the Stipulation and Agreement (Stipulation) dated November 6, 1978.

East Tennessee states that the filings consists of a revised Article X which is in substitution for the Article X as set forth in the November 6, 1978

Stipulation. East Tennessee states the revision would modify Article X of the Stipulation providing for a sales refund obligation based on total jurisdictional sales to a sales refund obligation based on total system sales.

East Tennessee further states that a copy of the revised Article X is being served on all parties to the proceeding.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N. E., Washington, D. C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 2, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Casbell,  
Acting Secretary.  
April 20, 1979.

[Docket RP78-12]  
[FR Doc. 79-12851 Filed 4-25-79; 8:45 am]  
BILLING CODE 6450-01-M

#### Iowa Electric Light & Power Co.; Notice of Application

Take notice that on April 18, 1979, the Iowa Electric Light and Power Company (Applicant) filed an application pursuant to Section 204 of the Federal Power Act with the Federal Energy Regulatory Commission seeking authority to issue and sell 50,000 shares of Common Stock. Applicant is incorporated under the laws of the State of Iowa and is authorized to do business in the States of Iowa, Minnesota, Colorado and Nebraska with its principal business office at Cedar Rapids, Iowa. Applicant is engaged primarily in the generation, transmission and sale at retail of electric energy in 55 counties in the State of Iowa.

The Common Stock is to be issued pursuant to the Company's Employee Stock Purchase Plan. The Common Stock is subject to the prior rights and preferences of the existing outstanding classes of Cumulative Preferred Stock and to the prior rights and preferences of the existing outstanding classes of Cumulative Preference Stock. The price to the Company for the Common Stock will be determined in accordance with terms of the Plan.

According to the Applicant, the purpose for which the Common Stock is to be issued is for the Company's continuing construction program and for other corporate purposes.

Any person desiring to be heard or to make protest with reference to this Application should on or before May 7, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions or protests in accordance with the Commission's Rules of Practice and Procedures (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The Application is on file with the Commission and available for public inspection.

Lois D. Cashell,  
Acting Secretary.  
April 20, 1979.

[Docket ES-79-38]  
[FR Doc. 79-12852 Filed 4-25-79; 8:45 am]  
BILLING CODE 6450-01-M

### Minnesota Power & Light Co.; Filing Integrated Transmission Service Agreement

Take notice that on April 18, 1979, Minnesota Power & Light Company (Applicant) filed pursuant to the Federal Power Act an Integrated Transmission Agreement (Agreement) between United Power Association and Minnesota Power & Light Company. Applicant and UPA propose an effective date of June 18, 1979.

Applicant states that the purpose of the Agreement is to establish an integrated transmission system in order to obtain the benefits of coordinated development of bulk power transmission facilities and to avoid duplicative construction. Under the Agreement, UPA and MP&L will equalize investment in existing and future transmission facilities included in the Agreement. Where UPA or MP&L uses distribution facilities owned by the other party which are not included in the integrated system, it shall pay for such use in accordance with the applicable part of the other party's currently effective standard wheeling rate.

Copies of the filing were mailed to UPA, the Minnesota Public Service Commission, the Rural Electrification Administration, and the City of Wadena.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and should be filed on or before May 14, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this application are on file with the Commission and are available for public inspection.

Lois D. Cashell,  
Acting Secretary.  
April 20, 1979.

[Docket ER79-315]  
[FR Doc. 79-12853 Filed 4-25-79; 8:45 am]  
BILLING CODE 6450-01-M

### Pennsylvania Department of Environmental Resources, J & J Enterprises, Inc., et al; Notice of Application for Adjustment and Staff Order Granting Interim Relief Under Natural Gas Policy Act

Take notice that on March 22, 1979, the Pennsylvania Dept. of Environmental Resources, P.O. Box 1467, Harrisburg, Pa., 17120, filed with the Federal Energy Regulatory Commission (Commission) an application for extension of time pursuant to the notification provisions of sections 273.202(c) and 273.204(b) of the Commission's interim regulations under the Natural Gas Policy Act of 1978 (NGPA).

Take further notice that on March 29, 1979, a petition seeking the same relief was filed by the following parties.

J & J Enterprises, Inc., Post Office Box 754,  
Indiana, Pennsylvania 15701.

Doran Associates, Inc., 728 Washington  
Road, Pittsburgh, Pennsylvania 15228.  
Fairman Brothers Drilling Company, Post  
Office Box 288, DuBois, Pennsylvania  
15801.

Castle Gas Co., Post Office Box 10396,  
Pittsburgh, Pennsylvania 15234.  
Fox Oil & Gas, Inc., 900 Washington Road,  
Pittsburgh, Pennsylvania 15228.

Take further notice that on April 9, 1979, J & J Enterprises, Inc., et al., filed a pleading to amend its petition of March 29, 1979, and to extend the filing deadline in § 273.204(a).

All of the above pleadings are being treated as requests for adjustments and interim relief under the NGPA pursuant to section 502(c) of that Act and section 1.41 of the Commission's regulations (44 Fed. Reg. 18961 (March 30, 1979)).

Pursuant to the authority delegated to it by the Commission in § 1.41(g), (h), (i), and (m), staff has conducted a preliminary evaluation of the applications dated March 22, 1979, and March 29, 1979. Upon examination of the facts presented by the parties, staff has determined that irreparable injury will result if interim relief is denied, and further that denial of interim relief will result in a more immediate special hardship or inequity to the parties requesting such relief than the consequences which would result to other persons if the interim relief were granted. Accordingly, by letter dated March 30, 1979, extension of the filing deadline in sections 273.202(c) and 273.204(b) has been granted on an interim basis in response to the March 22 and 29 pleadings. Such interim relief is applicable only to filings made to the jurisdictional agency for Pennsylvania, and extends only for the time necessary to conduct public procedures under § 1.41 on the application for the adjustment and on the interim relief.

Any person desiring to file a reply to the requests for interim relief may, on or before May 7, 1979, file such reply pursuant to the requirements of § 1.41(m)(3). That portion of § 1.41(m)(3) wherein replies to requests for interim relief may be filed only by a party has been waived by staff, pursuant to the authority delegated to it in § 1.41(o). Copies of any such reply shall be served on each of the party applicants.

Any person desiring to participate in the adjustment proceeding shall file a petition to intervene in accordance with the provisions of § 1.41(e) of the Commission's Rules of Practice and Procedure. All petitions to intervene must be filed on or before May 11, 1979.

Lois D. Cashell,  
Acting Secretary.

[Docket SA79-1]  
[FR Doc. 79-12854 Filed 4-25-79; 8:45 am]  
BILLING CODE 6450-01-M

### Public Service Company of Indiana, Inc.; Notice of Tariff Change

April 20, 1979

Take notice that Public Service Company of Indiana, Inc. on April 18, 1979 tendered for filing pursuant to the Interconnection Agreement between Public Service Company of Indiana, Inc. and Central Illinois Public Service Company a Sixth Supplemental Agreement to become effective June 18, 1979.

Said Supplemental Agreement increases the demand charge for Short Term Power from 65¢ per kilowatt per week to 70¢ per kilowatt per week.

Copies of the filing were served upon Central Illinois Public Service Company, Public Service Commission of Indiana, and the Illinois Commerce Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol, N.E., Washington D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions should be filed on or before May 14, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of the filing are available for public inspection at the Federal Energy Regulatory Commission.

Lois D. Casbell,  
Acting Secretary.

[Docket ER79-314]  
[FR Doc. 79-12855 Filed 4-25-79; 8:45 am]  
BILLING CODE 6450-01-M

#### Public Service Company of Indiana, Inc.; Tariff Change

Take notice that Public Service of Indiana, Inc. on April 18, 1979 tendered for filing pursuant to the Interconnection agreement between Public Service Company of Indiana, Inc. and Central Illinois Public Service Company a Sixth Supplemental Agreement to become effective June 18, 1979.

Said Supplemental Agreement increases the demand charge for Short Term Power from 65¢ per kilowatt per week to 70¢ per kilowatt per week. Copies of the filing were served upon Central Illinois Public Service Company, Public Service Commission of Indiana, and the Illinois Commerce Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol, N.E., Washington D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions should be filed on or before May 14, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of the filing are available for public

inspection at the Federal Energy Regulatory Commission.

Lois D. Casbell,  
Acting Secretary.

[Docket ER 79-314]  
[FR Doc. 79-12855 Filed 4-25-79; 8:45 am]  
BILLING CODE 6450-01-M

#### Resource Applications; Public Meeting on Financial Analysis Model for Shale Oil Ventures; Meeting

The Department of Energy has developed a discounted cash flow analysis procedure which can be used to provide quantitative measures of the impact of proposed governmental actions on private venture investment decisions. This procedure is presently programmed to forecast the effect of a production tax credit on a commercial scale surface retorting shale oil venture. The purpose of the meeting herein announced is to solicit comments on the adequacy of the model and the data being used therein.

The meeting will be held in Washington, D.C. on Thursday, May 10, 1979 from 9:00 am to approximately 1:00 pm in Room 3000-B, 12th & Pennsylvania Avenue, N.W. The analysis procedure will be described in detail, and summary sheets of the input data presently being used will be provided. Attendees may choose to submit written suggestions at a later date.

Though participation in the meeting will be by invitation, the meeting will be open to the public and a transcript will be prepared. Opportunity for public comment will be provided at the end of the working session.

For further information, contact C. Branson Smith (telephone 202-633-8373), Office of Policy, Planning and Analysis, Resource Applications, Department of Energy.

Issued at Washington, D.C. on April 19, 1979.

George S. McIsaac,  
Assistant Secretary, Resource Applications.  
[FR Doc. 79-12871 Filed 4-25-79; 8:45 am]  
BILLING CODE 6450-01-M

#### John E. Dolan, Filing

April 19, 1979.

Take notice that on March 28, 1979 John E. Dolan, (Applicant) filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Vice President, Appalachian Power Company, Electric Utility.  
Vice President, Indiana & Michigan Electric Company, Electric Utility.

Vice President, Indiana & Michigan Power Company, Electric Utility.  
Vice President, Kentucky Power Company, Electric Utility.  
Vice President, Kingsport Power Company, Electric Utility.  
Vice President, Michigan Power Company, Electric Utility.  
Vice President, Ohio Electric Company, Electric Utility.  
Vice President, Ohio Power Company, Electric Utility.  
Vice President, Wheeling Electric Company, Electric Utility.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 8, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Lois D. Casbell,  
Acting Secretary.

[Docket No. ID-1735]  
[FR Doc. 79-12944 Filed 4-25-79; 8:45 am]  
BILLING CODE 6450-01-M

#### Alfred Christian Thawley, Jr.; Application

April 19, 1979.

Take notice that on April 5, 1979, Alfred Christian Thawley, Jr., (Applicant) filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Secretary and Treasurer, Delmarva Power & Light Company—Public Utility.  
Secretary and Director, Delmarva Power & Light Company of Maryland—Public Utility.  
Secretary and Director, Delmarva Power & Light Company of Virginia—Public Utility.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 8, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make

protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Lois D. Cashell,  
Acting Secretary.

[Docket No. ID-1861]  
[FR Doc. 79-12943 Filed 4-26-79; 8:45 am]  
BILLING CODE 6450-01-M

### Northern Natural Gas Co.; Petition for Extraordinary Relief

April 20, 1979.

Take notice that on March 22, 1979, Northern Natural Gas Company (Petitioner), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. TC79-50 a petition for extraordinary relief pursuant to Section 1.7(b) of the Commission's Rules of Practice and Procedure (18 CFR 1.7(b)), seeking authorization to provide natural gas service to its existing utility customers in accordance with its presently effective Agricultural Crop Drying Service Rate Schedule ACDS-1. Petitioner seeks authorization to make available, on a best-efforts basis, volumes of gas for the drying of seed, grain, and other agricultural crops during a twelve-month period commencing with the expiration of the current period of authorized service in Docket No. TC78-3, all as more fully set forth in the petition on file with the Commission and open to public inspection.

It is indicated that pursuant to the Commission's order of August 23, 1978, Petitioner was granted extraordinary relief permitting it to provide natural gas service to its existing utility customers for a twelve-month period pursuant to Rate Schedule ACDS-1. Petitioner states that the service that it is requesting in the instant docket is similar to the services authorized by the Commission in Docket No. TC78-3.

Petitioner estimates that it would have available for sale under its ACDS-1 Rate Schedule, a total of 750,000 Mcf of natural gas for the period of September 15, 1979, through March 15, 1980. Petitioner states that under normal operating conditions, it is anticipated that no ACDS-1 volumes would be required during the remaining six months. However, it is felt such volumes should be made available in the event crop drying is needed, it is said. It is stated that volumes under Rate Schedule ACDS-1 would be made available by Petitioner on a best efforts basis pursuant to advanced operating arrangements on a daily basis.

Any person desiring to be heard or to make any protest with reference to said petition should on or before May 11, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Lois D. Cashell,  
Acting Secretary.

[Docket No. TC79-50]  
[FR Doc. 79-12945 Filed 4-25-79; 8:45 am]  
BILLING CODE 6450-01-M

### Michigan Wisconsin Pipe Line Co.; Petition To Amend

April 19, 1979:

Take notice that on March 21, 1979, Michigan Wisconsin Pipe Line Company (Petitioner), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP78-341 a petition to amend the order of July 18, 1978, as amended March 8, 1979, in the instant docket pursuant to Section 7(c) of the Natural Gas Act and § 157.7(b) of the Regulations thereunder (18 CFR 157.7(b)), so as to authorize an increase in the total authorized limitation contained in its presently effective budget-type certificate from \$18,000,000 to \$23,000,000, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

It is indicated that pursuant to the order of July 18, 1978, as amended March 8, 1979, Petitioner was authorized to construct, during the 12-month period commencing July 13, 1978, and operate certain natural gas facilities to enable it to take into its certificated pipeline system natural gas which would be purchased from producers or other similar sellers thereof pursuant to the Commission's budget-type gas purchase facility procedure. Petitioner was granted authorization for a total expenditure of \$18,000,000, with no single offshore project to exceed \$3,500,000 and no single onshore project to exceed \$3,500,000 it is stated.

Petitioner requests herein an increase in authorized total expenditures to \$23,000,000. Petitioner indicates that such increase is necessary because its

gas supply activity with the impetus of the Natural Gas Policy Act of 1978 is continuing to generate additional supply sources, so that in view of gas supply projects already constructed or planned, the amounts authorized to be expended are insufficient to permit Petitioner to attach the supplies that it anticipated being able to connect.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before May 11, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Lois D. Cashell,  
Acting Secretary.

[Docket No. CP78-341]  
[FR Doc. 79-12946 Filed 4-25-79; 8:45 am]  
BILLING CODE 6450-01-M

### Sohio Natural Resources Co.; Petition for Special Relief

April 19, 1979.

Take notice that on March 28, 1979, Sohio Natural Resources Company (Petitioner), 50 Penn Place, Suite 1100, Oklahoma City, Oklahoma 73118, filed a petition for special relief in Docket No. RI79-35, pursuant to § 2.76 of the Commission's General Policy and Interpretation. Petitioner seeks to increase its rate for the sale of natural gas to Panhandle Eastern Pipe Line Company from the McCaslin No. 1, N.E. Keenan Field, Woodward County, Oklahoma. Petitioner states that the McCaslin No. 1 has started producing salt water and in order to continue producing gas it must be periodically swabbed to remove the water from the wellbore. Petitioner is seeking rate relief in order to be able to install a beam pumping unit on the well which will pump the salt water off the formation and allow continued production.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections

1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 11, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Casbell,  
Acting Secretary.

[Docket No. R179-35]  
[FR Doc. 79-12947 Filed 4-25-79; 8:45 am]  
BILLING CODE 6450-01-M

### Tennessee Gas Pipeline Co., a Division of Tenneco Inc.; Application

April 19, 1979.

Take notice that on March 30, 1979, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Applicant), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP79-247 an application pursuant to Section 7 of the Natural Gas Act and Section 157.7(g) of the Regulations thereunder (18 CFR 157.7(g)) for a certificate of public convenience and necessity authorizing the construction and for permission and approval to abandon for a twelve month period commencing April 1, 1979, various field compression and related metering and appurtenant facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in the construction, requisition, relocation, and operation and abandonment of facilities which would not result in changing Applicant's system saleable capacity or service from that authorized prior to the filing of the instant application.

Applicant states that the total cost of proposed construction and abandonment under Section 157.7(g) would not exceed \$3,000,000 and no single project would exceed \$500,000. Applicant also states that the cost of said facilities would be financed utilizing existing corporate funds and/or borrowings under Applicant's revolving credit agreements.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 11, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the

requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.70). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Section 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Lois D. Casbell,  
Acting Secretary.

[Docket No. CP79-247]  
[FR Doc. 79-12948 Filed 4-25-79; 8:45 am]  
BILLING CODE 6450-01-M

### Texas Eastern Transmission Corp.; Application

April 20, 1979.

Take notice that on March 23, 1979, Texas Eastern Transmission Corporation (Applicant), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP79-238 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas to Southern Indiana Gas and Electric Company (Southern Indiana), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant requests authorization to sell and deliver to Southern Indiana under Applicant's SGS-C Rate Schedule a maximum daily quantity of 1,915

dekatherms (dth), and annual contract quantity of 698,975 dth, and to sell such quantities of natural gas under the Rate Schedule I-C as may be offered by Applicant on an interruptible basis. The application states that such authorization would implement Applicant's intent to transfer existing contractual obligations, previously authorized in Docket Nos. G-15376 and CP61-203, and entitlements to Southern Indiana from Ft. Branch Natural Gas Company (Ft. Branch), whose properties have been acquired by and contractual rights succeeded to by Southern Indiana.

Applicant indicates that deliveries were heretofore made to Ft. Branch and not to its successor Southern Indiana, under Rate Schedule SGS-C at a single delivery point in Gibson County, Indiana, with a maximum daily quantity of 1,915 dth. On August 25, 1978, Southern Indiana acquired all of the properties of Ft. Branch and is the successor in interest to contracts between Applicant and Ft. Branch. Consequently, Applicant has executed a service agreement, dated January 5, 1979, with Southern Indiana which transfers the contract obligations between applicant and Ft. Branch to Southern Indiana, it is stated.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 11, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public

convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Lola D. Casbell,  
Acting Secretary.

[Docket No. CP79-238],  
[FR Doc. 79-12949 Filed 4-25-79; 8:45 am],  
BILLING CODE 6450-01-M

### Tri-State Gas Corp.; Petition for Special Relief

April 19, 1979.

Take notice that on March 29, 1979, Tri-State Gas Corporation (Petitioner), Route 2, Box 7E, Greenwood, Louisiana 71033, filed a petition for special relief in Docket No. R179-34 pursuant to § 2.76 of the Commission's General Policy and Interpretations. Petitioner seeks to increase its rate for the sale of natural gas to Texas Eastern Transmission Corporation (Texas Eastern), from the Bagley 4A and Bagley 1, Canadian Bayou Area, DeSoto Parish, Louisiana. Petitioner indicates that Texas Eastern is willing to pay up to \$2.20 per Mcf for this gas subject to Commission approval. Petitioner further states that production has ceased due to the lack of a compressor and that it will be forced to shut down permanently if it is not allowed to charge a much higher price for this gas.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Section 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 11, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestant's parties to the proceeding. Any person wishing to become a party must file a petition to intervene, provided, however, that any person who has previously filed a petition to intervene in this proceeding is not required to file a further petition. Copies of this filing are on file with the

Commission and are available for public inspection.

Lola D. Casbell,  
Acting Secretary.

[Docket No. R179-34],  
[FR Doc. 79-12950 Filed 4-25-79; 8:45 am],  
BILLING CODE 6450-01-M

### FEDERAL COMMUNICATIONS COMMISSION

#### Charles A. Esposito and Highlands Ridge, Inc., Designating Applications for Consolidated Hearing on Stated Issues; Memorandum, Opinion and Order

In re Applications of Charles A. Esposito, Avon Park, Florida, Req: 106.3 MHz, Channel 292 2.95 kW (H&V), 310 feet; Highlands Ridge, Inc., Avon Park, Florida, Req: 106.3 MHz, Channel 292 3.0 kW (H&V), 200 feet; for Construction Permits.

Adopted: April 10, 1979.

Released: April 23, 1979.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned mutually exclusive applications, a petition to dismiss the Highlands Ridge application, filed by Charles Esposito, and responsive pleadings.

2. A brief history of Highlands Ridge, Inc. will be helpful to an understanding of Esposito's petition to dismiss. Ralph B. Hunter and his wife, Mary L. Hunter, originally owned 50 percent of the applicant jointly. The other 50 percent was held by Chester D. and Betty B. Miller. An amendment to the application filed March 3, 1977, revealed that the Millers had withdrawn from the applicant. On January 11, 1978, the Hunters were divorced. This resulted in the division of the stock of Mary L. Hunter between her ex-husband and her son, George B. Hunter.

3. In pertinent part, § 1.573(b) of the Commission's rules requires the assignment of a new file number to an application upon a voluntary transfer of control—that is, one for which an application for Commission consent would have to be filed on a Form 315. In his petition to dismiss, Esposito argues that the changes in the structure of Highlands Ridge constituted a voluntary transfer of control, requiring the assignment of a new file number to the application. This would result in its dismissal, since the applicable cut-off date has long since past.

4. Esposito's contentions are without merit. In *Barnes Enterprises, Inc.*, 55 FCC 2d 721, 725 n.4, 35 RR 2d 17, 180 n.4,

(1975); the Commission specified that where an existing stockholder with negative control (50%) acquires positive control, the application for consent to the transfer may be filed on a Form 316 (short form), rather than on Form 315. See also *Gaffney Broadcasting, Inc.*, 35 RR 2d 1607 (1975). In this case, the Millers' withdrawal did not require assignment of a new file number, because the Hunters simply went from negative to positive control. Mary Hunter's departure from the applicant produced a similar result in that Ralph Hunter then acquired positive control of Highlands Ridge. We cannot agree with Esposito that the various changes in the ownership of Highlands Ridge were but one change effectuated by a series of amendments. The retirement of the Millers and the withdrawal of Mary Hunter were entirely distinct transactions, separated by a long period of time and prompted by unrelated causes. As a practical matter, there is every indication that Highlands Ridge has always been—and continues to be—controlled by Ralph B. Hunter. Thus, we find that the purpose of § 1.573(b) would be served by assignment of a new file number to the Highlands Ridge application. Accordingly, the petition will be denied.

5. Data submitted by the applicants indicate that there would be a significant difference in the size of the areas and populations which would receive service from the proposals. Consequently, for the purpose of comparison, the areas and populations which would receive FM service of 1 mV/m or greater intensity, together with the availability of other primary aural services in such areas, will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accrue to either of the applicants.

6. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

7. Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

(1) To determine which of the proposals would, on a comparative basis, better serve the public interest.

(2) To determine, in the light of the evidence adduced pursuant to the foregoing issue, which of the applications should be granted.

8. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

9. It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed in such Rule; and shall advise the Commission of the publication of such notice as required by Section 1.594(g) of the Rules.

10. It is further ordered, That the petition to dismiss filed by Charles A. Esposito is denied.

Federal Communications Commission.

Martin H. Leszy,

Acting Chief, Broadcast Bureau.

[BC Docket No. 79-84; File No. BPH-10,334; BC Docket No. 79-85, File No. BPH-10,337]

[FR Doc. 79-12885 Filed 4-25-79; 8:45 am]

BILLING CODE 6712-01-M

**Robert J. Reverman and KI-PEN-BRO Corp.; Designating Applications for Consolidated Hearing on Stated Issues; Memorandum Opinion and Order**

In re Applications of Robert J. Reverman, Enumclaw, Washington, Req; 1330 kHz, 0.5 kW, Day; KI-PEN-BRO Corporation, Bremerton, Washington; Req; 1330 kHz, 1.0 kW, Day; For Construction Permits.

Adopted: April 9, 1979.

Released: April 23, 1979:

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned mutually exclusive applications for a new AM station.

2. Analysis of the financial data submitted by Ki-Pen-Bro reveals that \$96,146 will be required to construct the proposed station and operate for three months, itemized as follows:

Equipment down payment	\$13,124
Equipment payments with interest	3,247
Land	600
Building	6,000
Miscellaneous	31,000
Interest on bank loan (three months)	3,750

Operating costs (three months)	38,325
Total	96,146

Ki-Pen-Bro plans to finance construction and operation with the following funds: \$50,000 in stock subscriptions and a \$150,000 bank loan. The stockholders have demonstrated their ability to fulfill their subscription agreements. The letter from the Rainier National Bank provides that security for the loan will be "assets of the radio station and/or the individual stockholders as deemed appropriate by the bank at the time funds are made available." Although this provision is somewhat vague, the stockholders' guarantee of the loan establishes Ki-Pen-Bro's compliance with the requirements of Section III of FCC Form 301. The loan therefore appears available. Even if the bank were to require a first lien on the station equipment, thus voiding Ki-Pen-Bro's reliance on a letter of credit from the equipment supplier, the applicant would have ample funds to construct and operate as proposed.

3. The application of Robert Reverman shows estimated expenses of construction and first three months operation of \$41,361, including payments on a \$50,000 line of credit from the Commercial Bank of Seattle. Since Reverman has demonstrated the availability of this line of credit, no financial issue is warranted as to either applicant.

4. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

5. Accordingly, It is ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary aural service (1 mV/m or greater in the case of FM) from the respective proposals and the availability of other primary service to such areas and populations.

2. To determine, in the light of Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service.

3. To determine, in the light of the evidence adduced pursuant to the

foregoing issues, which of the applications should be granted.

6. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

7. It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and Section 1.594 of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed in such Rule; and shall advise the Commission of the publication of such notice as required by Section 1.594(g) of the Rules.

Federal Communications Commission:

Wallace E. Johnson,

Chief, Broadcast Bureau.

[BC Docket No. 79-82, File No. BF-20,112; BC Docket No. 79-83; File No. BF-20,586]

[FR Doc. 79-12886 Filed 4-25-79; 8:45 am]

BILLING CODE 6712-01-M

**Inquiry and Investigation Concerning American Telephone & Telegraph Co.**

AGENCY: Federal Communications Commission.

ACTION: Notice of Inquiry and Investigation.

SUMMARY: The FCC is asking for public comment on whether all, or some part of the expenses associated with AT&T and GSAT's lease of the Comstar Satellite system should be disallowed for purposes of revenue requirement determination. Investigation and comment upon the reasons and justification for apparent low utilization of the System; and criteria by which to measure reasonable utilization, and/or compute disallowance is also anticipated.

DATES: Comment must be received on or before May 21, 1979. Reply comments may be filed on or before June 6, 1979.

ADDRESSES: Federal Communications Commission, 1919 M Street NW, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Gary M. Feren, Common Carrier Bureau, (202) 632-4890.

In the matter of American Telephone and Telegraph Company for authorization to construct and operate a domestic communications satellite

system for the provision of its authorized services: Notice of inquiry and investigation, Adopted: April 12, 1979; Released: April 20, 1979.

By the Commission: Commissioner Washburn absent; Commissioner Fogarty issuing a separate statement.

1. This is a proceeding to determine whether all or any portion of the American Telephone and Telegraph Company's and General Telephone and Electronics Company's, past or future, costs and expenses for the COMSTAR domestic satellite system should be removed from their revenue requirement and charged against surplus. The issue here arises from a proceeding involving our authorization to COMSAT General Corporation to launch its third satellite. See *Comsat General Corporation*, 69 FCC 2d 1278. The satellites, constituting the space segment of the COMSTAR domestic satellite communications system, are leased to AT&T and GTE and used by them to provide Message Telecommunications Service (MTS), Wide Area Telecommunications Service (WATS), and certain governmental private line services.

2. In our recent decision authorizing the satellite launch, we discussed an allegation of RCA American Communications, Inc. that AT&T/GTE had insufficient demand for the capacity of the two satellites already in orbit to warrant additional satellite communications capacity, since less than 10 percent of the existing capacity was then in use. In a prior order concerning the launch of Comsat General's first COMSTAR satellite we decided to limit our review of applications concerning launch authority to questions which addressed technical operations. In furtherance of that policy, we declined to consider the merits of RCA Americom's claims regarding AT&T/GTE's commercial operation of the COMSTAR system in the launch application proceedings. See *Comsat General Corporation*, 59 FCC 2d 344 (1976). However, we are now initiating this proceeding to determine whether AT&T/GTE's present use of the COMSTAR system justifies retention of all of the system costs in their respective revenue requirements.

3. Our policies governing the implementation of domestic satellite communications were established through a broad rulemaking proceeding in Docket 16495. See *Second Report and Order*, 35 FCC 2d 844 (1972), as modified on reconsideration in 38 FCC 2d 665 (1972). The *Second Report and Order* recognized that the public benefits arising from domestic satellite operations could not be evaluated until the

proposed systems had some reasonable time and opportunity to operate. For this reason, we adopted a policy of affording reasonable opportunity for entry to qualified applicants, subject to showings, and conditions intended to serve the public interest. With this policy in mind, we explored AT&T's proposal for a satellite communications system using satellites leased from Comsat General. In doing so, we were aware that AT&T, as the sole carrier of MTS and WATS, had a ready market for usage of its satellite facilities totally within its control. For this reason, AT&T alone, among the prospective satellite entrants, could potentially control the loading of its satellite facilities to adjust the per circuit cost and, hence, the pricing of satellite private line services well below that of its competitors.

4. To allow other satellite aspirants an opportunity "to demonstrate how any operational and economic characteristics peculiar to the satellite technology can be used to provide existing and new specialized services more economically and efficiently than can be done by terrestrial facilities," we determined that certain restrictions on AT&T's entry were necessary and cautioned that we stood ready to take whatever measures were necessary in the event abuses occurred. See 35 FCC 2d at 846-847. Among the conditions that we imposed on AT&T was a restriction limiting AT&T's use of the satellite for a three year period to MTS, WATS, certain government private line services and possibly other services in the case of Alaska, Hawaii, Puerto Rico and the Virgin Islands.<sup>1</sup> While this condition did not preclude AT&T from competing by use of terrestrial facilities with specialized common carriers including those using satellite facilities, it did bar AT&T from providing any non-governmental private line service via satellite except in cases of need for emergency restoration of terrestrial outages.

5. In response to this and other conditions placed on AT&T in the *Second Report and Order*, 35 FCC 2d 844, AT&T filed amended applications for authorization of its satellite system.

<sup>1</sup> AT&T's use of domestic satellites would be limited initially to MTS, WATS, certain government private line services, emergency restoration in the event of terrestrial outage, and possibly other services in the case of Alaska, Hawaii, Puerto Rico—Virgin Islands (*Second Report*, para. 21). We also imposed a condition, pursuant to Section 214, that for three years, AT&T/GTE could not provide non-government private line service over their satellite facilities. This restriction will automatically expire July 23, 1979, at which time AT&T may also apply for authorization pursuant to Section 214 to provide specialized types of satellite-only services as well. Petitions to extend this period are on file with the Commission. See Footnote 4.

The applications included representations explaining how it would comply with the various restrictions. AT&T explicitly recognized that its satellite system, unlike systems designed by other entrants, would not for a three year period offer private line services to the public generally. Instead, it would provide only "Message Telecommunications Service (MTS)", Wide Area Telecommunications Services (WATS) and services provided to the U.S. government." In this regard, AT&T stated "[T]he System will be operated as in integral part of AT&T's existing domestic network for the provision, initially, of message switched services and the special services the Commission has authorized." See Applications, filed March 29, 1973, Summary. AT&T asked only for authority to use its satellite system to meet increasing demand for its MTS, WATS and government private line services during the initial three year period. By separate applications, GTE requested authority to participate in the COMSTAR system on the exact terms applying to AT&T, in lieu of going ahead with its own separate system. After a hearing on the matter, GTE was granted authority to jointly participate, with AT&T, in the utilization of the COMSTAR System. Thus, as presently operated, non-government private line service is distinguished from other traffic and is not transmitted over satellite relay portions of AT&T's domestic long-haul network. Upon the expiration of the moratorium, this non-government private line traffic will no longer be required to be differentiated, and the satellite system would be completely integrated into the domestic long-haul network so that all traffic would be routed over appropriate facilities and paths, and tariffed rates would apply uniformly without regard to the particular facilities used to handle the traffic (i.e., radio, cable, or satellite).

#### Statutory Obligation

6. Section 214 mandates that we control entry into and exit from the communication market through authorizations relating to the construction, operation and retirement of facilities, or other actions which may reduce or impair service. In recognition of the uncertainties inherent in applying satellite technology to the domestic communications field at that time, we adopted in the *Second Report and Order*, flexible procedures for review of applications proposing entry. Nonetheless, we did not abdicate our responsibility to assure efficient use of the facilities we authorized. While we

decided that COMSAT General's lease of satellites to AT&T and GTE did not constitute a common carrier activity and consequently was not subject to Section 214; we found that the provision of communications services to the public via those facilities by AT&T and GTE did constitute a common carrier activity and was subject to the certification requirements of Section 214.<sup>2</sup> Further, being aware of the uncertainties associated with the provision of satellite communications, we acted to assure that the customers of AT&T and GTE would not be burdened by unreasonable costs. Thus, we stated that in the event AT&T and GTE did not "[o]perate facilities in the most economical and efficient manner possible, any excess costs will not be included in any rate base, or charged to expense for rate purposes, but will be charged against surplus." 38 FCC 2d 665 (1972) at paragraph 52, fn. 22.

7. In its application for Section 214 authorization, AT&T set forth plans for the satellite system. The system was to commence operations in two phases: The first phase would make use of two in-orbit satellites. The second and last phase was scheduled to commence in nine months after the first phase and would make use of all three satellites. In each phase, one satellite would serve primarily as a backup in case of a major satellite failure. A fourth satellite was to be constructed to serve as an on the ground spare.

8. As part of its showing to support its applications, AT&T, pursuant to § 63.01 of the Commission's Rules, stated that Phase I of the system was planned to be in service by the end of 1975; and that this timing was crucial, since "delay could result in the need to construct alternative facilities to meet AT&T's 1976 construction program requirements." Application at paragraph 22. AT&T stated that transponders in the primary satellite would be used during Phase I to provide two-way mastergroups equivalent to 1200 full duplex circuits. The satellite would provide service among the following points and to the extent shown below.

Stations	Transponders	
	1976	
De Luz-Hanover	2	2
De Luz-Hawley	4	4
De Luz-Woodbury	2	2
Hanover-Three Peaks	2	2
Hawley-Three Peaks	2	2
Hawley-Woodbury	2	2
Reserved for Off-Shore Use	10	10
<b>Total</b>	<b>24</b>	<b>24</b>

Further, its application at paragraph 24 contained forecasts concerning facility requirements needed to meet demand for new long-haul circuits during the second phase of the system's operation. The following are AT&T's Phase II forecasts:

Stations	Transponders			
	1977	1978	1979	1980
De Luz-Hanover	2	2	4	4
De Luz-Hawley	6	8	10	12
De Luz-Woodbury	2	4	4	4
Hanover-Three Peaks	2	2	2	2
Hawley-Three Peaks	2	4	4	4
Hawley-Woodbury	4	8	10	12
Reserved for Off-Shore Use	10	10	10	10
<b>Total</b>	<b>28</b>	<b>38</b>	<b>44</b>	<b>48</b>

For purposes of evaluation and comparison, it should be noted that the De Luz Earth station was not built, but was replaced by the Triunfo Pass installation for providing service to the same general areas.

#### Present Commission Concerns

9. This Commission has previously concluded that "AT&T's interstate network is presently underutilized and that it has been underused in previous years as well." *AT&T, (No. 18129)* 64 FCC 2d 1, 51-52 (1977). In its pleadings and comments addressed to the COMSTAR D-3 launch application, RCA Americom urged this Commission to defer the launch of the third COMSTAR satellite on the grounds that AT&T had shown no need for additional satellite capacity. AT&T responded to this petition. In a separate application<sup>3</sup> filed after the launch, requesting a modification of its earth station licenses to add COMSTAR III as a point of communication, AT&T appended additional data which set forth a description and analysis of its present use of the system and a justification of its need for a third operational satellite. Since we believe that AT&T's explanation warrants the comments of interested persons we will set forth a summary of AT&T's position. Persons

<sup>3</sup> Authority to undertake functional and operating testing of the D-3 satellite has been granted.

filing comments, however, are urged to review AT&T's comments in the launch proceeding and those attached to its application for the modification of its earth station licenses.

10. In the attachment to its applications, AT&T describes how the third COMSTAR satellite will be integrated into its nationwide communications network. The attachment shows present satellite loading, offers an explanation for the disparity between the circuit needs projected in its Section 214 application and the circuit loading actually in existence, offers revised satellite circuit requirements through 1981, and further addresses certain reliability and availability factors in support of its need for a full three satellite system. In its justification for a third satellite and the use of the initial two satellites, AT&T notes that unlike terrestrial long haul systems which allow incremental addition of capacity over a period of time, satellite capacity is equipped and available in total immediately following launch. AT&T also discusses the ability of transponder pairs to serve various points of communication through flexible circuit routing and reconfiguration arrangements as a feature which distinguishes a satellite transponder system from a terrestrial system.

11. AT&T describes the present use of the COMSTAR system as providing seven distinct paths of connectivity between continental United States locations, as meeting its needs for unexpected growth, and as providing additional network diversity and reliability. It further notes that three transponders are assigned to full time Hawaiian service, and two additional transponders will be added to Hawaiian service this September. The second in orbit satellite, primarily a back-up satellite in case of the massive failure of the first, is being used to provide TV relay capacity to the international record carriers serving Hawaii. Finally, as many as ten transponders have been held in reserve for potential service to Puerto Rico and Alaska pending a final Commission decision on offshore and Alaska services.

12. The need for the third satellite is addressed in terms of its ability to allow extended battery life to be realized for the whole system through optional turn off cycles during eclipse periods. Additionally, it is claimed that system reliability and circuit availability would be enhanced appreciably by its integration at this time into the system. Present transponder utilization and fill percentages are provided, along with

<sup>2</sup> It should be understood that as a practical matter, the public interest determinations underlying the authorization of a common carrier to provide service to the public by use of COMSTAR facilities, subsume the public interest determinations which would relate to the separate authorization to acquire and use the COMSTAR facilities themselves. Therefore, the conduct of two separate Section 214 proceedings on the same issue would be redundant and wasteful.

updated circuit capacity requirements and projected transponder fill percentages for various pairs of points, out through 1981. This chart, showing detailed current transponder use forecast as of January 1978, is appended to this notice for consideration by interested persons, as Attachment 1.

13. In light of the Commission's expressed concern in this matter, and, as a result of the supplemental information filed by AT&T along with its modification of license application, the staff identified some particular areas requiring fuller explanation. On October 17, 1978 the staff submitted an informational request, consisting of 17 questions to AT&T/GSAT, Attachment 2. On November 15, 1978, responses were received, and additional information supplementing these responses was received on December 1, 1978. This December 1 supplement contained a revised satellite loading forecast based upon a "July 1978 view." This revision of the information contained in the previously mentioned attachment 1 is appended hereto as Attachment 3.

14. The responses to the 17 questions are factually complete, and owing to the detail and scope of the information requested, are also voluminous. Consequently, it is not practical to include this material as an attachment to this notice. However, it will be included in the public docket and persons wishing to comment or otherwise contribute to this proceeding are urged to review this material, and frame their comments in terms of the material contained therein.

#### Conclusion

15. In light of the above discussion, as well as our previously expressed concern that AT&T's interstate network is presently underutilized, all interested parties are asked to address 1) whether the integration of the full COMSTAR three satellite system into AT&T's total network could create an unreasonably high percentage of facilities presently being held available for future growth, and thereby give rise to an unfair burden on present monopoly ratepayers, and 2) whether the capacity available in the 1976 to 1978 timeframe was so excessive as to raise the question of the costs associated with the COMSTAR system being allowed for purposes of revenue requirement determination. In particular, the Commission finds that the public interest would be best served by an inquiry and investigation into these matters by exploring the specific issues identified below.

16. Accordingly, the Commission is issuing this Notice of Inquiry and Investigation to obtain the views and comments of interested persons and to develop appropriate remedies concerning the following specific issues:

(a) Whether the AT&T-GTE lease of three satellites at this time is in the public interest.

(b) The reasons for the apparent disparity between satellite circuit use projections which AT&T put forward as economic justification in support of its application to acquire and use the COMSTAR System, and the actual traffic loading presently in existence, including comment on the explanation of this disparity provided by AT&T-GSAT.

(c) Whether, and to what extent, past or future monthly lease payments made to Comsat General Corporation for the use of COMSTAR space facilities should be disallowed as operating expenses, and consequently, be borne by the shareholders of AT&T-GTE and the basis for such possible disallowance computations.

(d) Such additional issues as may be identified in comments related to the above named considerations.<sup>4</sup>

17. It is further ordered, that a special trial staff of the Common Carrier Bureau to be designated by the Chief, Common Carrier Bureau pursuant to 47 U.S.C. § 0.101, will participate in the above-captioned proceedings as Commission counsel.

18. It is further ordered, that pursuant to Section 5(d) (1) of the Communications Act of 1934, as amended, for the purpose of this inquiry authority is hereby delegated to the Chief Administrative Law Judge of the Commission, at the request of Commission counsel to require by subpoena the production of books, papers, correspondence, memoranda and other records deemed relevant to the inquiry; to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence; and to perform such other duties in this connection as may be necessary or appropriate to the compilation of a complete record concerning the subject matter of this inquiry.

19. It is further ordered, that the Chief Administrative Law Judge is specifically authorized to designate a Commission Administrative Law Judge to exercise the authority conferred by this Order;

<sup>4</sup>Petitions to extend the 3 year moratorium have been filed, and the period for filing pleadings thereon has expired. The issue of the moratorium is therefore the subject of a separate and ongoing proceeding. Parties filing comments here should not attempt to use the forum of this inquiry as an opportunity for additional comments on that matter.

require witnesses to testify and produce evidence under authority of, and in the manner provided in, Section 409 of the Communications Act of 1934, as amended, only when requested to do so by Commission counsel.

20. It is further ordered, that the subpoena powers delegated by this Order shall be exercised in accordance with Sections 1.331 through 1.340 of the Commission's Rules. Motions to quash or limit subpoena shall be directed to the presiding Administrative Law Judge in accordance with Section 1.334 of the Rules.

21. It is further ordered, that the provisions of Section 1.27 of the Commission's Rules shall apply to the production of oral and documentary evidence under subpoena.

22. It is further ordered, that, upon conclusion of the inquiry and any associated investigation as ordered herein, the Commission Counsel shall report their initial findings and recommendations to the Commission on or before Sept. 17, 1979. AT&T or any other interested person shall have 30 days from the date of the filing of such report in which to submit a Reply.

23. This inquiry is instituted pursuant to the authority set forth in Sections 4(i), 4(j), 201, 205, 213(f), 218, 220 and 403, 409(e) of the Communications Act of 1934, as amended. Pursuant to applicable procedures set forth in Section 1.415 of the Commission's Rules, interested parties may file comments with supporting briefs on or before May 21, 1979, and Reply Comments on or before June 6, 1979. In accordance with the provisions of Section 1.419 of the Commission's Rules, an Original and 5 copies of all statements, briefs, or comments shall be furnished to the Commission.

Federal Communications Commission. <sup>5</sup>

William J. Tricarico,  
Secretary.

Separate Statement of Commissioner Joseph R. Fogarty

*In the Matter of: Notice of Inquiry and Investigation of the Comstar Satellite System*

This Notice of Inquiry and Investigation deals with the question of carrier accountability. In the past, when the Commission has approved facility utilization figures, or when we have allowed tariffs to become effective when they are accompanied by market figures, we rarely have required carriers to file follow-up studies of actual usage or demand. Fill and demand projections are notoriously inaccurate, and we have seen numerous cases where AT&T has predicted a geometric or other level of

<sup>5</sup> See attached Separate Statement of Commissioner Joseph R. Fogarty.

accelerated growth in demand when historical growth has been less than linear.<sup>1</sup>

In the case of Comstar, the Commission granted applications for three in-orbit satellites based in large part upon AT&T and GTE's projected traffic demands. Since these estimates proved far removed from reality, it is reasonable now for the Commission to question whether the carriers' ratepayers should be burdened with the obligation to pay for underutilized facilities. Certainly it is possible that AT&T and GTE can explain the low demand experienced. However, I hope at least that this proceeding demonstrates to all carriers that henceforth, the Commission will hold them accountable, within a reasonable range of error, for projections they submit in Commission filings.

[CC Docket No. 79-87; FCC 79-223]

[FR Doc. 79-12918 Filed 4-25-79; 8:45 am]

BILLING CODE 6712-01-M

## GENERAL ACCOUNTING OFFICE

### Regulatory Reports Review; Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on April 20, 1979. See 44 U.S.C. 3512(c) and (d). The purpose of publishing this notice in the Federal Register is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed FCC request are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed request, comments (in triplicate) must be received on or before May 14, 1979, and should be addressed to Mr. John M. Lovelady, Assistant Director, Regulatory Reports Review, United States General Accounting Office, Room 5106, 441 G Street, NW, Washington, DC 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-275-3532.

### Federal Communications Commission

The FCC requests clearance of revisions to Form 313-R, Application for Renewal of Auxiliary Broadcast License

(Short Form). Form 313-R is required by § 1.539 of the Commission's Rules. The form is filed by licensees to renew a station license in the auxiliary broadcast service if there have been no changes in the data previously filed with the FCC in the initial application for a station license. The revisions to Form 313-R are the addition of the data element "county" and a few editorial changes to the instructions for clarity. The FCC estimates respondent burden to average 15 minutes per response and that approximately 3,500 renewals are received annually.

Norman F. Heyl,

Regulatory Reports, Review Officer.

[FR Doc. 79-12926 Filed 4-25-79; 8:45 am]

BILLING CODE 1610-01-M

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Federal Council on the Aging Meeting

The Federal Council on the Aging was established by the 1973 amendments to the Older Americans Act of 1965 (Pub. L. 93-29, 42 U.S.C. 3015) for the purpose of advising the President, the Secretary of Health, Education, and Welfare, the Commissioner on Aging, and the Congress, on matters relating to the special needs of older Americans.

Notice is hereby given pursuant to the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C. app. 1, sec. 10, 1976) that the Committee will hold a meeting on Tuesday, May 15, from 9:30 a.m. to 4:30 p.m. in Room 703-705A, Hubert H. Humphrey Building, 200 Independence Avenue, S.W., Washington, D.C. 20201.

This agenda will consist of discussions with Federal program and research staff on the issues and problems in long term care.

Further information on the Committee may be obtained from Mrs. Muriel Shurr, Federal Council on the Aging, Washington, D.C. 20201, telephone (202) 245-0441. FCA meetings are open for public observation.

Dated: April 18, 1979.

Nelson H. Cruikshank,

Chairman, Federal Council on the Aging.

[FR Doc. 79-12951 Filed 4-26-79; 8:45 am]

BILLING DATE 4110-92-M

## Health Care Financing Administration

### Statewide Professional Standards Review Council of Pennsylvania; Request for Nominations for Public Member Positions on the Council

There are four public representatives on the Statewide Council. Membership terms for two of those representatives will expire on September 30, 1979.

Professional Standards Review Organizations (PSROs) review medical care services paid for under the Medicare, Medicaid, and Maternal and Child Health and Crippled Children Services programs in order to assure that those services are medically necessary, of acceptable quality, and provided at the appropriate level of care.

Statewide Councils are established in States that have 3 or more PSROs to: (1) help to coordinate PSRO activities and disseminate information among them; (2) assist the Secretary in the development of uniform data gathering and operating procedures; (3) review certain determinations and recommendations made by PSROs as a result of their reviews of medical care; (4) work with doctors and other practitioners and with medical facilities so that they will assure that medical care provided is necessary, appropriate, and of acceptable quality; and (5) assist the Secretary to carry out several of his responsibilities, including the evaluation of the PSROs' review activities and the designation of replacement PSROs when necessary.

Nominees for public representatives are considered on the basis of whether they are:

(1) Knowledgeable about health care provided in Pennsylvania under the Medicare, Medicaid, and Maternal and Child Health and Crippled Children Services programs;

(2) willing and able to represent the interests of the public; and

(3) willing and able to discharge the responsibilities of membership in the Statewide Council.

Special consideration will be given to qualified individuals who are not affiliated with:

(1) Organizations and groups that must, under law, be represented on the Council (PSROs and physician groups); or

(2) Organizations and groups that must, under law, be represented on the Council's Advisory Group (hospitals and other health care facilities and health

<sup>1</sup> See, e.g., DDS, 62 FCC 2d 774 (1977); International Facilities Planning, Docket No. 18875, 67 FCC 2d 358 (1977), FCC 79-171, released March 16, 1979. Our decision on cost allocations in Docket No. 18128, 61 FCC 2d 587 (1976) recognized the need for accountability and contained a built-in mechanism for rate adjustment.

care practitioners other than physicians).

Please include biographical data which demonstrate each nominee's qualifications, particularly his/her knowledge of health care in the State and their willingness and ability to represent the interests of the public. Persons or organizations may submit nominations to:

Everett F. Bryant, Regional Administrator,  
Health Care Financing Administration, P.O.  
Box 7760, Philadelphia, PA 19101.

After consideration of all nominations received within 60 days of this Notice, the Secretary will appoint two new public representatives.

For further information about the nature and functions of the Council and the role of public members in Council activities, please call the Office of the Regional Administrator, HCFA, (215) 596-1351

Dated: April 16, 1979.

Everett F. Bryant,  
Regional Administrator, Health Care Financing Administration.

[FR Doc. 79-12887 Filed 4-25-79; 8:45 am]

BILLING CODE 4110-35-M

### Request for Nominations for Public Member Positions on Statewide Professional Standards Review Council of Maryland

There are four public representatives on the Statewide Council. Membership terms for two of those representatives will expire on September 30, 1979.

Professional Standards Review Organizations (PSROs) review medical care services paid for under the Medicare, Medicaid, and Maternal and Child Health and Crippled Children Services programs in order to assure that those services are medically necessary, of acceptable quality, and provided at the appropriate level of care.

Statewide Councils are established in States that have 3 or more PSROs to: (1) Help to coordinate PSRO activities and disseminate information among them; (2) Assist the Secretary in the development of uniform data gathering and operating procedures; (3) Review certain determinations and recommendations made by PSROs as a result of their reviews of medical care; (4) Work with doctors and other practitioners and with medical facilities so that they will assure that medical care provided is necessary, appropriate, and of acceptable quality; and (5) Assist

the Secretary to carry out several of his responsibilities, including the evaluation of the PSRO's review activities and the designation of replacement PSROs when necessary.

Nominees for public representatives are considered on the basis of whether they are:

(1) Knowledgeable about health care provided in Maryland under the Medicare, Medicaid, and Maternal and Child Health and Crippled Children Services programs;

(2) willing and able to represent the interests of the public; and

(3) willing and able to discharge the responsibilities of membership in the Statewide Council.

Special consideration will be given to qualified individuals who are not affiliated with:

(1) Organizations and groups that must, under law, be represented on the Council (PSROs and physician groups); or

(2) Organizations and groups that must, under law, be represented on the Council's Advisory Group (hospitals and other health care facilities and health care practitioners other than physicians).

Please include biographical data which demonstrate each nominee's qualifications, particularly his/her knowledge of health care in the State and their willingness and ability to represent the interests of the public. Persons or organizations may submit nominations to:

Everett F. Bryant, Regional Administrator,  
Health Care Financing Administration, P.O.  
Box 7760, Philadelphia, PA 19101.

After consideration of all nominations received within 60 days of this Notice, the Secretary will appoint two new public representatives.

For further information about the nature and functions of the Council and the role of public members in Council activities, please call the Office of the Regional Administrator, HCFA, (215) 596-1351.

Dated: April 16, 1979.

Everett F. Bryant,  
Regional Administrator, Health Care Financing Administration.

[FR Doc. 79-12888 Filed 4-25-79; 8:45 am]

BILLING CODE 4110-35-M

### SOCIAL SECURITY ADMINISTRATION

#### English Language and Employment Services for Indochinese Refugees; Availability of Funding

AGENCY: Office of Family Assistance, Social Security Administration, HEW.

#### ACTION: Notice of availability of funding.

**SUMMARY:** This document governs the award of grants to public and private non-profit agencies for the purpose of operating English language and employment services for Indochinese refugees in order to assist them in resettling in the United States and in gaining skills and education necessary to become self-reliant.

**DATE:** Applications for these grants must be received by 5 p.m. on June 11, 1979. This date should also be shown in section VIII below.

**FOR FURTHER INFORMATION CONTACT:** Gerard R. Wynne, telephone 202-472-2417.

#### SUPPLEMENTARY INFORMATION:

##### I. Purpose and Scope

This notice describes the availability of national funding for special projects and programs of English language instruction, training, and employment services for Indochinese refugees. The objective of such project and programs is to assist refugees in resettling in the United States and in gaining skills and education necessary to become self-reliant.

Funding will be available through the Special Programs Staff, Office of Family Assistance, Social Security Administration, HEW, for project grant awards to public and non-profit private agencies for intensive employment assistance activities for Indochinese refugees currently receiving cash assistance or likely to receive such assistance in the future.

In addition to addressing the problem of refugee unemployment which results in the need for public cash assistance, these projects will also attack the problem of refugee underemployment by upgrading refugee vocational skills and earning power to the point where supplementary cash assistance is no longer needed by working refugees.

Projects to be funded will be those which emphasize direct job placement whenever possible and provide work-related English language and vocational training leading to secure jobs with advancement potential and the usual range of employee fringe benefits.

##### II. Authorization

Funds for the activities listed below are authorized under the Indochina Migration and Refugee Assistance Act of 1975 and Pub. L. 94-23 as amended by Pub. L. 95-145 and Pub. L. 95-549. Specifically, that act authorizes funds to be appropriated to the Department of Health, Education, and Welfare for the performance of functions set forth in the

Migration and Refugee Assistance Act of 1962, Pub. L. 87-510: It is intended that the grants be for up to 12 months from the date of award.

### III. Eligible Grantees

Section 2(c) of Pub. L. 95-145 states that special projects and programs are to be "administered in whole or in part by State or local public agencies or by private voluntary agencies participating in the Indochina Refugee Assistance Program, to assist refugees in resettling and in gaining skills and education necessary to become self-reliant."

Eligible grantees are State and local governments, public and incorporated nonprofit private agencies, or any combination of these. Private for-profit agencies or firms are not eligible for grants.

In its FY 1979 appropriation action, Congress directed that special projects funds ". . . be administered primarily by the private voluntary resettlement agencies." At least fifty-one percent (51%) of FY 1979 special projects funds will be awarded to private, non-profit agencies.

### IV. Allotment of Funds

Approximately \$5,000,000 will be made available for the purposes of this announcement. The allocation of funds nationwide will be based on the need for maximum impact on reducing cash assistance dependency and assisting Indochinese refugees to achieve self-support.

### V. Eligible Projects

Proposed projects must provide for direct services to refugees and must be designed to move employable adult refugees receiving cash assistance, likely to receive cash assistance, or in need of employment services into permanent full-time employment, and to upgrade the earning power of currently underemployed refugees.

Allowable activities include:

- (1) Identification and employability assessment of eligible audits.
- (2) Job placement services.
- (3) Provision of English language training, provided that such training emphasizes the teaching of English that is essential to the attainment of employment, including language training which is related to the needs of a specific occupation.

(4) Vocational training.

(5) Vocational counseling, testing, employment-enhancing job training, skill training, and follow-up counseling. Special emphasis on career planning; with the goal of steady advancement in

a field of specialty, is strongly encouraged.

The payment of stipends is not an allowable activity.

Project plans must show how the selected activities will support the objectives as outlined in section I, "Purpose and Scope" above. A range of services and a mix of activities that reflect the individual needs of each area to be served are encouraged. Jointly funded or supported activities are allowed and encouraged.

Creation of advisory boards, made up of representatives from the Indochinese community, the public sector, and the private sector (such as voluntary agencies, labor organizations and employers) is required for all projects.

Intent to contract with third parties (including profit-making organizations) must be fully described in the grant application. If, subsequent to the grant, the grantee desires to enter into a contract with a third party, a request for prior approval must be submitted through the Regional Commissioner SSA, and approved by the Director, Special Programs Staff, Office of Family Assistance, as outlined in Chapter 1-430 of the HEW Grants Administration Manual.

### VI. Definition of a Refugee

For the purpose of participation in these projects, refugees are defined as: "Aliens who (A) because of persecution or on account of race, religion, or political opinion, fled from Cambodia, Vietnam, or Laos; (B) cannot return there because of fear of persecution on account of race, religion, or political opinion."

To be eligible, a refugee must have status as described by one of the following: (1) An individual with parole, voluntary departure or conditional entry status as indicated by an Immigration and Naturalization Service (INS) Form I-94; (2) An individual admitted to the United States with permanent resident status on or after April 8, 1975, or an individual who has permanent resident status as a result of adjustment of status under Pub. L. 95-145, as indicated by INS Form I-151 or I-551.

### VII. Eligible Participants

Consistent with the scope and purpose of the authorizing legislation, the eligible participants shall be:

(1) Unemployed, employable adult refugees receiving public cash assistance or likely to receive public cash assistance.

(2) Underemployed adult refugees needing job upgrading to achieve or maintain self-sufficiency.

(3) Underemployed adult refugees needing job upgrading to achieve career potential.

(4) Minors age 16 or 17 who are not in school.

### VIII. Application Submission and Approval Procedures

Eligible applicants may request grant applications and information from the HEW Regional offices listed at the end of this notice, or from the Special Programs Staff, Office of Family Assistance, Social Security Administration, Room 1124, Donohoe Building, HEW, 330 Independence Avenue S.W., Washington, D.C. 20201.

An original application and two copies must be received by the Regional Commissioner, Social Security Administration, by 5 P.M. (local time) on June 11, 1979. No grant application will be accepted after this date.

Regional panels to be convened by the Regional Commissioners, Social Security Administration, will review, evaluate, and rank the proposals received, based on (1) the criteria outlined in Item IX of this notice; (2) the needs of the refugee population within the region; and (3) existing resources available to refugees in the target area. The review panel's recommendations and the Regional Commissioners' concurrence and/or comments will be forwarded to the Director, Special Programs Staff, Office of Family Assistance for review.

All applications are subject to the Project Notification and Review procedures required by OMB Circular A-95 Part I. This circular requires applicants to notify State and areawide clearinghouses of their intention to apply for a grant and, if requested by a clearinghouse, to submit a copy of the application.

The effective date of grant awards under this Announcement will be September 1, 1979.

### IX. Criteria for Evaluating Applications

Applicants must specify how they meet the statutory requirement of "participating in the Indochina Refugee Assistance Program."

Project grant applications will be evaluated on the following criteria:

1. Familiarity and experience of the applicant organization in Indochinese refugee resettlement, manpower programs, and/or teaching English as a second language (0-10 Points).

2. Qualifications of applicant organization in operating human service programs, including:

(a) Provision of direct services; (b) project administration; (c) monitoring of

subcontracts, if applicable; (d) training and supervision of staff; and (e) demonstration of commitment and responsiveness to refugee concerns through implementation of Advisory Boards, feedback mechanisms, and program evaluation (0-15 Points).

3. Projected impact of the proposed program in increasing self-sufficiency and reducing dependency—i.e., specific project objectives (0-15 Points).

4. Qualifications of individual professional personnel delivering the services and administering the project (0-10 Points).

5. Understanding and analysis of the problem, in light of local conditions and the needs of the target population to be served (0-10 Points).

6. The extent to which the grant application outlines a clear and achievable plan to reduce unemployment and/or underemployment among target adult refugees (0-15 Points).

7. The extent to which the proposed project mobilizes, coordinates, and expands existing resources and activities which are providing, or could provide, services to refugees, including:

(a) Ongoing activities funded through the Office of Family Assistance and Office of Education under the Refugee Assistance Program; (b) State or local resettlement task forces or committees; and (c) Voluntary efforts undertaken by Voluntary Agencies (VOLAGs), other resettlement agencies, and Indochinese associations and coalitions (0-15 Points).

8. Comprehensiveness and coordination of proposed project components (0-10 Points).

9. Adequacy and accessibility of facilities and other resources (0-10 Points).

10. Reasonableness of estimated costs in relation to anticipated results (cost/benefit ratio) (0-15 Points).

Selection of a State for a grant award does not preclude a grant award to other public or non-profit private agencies within the State. Applicants must demonstrate their willingness and intention to work cooperatively with other agencies serving the same population.

#### X. Application Content

All applicants will use Standard Form 424, "Federal Assistance" in submitting project proposals. Grants applications must also include the following:

(1) Description of the applicant organization. Description of the proposer (public agency, private nonprofit, consortium). If other than a public agency, description of its

organizational mandate, funding sources, principal officers, address, and telephone number. A description of the advisory board's makeup, the selection process used for its members, and the board's function. If the applicant is a unit of a larger institution, assurances must be provided that the operation and objectives of the project will not be subordinated to other institutional objectives.

(2) Applicant experience with Indochinese refugees. Description of other projects or experience which the applicant has had in serving the Indochinese refugee population.

(3) Identification of the target population. Includes estimates of the number of people to be served (compared to the total refugee population in the area), number receiving cash assistance, and other relevant distinctions, such as:

a. Number unemployed and underemployed.

b. Heads of households and secondary wage earners.

c. Sex and family status.

d. Native language (Vietnamese, Cambodian, Lao, H'mong).

This section will include an explanation of the methodology and data sources used in arriving at the estimates.

(4) Project objectives. Description of proposed project objectives, including the number of enrollees who will achieve each of the listed objectives.

(5) Existing service deliverers. Brief overview of existing services to Indochinese refugees which have bearing on the proposed project. Where other service projects are in operation, proposer should provide assurances that either:

a. Coordinative linkages with such projects have been arranged (demonstrated by letters of commitment or support or descriptions of working agreements), or

b. The proposed project is not in competition with, nor duplicative of, existing projects.

(6) Work plan. A work plan to meet the project objectives including identification of all service deliverers and a procedure to insure service linkages. A description of proposed contracting with third parties should be included. The work plan should describe in detail the proposed services and components, such as:

a. Outreach and recruitment. Description of how proposer plans to locate and recruit the target population, along with a schedule of enrollment goals.

b. Intake and assessment. Description of how proposer plans to determine eligibility and make assessments of enrollee needs, including assessment tools or proposed tests.

c. Counseling and career planning. Description of how proposer plans to provide counseling and career planning services. If already developed, samples should be included of Employment Plan or Career Plan forms which will be completed for enrollees.

d. Language training. Description of how proposer plans to deal with the language problems of the refugees. If English as a Second Language (ESL) programs are planned, description of class sizes, amount of instruction, and assurance that classes will be refugee-specific.

e. Vocational training. If proposed, description of how proposer plans to provide or arrange for vocational training, including skill areas, length of training, and likelihood of related employment.

f. Job development and placement. Description of how proposer plans to develop jobs, or other positive alternatives (such as on-the-job training or higher education). Description of placement methodology.

g. Follow-up. Description of how proposer plans to maintain follow-up contacts and records for ninety days after all placements.

(7) Supportive services. Supportive services required, with an indication of how they will be provided.

(8) Management plan. A plan for fiscal and program management to accomplish the program objectives. The program management plan should describe how the proposer plans to administer the project, train and supervise staff, monitor sub-contracts (if proposed), maintain records, and evaluate performance.

(9) Program budget.

#### XI. Records and Reports

Grantees will be required to maintain such fiscal and operational records as are necessary for Federal monitoring and auditing of the grants. This record-keeping shall include but is not limited to:

(1) Individual case records on all refugees counted as enrolled and receiving services. At a minimum these records must include identification data; career planning and counseling data; services provided; progress reports; job referrals; job placements; and follow-up.

(2) Quarterly program progress reports, due 10 days after the last calendar day of each quarter following

the effective date of the contract award. The quarterly report shall include:

- a. A narrative statement of project status: Progress achieved, problems encountered, and proposed actions to resolve problems.
  - b. The number of refugees receiving services, including current enrollment and cumulative totals for each service provided by the grant project.
  - c. The number of refugees placed in jobs and hourly wage rates.
  - d. Of those placed, the number still employed 30, 60, and 90 days after job placement.
  - e. A cash assistance status report of the refugees served.
    - (3) Fiscal reports.
    - (4) Fiscal records.
- (5) Additional reports as required for effective Federal monitoring.

## XII. Conditions of Award

All grants made under this announcement will be subject to:

1. The following HEW regulations in 45 CFR, as amended: Part 16, "Department Grant Appeals Process;" Part 74 "Administration of Grants;" Part 75, "Informal Grant Appeals Procedures;" and Parts 80, 84, and 86 relating to nondiscrimination.
2. The HEW Grants Administration Manual. Copies of these documents may be inspected in the offices of Regional Commissioners, SSA, or of the Special Programs Staff, Office of Family Assistance, HEW, Room 1124, Donohoe Building, 400 Sixth Street S.W., Washington, D.C.

## XIII. Additional Information

Additional information and grant applications can be obtained from the following persons in the HEW Regional Offices:

### Region I

Tran Phuc Truong, Social Security Administration, HEW, John F. Kennedy Federal Building, Government Center, Boston, Mass. 02003, telephone 617-223-6833, FTS 223-6833.

### Region II

Georgianna Gleason, Social Security Administration, HEW, 26 Federal Plaza, New York, N.Y. 10007, telephone 212-264-7202, FTS 264-7202.

### Region III

Robert T. Clifford, Office of Family Assistance, Social Security Administration, HEW, P.O. Box 8788, Philadelphia, Pa. 19101, telephone 215-598-6615, FTS 598-6615.

### Region IV

Hoang T. Phan, Social Security Administration, HEW, Marietta Tower, 101

Marietta Street N.W., Atlanta, Ga. 30323, telephone 404-221-2466, FTS 242-2466.

### Region V

Gene Niewoehner, Social Security Administration, HEW, 300 South Wacker Drive, Chicago, ILL. 60606, telephone 312-353-5182, FTS 353-5182.

### Region VI

Carol Sedanko, Social Security Administration, HEW, 1200 Main Tower Building, Dallas, Texas 75202, telephone 214-767-4301, FTS 729-4301.

### Region VII

Don Belknap, Social Security Administration, HEW, 601 East 12th Street, Kansas City, Mo. 64106, telephone 816-374-6127, FTS 758-6127.

### Region VIII

Vo Van Ha, Social Security Administration, HEW, 1961 Stout Street, Denver, Colo. 80202, telephone 303-837-5361, FTS 327-5361.

### Region IX

Robert Harberson, Social Security Administration, HEW, 100 Van Ness Avenue, San Francisco, Calif. 94102, telephone 415-556-8582, FTS 556-8582.

### Region X

Ray Napierkowski, Social Security Administration, HEW, Arcade Plaza, 131 Second Avenue, Seattle, Wash. 98101, telephone 206-442-5734, FTS 399-5734.

(1978 Catalog of Federal Domestic Assistance No. 13.814—Refugee Assistance—Indochinese Refugees (previously Catalog No. 13.769—Special Assistance to Refugees from Cambodia, Vietnam, and Laos in the United States.)

Dated: April 19, 1979.

Stanford G. Ross,

Commissioner of Social Security.

[FR Doc. 79-13002 Filed 4-25-79; 8:45 am]

BILLING CODE 4110-07-M

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Deputy Area Manager, et al.: Boston Area Office—Region 1; Designation To Serve as Acting Area Manager

### Republication

In FR Doc. 79-12120 published on page 23381 in the issue of Thursday, April 19, 1979, part of the heading was inadvertently omitted. For the convenience of the reader, the document with the heading corrected is being republished in its entirety.

The officials appointed to the following listed positions are hereby designated to serve as Acting Manager, Boston Region 1, during the absence of the Area Manager, with all the powers, functions, and duties redelegated or assigned to the Area Manager; Provided,

That no official is authorized to serve as Acting Area Manager unless all other officials whose titles precede his in this designation are unable to act by reason of absence or vacancy in the position:

- (1) Deputy Area Manager.
- (2) Director, Housing Division.
- (3) Director, Community Planning and Development Division.
- (4) Area Counsel.

This designation supersedes the designation published at 40 FR 24041, June 4, 1975.

Effective Date. This designation and delegation shall be effective as of March 16, 1979.

Marvin Siflinger,

Area Manager, Boston Area Office, Region 1.

[Docket No. D-79-560]

[FR Doc. 79-12120 Filed 4-18-79; 8:45 am]

BILLING CODE 1505-01-M

Office of the Service Office Supervisor; Shreveport Service Office; Designation

### Republication

In FR Doc. 79-12121 published on page 23381 in the issue of Thursday, April 19, 1979, part of the heading was inadvertently omitted. For the convenience of the reader, the document with the heading corrected is being republished in its entirety.

AGENCY: Department of Housing and Urban Development.

ACTION: Designation of Line of Succession.

SUMMARY: The Service Office Supervisor is designating officials who may serve as Acting Service Office Supervisor during the absence of, or vacancy in the position of, the Service Office Supervisor.

EFFECTIVE DATE: March 29, 1979.

SUPPLEMENTARY INFORMATION: Each of the officials appointed to the following position is designated to serve as Acting Service Office Supervisor during the absence of, or vacancy in the position of, the Service Office Supervisor, with all the powers, functions, and duties redelegated or assigned to the Service Office Supervisor: Provided, that no official is authorized to serve as Acting Service Office Supervisor unless all officials before him in this designation are unavailable to act by reason of absence or vacancy in the position:

1. Deputy Service Office Supervisor.

## 2. Chief, Loan Management Branch.

Terrance R. Duvernay,  
Area Manager, New Orleans Area Office, Region VI  
(Dallas).

Walter G. Sevler,  
Deputy Regional Administrator, Region VI (Dallas).  
[FR Doc. 79-12121 Filed 4-18-79; 8:45 am]

BILLING CODE 1505-01-M

### Deputy Area Manager et al.: Buffalo Area Office; Designation and Delegation of Authority

#### Republication

In FR Doc. 79-12122 published on page 23381 in the issue of Thursday, April 19, 1979, part of the heading was inadvertently omitted. For the convenience of the reader, the document with the heading corrected is being republished in its entirety.

#### Section A. Designation of Acting Area Manager

Each of the officials appointed to the following positions is designated to serve as Acting Area Manager during the absence of, or vacancy in the position of, the Area Manager, with all the powers, functions and duties redelegated or assigned to the Area Manager; Provided, that no official is authorized to serve as Acting Area Manager unless all officials listed before him/her in this designation are unavailable to act by reason of absence or vacancy in the position:

1. The Deputy Area Manager.
2. The Director, Community Planning and Development Division.
3. The Director, Housing Division.
4. The Area Counsel.
5. The Director, Fair Housing and Equal Opportunity Division.

**Effective Date.** This designation and delegation shall be effective as of March 7, 1979.

Thomas Apploby,  
Regional Administrator, New York Regional Office.

[Docket No. D-79-561]  
[FR Doc. 79-12122 Filed 4-18-79; 8:45 am]  
BILLING CODE 1505-01-M

### Federal Disaster Assistance Administration

#### Iowa; Emergency Declaration and Related Determinations

**AGENCY:** Federal Disaster Assistance Administration, HUD,

**ACTION:** Notice.

**SUMMARY:** This is a Notice of the Presidential declaration of an emergency for the State of Iowa (FDAA-3076-EM), dated April 6, 1979, and related determinations.

**DATED:** April 6, 1979.

**FOR FURTHER INFORMATION CONTACT:**  
John L. Perry, Program Support Staff,  
Federal Disaster Assistance  
Administration, Department of Housing  
and Urban Development, Washington,  
D.C. 20410, (202) 634-7825.

**NOTICE:** Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285; 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 on April 6, 1979 to the Secretary, the President declared an emergency as follows:

I have determined that the impact of severe storms and tornadoes on the State of Iowa is of sufficient severity and magnitude to warrant a declaration of an emergency under Public Law 93-288. I therefore declare that such an emergency exists in the State of Iowa.

In order to provide Federal assistance, you are hereby authorized to donate Government-owned mobile homes to the State of Iowa for the purpose of providing temporary housing under the provisions of Section 404 of Public Law 93-288.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285, I hereby appoint Mr. Francis X. Tobin of the Federal Disaster Assistance Administration to act as the Federal Coordinating Officer for this declared emergency.

I do hereby determine the following areas to have been adversely affected by this declared emergency.

The Counties of: Madison, Taylor, Warren, Page, Union.

William H. Wilcox,  
Administrator, Federal Disaster Assistance Administration.

(Catalog of Federal Domestic Assistance No. 14,701, Disaster Assistance)

[FDAA-3076-EM; Docket NFD-6753]  
[FR Doc. 79-12863 Filed 4-25-79; 8:45 am]  
BILLING CODE: 4210-01-M

### DEPARTMENT OF THE INTERIOR

#### Bureau of Indian Affairs

#### Receipt of Petition for Federal Acknowledgment of Existence as an Indian Tribe

April 19, 1979.

This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 230 DM 2.

Pursuant to 25 CFR 54.8(a) notice is hereby given that the

Hattadare Indian Nation, c/o James N. Lowery, D.D., Bunnlevel, North Carolina 28323

has filed a petition for acknowledgment by the Secretary of the Interior that the group exists as an Indian tribe. The petition was received by the Bureau of Indian Affairs on March 16. The petition was forwarded and signed by James N. Lowery D.D.

This is a notice of receipt of petition and does not constitute notice that the petition is under active consideration. Notice of active consideration will be by mail to the petitioner and other interested parties at the appropriate time.

Under 54.8(d) of the Federal regulations, interested parties may submit factual or legal arguments in support of or in opposition to the group's petition. Any information submitted will be made available on the same basis as other information in the Bureau of Indian Affairs files.

The petition may be examined by appointment in the Division of Tribal Government Services, Bureau of Indian Affairs, Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

Forrest J. Gerard,  
Assistant Secretary—Indian Affairs.  
[FR Doc. 79-12869 Filed 4-25-79; 8:45 am]  
BILLING CODE 4310-02-M

#### Bureau of Land Management

#### New Mexico; Intent To Prepare an Environmental Impact Statement

April 13, 1979.

The Department of the Interior, Bureau of Land Management, Socorro District Office will prepare an environmental impact statement on the proposed El Malpais Wilderness Area. The statement will analyze the proposed wilderness designation on 115,000 acres of the El Malpais lava flow. Analysis of alternate designations for the area will be considered in the statement.

A citizens work group, representing various interest groups, met and developed tentative multiple land use recommendations for the Bureau's planning on the El Malpais lava flow. These recommendations are being used to formulate the proposed action and alternatives and were presented to the public at public meetings held early in April. A 45 day comment period, March 12, 1979 to April 26, 1979, will allow the public to submit written comments on the proposed wilderness designation of El Malpais. Upon completion of the 45 day comment period and an analysis of the comments, the proposed action, alternatives, scope and issues to be discussed in the statement will be formulated.

The contact for the El Malpais Wilderness Environmental Impact Statement is:

Paul Tanner, Bureau of Land Management,  
Socorro District Office, Post Office Box  
1456, 200 Neel Avenue NW., Socorro, New  
Mexico 87801.

Telephone: Commercial—Area Code  
(505) 835-0412 FTS—476-1614

Art Zimmerman,  
State Director.

[FR Doc. 79-12842 Filed 4-25-79; 8:45 am]

BILLING CODE 4310-84-M

## Wyoming; Notice of Application

April 16, 1979.

Notice is hereby given that pursuant to Sec. 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Mountain Fuel Supply Company of Salt Lake City, Utah filed an application for a right-of-way to construct a 3½ inch O.D. pipeline for the purpose of transporting natural gas across the following described public lands:

Sixth Principal Meridian, Wyoming  
T. 18 N., R. 112 W.,  
Sec. 14, S½NW¼.

The proposed pipeline will transport natural gas from the Bruff Well #1-14 located in section 14 southwesterly to a point of connection with their main line located in the NE¼SW¼ section 15, T. 18 N., R. 112 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, Highway

187 N., P.O. Box 1869, Rock Springs,  
Wyo. 82901.

Maria B. Bohl,  
Acting Chief, Branch of Lands and Minerals Operations.

[W-67823]

[FR Doc. 79-12843 Filed 4-25-79; 8:45 am]

BILLING CODE 4310-84-M

## Ely District, Nevada; Release From Further Wilderness Consideration

The Bureau of Land Management has decided to release from further wilderness consideration 12 roadless areas covering 205,700 acres in the Ely District, Nevada.

The special project inventory, covering prospective oil and gas drilling areas, a proposed prison site, and a powerline right-of-way, was conducted late last year and a 90-day public comment period ended April 4. The Bureau recommended that the areas be dropped because they lacked wilderness characteristics described in the 1964 Wilderness Act. Since there was general public agreement with these findings, the inventory is now complete and the decision to release the areas from all management restrictions imposed by Section 603 of the Federal Land Policy and Management Act will be implemented May 4.

The inventory units involved and the reasons for releasing them are: Currant, Eldridge Ranch, Coal Valley Reservoir, Smith Valley, Water Canyon Flats, and East Preston Reservoir, due to lack of opportunities for outstanding solitude or a primitive and unconfined type of recreation; Murry Creek, Squaw Peak, West Ely, Dark Peak, West Preston Reservoir, and Lion Spring, due to lack of naturalness and insufficient size.

Information on these units and the special inventory can be obtained from the BLM, Ely District Offices, Star Route 5, Box 1, Ely, Nevada 89301.

Dated: April 20, 1979.

E. I. Rowland,  
State Director, Nevada.

[FR Doc. 79-12887 Filed 4-25-79; 8:45 am]

BILLING CODE 4310-84-M

## North Atlantic Outer Continental Shelf; Call for Nominations of and Comments on Areas for Oil and Gas Leasing

### Withdrawal of Blocks

In the Call for Nominations of and Comments on Areas for Oil and Gas Leasing published at 43 FR 60237 on December 26, 1978, certain areas were included that are currently in litigation. Blocks listed in this notice are hereby withdrawn from the Call. Nominations and comments concerning such blocks

will not be considered by the Department of the Interior until pending litigation has been resolved.

### Description of Blocks Withdrawn

OCS Official Protraction Diagram, NK 19-7; Providence.

Blocks: 549, 593, 594, 626, 627, 628, 629, 630, 638, 639, 640, 668, 667, 668, 669, 670, 671, 672, 673, 674, 684, 706, 710, 711, 712, 713, 714, 717, 718, 752, 753, 754, 755, 756, 757, 758, 761, 762, 796, 797, 798, 799, 800, 801, 802, 805, 843, 844, 845, 846, 847, 887, 888, 889, 890, 931.

OCS Official Protraction Diagram, NK 19-8.

Blocks: 446, 489, 490, 533, 534, 578.

Dated: April 18, 1979.

Arnold E. Petty,

Acting Associate Director, Bureau of Land Management.

Dated: April 20, 1979.

Larry E. Melerotto,

Assistant Secretary of the Interior.

[FR Doc. 79-12880 Filed 4-25-79; 8:45 am]

BILLING CODE 4310-84-M

## Wilderness Review of Instant Study Areas; Oregon

A report on a preliminary determination that five instant study areas in Oregon do not possess wilderness characteristics is available for public review and comment until June 26, 1979.

Copies of the report can be obtained by writing to the Bureau of Land Management, Office of Public Affairs (912), P. O. Box 2965, Portland, Oregon 97208.

Public meetings will be held to explain the wilderness review of the instant study areas and to receive comments. The report includes instructions on how people who cannot attend one of the meetings may submit comments directly to offices which administer the areas.

Meetings will be held at the following locations:

Lakeview, Oregon.

Wednesday, May 9, 7:00 PM, Lakeview Community Center basement, 11 North "G" Street.

Grants Pass, Oregon.

Wednesday May 9, 7:00 PM, Josephine county Courthouse, 500 Sixth Street.

Klamath Falls, Oregon.

Monday, May 14, 7:00 PM, County Library, 126 South 3rd.

Portland, Oregon.

Wednesday, May 16, 3:00 PM and 7:30 PM, BLM State Office basement conference room, 729 NE Oregon Street.

**Salem, Oreg.**

Wednesday, May 16; 1:30 to 4:40 PM, and  
7:00 to 9:30 PM, Salem Heights Hall, 3505  
Liberty Road South.

**Coos Bay, Oreg.**

Wednesday, May 16, 9:00 AM,  
Southwestern Oregon Community College,  
Tioga Hall, Empire Lakes.

**Bend, Oreg.**

Saturday, May 19, 9:30 AM, Pilot Butte  
Junior High School Cafetorium, 1500 NE Penn  
Avenue.

Dated: April 16, 1979.

Muri W. Storms,  
State Director, Oregon State Office,  
[FR Doc. 79-12925 Filed 4-25-79; 8:45 am]  
BILLING CODE 4310-84-M

**Wilderness Inventory Findings or  
Public Lands in Nevada; Meetings**

The Bureau of Land Management in  
Nevada has scheduled two series of  
open houses to present and discuss its  
initial wilderness inventory findings on  
public lands in Nevada.

The first series will be held during the  
month of May at district offices and  
other locations throughout the state.  
Dates, times, and locations of those  
meetings are listed below. The second  
series will provide the public an overall  
look at the statewide findings at four  
strategic locations. The dates, times, and  
locations of these sessions, tentatively  
scheduled for mid-June, will be  
announced in the Federal Register  
shortly.

The district open houses are as  
follows:

- May 14—Tonopah, BLM area office, 1 to 6:30  
p.m.
- May 14—Battle Mountain, BLM district office,  
1 to 6:30 p.m.
- May 16—Yerington, Lyon County Library, 7  
to 9 p.m.
- May 18—Ely, White Pine County Library, 5 to  
8 p.m. (Pacific Daylight Time)
- May 21—Lovelock, Pershing County  
Courthouse, 7:30 to 9 p.m.
- May 22—Goldfield, Esmeralda County  
Courthouse, 4 to 8 p.m.
- May 22—Winnemucca, BLM district office,  
1:30 to 4:30 p.m. and 7 to 8 p.m.
- May 23—Fallon, Nevada Dept. of Fish and  
Game Conference Room, 7 to 9 p.m.
- May 23—Elko, BLM district office, 7 p.m.
- May 23—Las Vegas, Garden Club Center,  
Lorenzi Park, 2 to 5 p.m. and 7 to 9 p.m.
- May 24—Caliente, BLM office, 4 to 9 p.m.
- May 30—Hawthorne, Hawthorne Convention  
Center, 7 to 9 p.m.

In addition, information on the initial  
inventory can be obtained from any  
BLM office in Nevada during normal  
business hours.

Dated: April 20, 1979.

E. I. Rowland,  
State Director, Nevada,  
[FR Doc. 79-12898 Filed 4-25-79; 8:45 am]  
BILLING CODE 4310-84-M

**Wyoming; Application**

April 18, 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  
Mountain Fuel Supply Company of Salt  
Lake City, Utah filed an application for  
a right-of-way to construct a 3½ inch  
O.D. pipeline for the purpose of  
transporting natural gas across the  
following described public lands:

Sixth Principal Meridian, Wyoming

T. 20 N., R. 112 W.,  
Sec. 34, S½SE¼ and SW¼.

The proposed pipeline will transport  
natural gas from the Fabian Ditch No. 1-  
34 well located within the SW¼ of  
section 34, T. 20 N., R. 112 W., Lincoln  
County, extending easterly to an  
existing line in the SW¼ of section 35,  
T. 20 N., R. 112 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, Highway  
187 N., P.O. Box 1869, Rock Springs,  
Wyoming 82901.

Marla B. Bohl,  
Acting Chief, Branch of Lands and Minerals Operations.  
[Wyoming 67624]  
[FR Doc. 79-12899 Filed 4-25-79; 8:45 am]  
BILLING CODE 4310-84-M

**Wyoming; Application**

April 17, 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  
Northwest Pipeline Corporation of Salt  
Lake City, Utah filed an application for  
a right-of-way to construct an access  
road for the purpose of access to their  
gathering system in the Willow Creek  
area and to their existing Willow Creek  
compressor station site and will affect  
the following described public lands:

Sixth Principal Meridian, Wyoming

T. 24 N., R. 112 W.,  
Secs. 30, 31 and 32.

T. 24 N., R. 113 W.,  
Secs. 16, 17, 21, 22, 25, 26 and 27.  
T. 24 N., R. 114 W.,  
Secs. 11, 13 and 14.

The proposed access road will extend  
from a point of intersection with an  
existing highway right-of-way located in  
the NE¼NW¼ of section 32, T. 24 N., R.  
112 W., and will end at a point located  
in Tract 14-B, section 11, T. 24 N., R. 114  
W., all within Lincoln 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, P.O. Box  
1869, Highway 187 N., Rock Springs,  
Wyoming 82901.

Marla B. Bohl,  
Acting Chief, Branch of Lands and Minerals Operations.  
[Wyoming 67247]  
[FR Doc. 79-12900 Filed 4-25-79; 8:45 am]  
BILLING CODE: 4310-84-M

**Grand Junction District Grazing  
Advisory Board Meeting**

Notice is hereby given in accordance  
with Public Law 92-463 that a meeting of  
the Grand Junction District Grazing  
Advisory Board will be held on June 5,  
1979.

The meeting will begin at 9:00 A.M. in  
the conference room of the Bureau of  
Land Management Office at 764 Horizon  
Drive, Grand Junction, Colorado. In the  
afternoon attendees will tour a portion  
of the district and discuss riparian area  
management as related to allotment  
management plans.

The agenda for the meeting will  
include: (1) Election of officers; (2)  
expenditure of range betterment and  
advisory board funds for range  
improvements; (3) discussion of the  
advisory board election and  
rechartering process; (4) riparian area  
tour, and; (5) arrangements for the next  
meeting.

The meeting is open to the public.  
Interested persons may make oral  
statements to the board between 11:15  
and 11:45 A.M. on June 5, or file written  
statements for the board's  
consideration. Anyone wishing to make  
an oral statement must notify the  
District Manager, Bureau of Land  
Management, 764 Horizon Drive, Grand  
Junction, Colorado 81501, by May 29,

1979. Depending on the number of persons wishing to make oral statements, a per person time limit may be established by the District Manager. Persons desiring to make the tour should furnish their own transportation.

Summary minutes of the board meeting will be maintained in the District Office and be available for public inspection and reproductions (during regular business hours) within 30 days following the meeting.

David A. Jones,

*District Manager.*

[FR Doc. 79-12892 Filed 4-25-79; 8:45 am]

BILLING CODE 4310-84-M

### Montana; Proposed Withdrawal and Reservation of Lands

April 18, 1979.

The Soil Conservation Service, Department of Agriculture, on April 5, 1979, filed application, Serial No. M 43234, for the withdrawal of the following described lands from settlement, sale, location, or entry under all the general land laws including the mining laws subject to valid existing rights:

Principal Meridian, Mont.

*Deer Lodge National Forest*

T. 5 N., R. 4 W.,

Sec. 7, SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ , E $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ , and SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;

Sec. 17, N $\frac{1}{2}$ N $\frac{1}{2}$ N $\frac{1}{2}$ NW $\frac{1}{4}$  and S $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ ; and-

Sec. 18, N $\frac{1}{2}$ N $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ , and NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ .

*Public Lands*

T. 4 N., R. 2 W.,

Sec. 6, Lots 3, 4, 5, 6, and 7 and SE $\frac{1}{4}$ NW $\frac{1}{4}$ ; and

Sec. 18, SE $\frac{1}{4}$ SW $\frac{1}{4}$ .

T. 5 N., R. 3 W.,

Sec. 32, NW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ , and NW $\frac{1}{4}$ .

T. 5 N., R. 4 W.,

Sec. 8, SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ , E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ N $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ , E $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ , W $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ S $\frac{1}{2}$ SW $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ , and NW diagonal  $\frac{1}{2}$  of SW $\frac{1}{4}$ SE $\frac{1}{4}$ ; and

Sec. 13, S $\frac{1}{2}$  of Lot 3.

The areas described aggregate 72.50 acres of National Forest System lands and 679.06 acres of public lands in Jefferson, County, Montana.

The applicant desires the withdrawal to protect the lands needed for installation of structural measures in connection with Public Law 83-566, Boulder River Watershed Project. The withdrawal will be needed until a right-of-way is issued to the North Boulder Drainage District for the project. The

withdrawal applied for would be in addition to existing withdrawals and reservations.

On or before May 30, 1979, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, notice is hereby given that an opportunity for a public hearing in connection with the withdrawal is afforded. All interested persons who desire to be heard on the proposed withdrawal must submit a written request for a hearing to the State Director, Bureau of Land Management, at the address shown below by May 30, 1979. Upon determination by the State Director that a public hearing will be held, the time and place will be announced.

The Department of the Interior's regulations provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demands for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency. The determination of the Secretary on the application will be published in the Federal Register. A separate notice will be sent to each interested party of record.

For a period of two years from the date of publication of this notice in the Federal Register, the lands will be segregated from entry as specified above unless the application is rejected or the withdrawal is approved prior to that date. If the withdrawal is approved by the Secretary, the lands will remain segregated until the necessary right-of-way is issued.

All communications in connection with this withdrawal should be addressed to the Bureau of Land Management, Department of the

Interior, Montana State Office, P.O. Box 30157, Billings, Montana 59107.

Roland F. Lee,

*Chief, Branch of Lands and Minerals Operations.*

[M 43234]

[FR Doc. 79-12893 Filed 4-25-79; 8:45 am]

BILLING CODE 4310-84-M

### New Mexico; Application for Gas Pipeline Right-of-Way

April 19, 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), Gas Company of New Mexico has applied for one 2-inch pipeline right-of-way across the following land:

New Mexico Principal Meridian, N. Mex.

T. 27 N., R. 9 W.,

Sec. 5, lot 2.

This pipeline will convey natural gas across 0.064 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.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, New Mexico 87017.

Fred E. Padilla,

*Chief, Branch of Lands and Minerals Operations.*

[NM 36326]

[FR Doc. 79-12895 Filed 4-25-79; 8:45 am]

BILLING CODE 4310-84-M

### New Mexico; Application for Natural Gas Pipelines Right-of-Way

April 19, 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), El Paso Natural Gas Company has applied for two 4 $\frac{1}{2}$ -inch natural gas pipelines right-of-way across the following lands:

New Mexico Principal Meridian, N. Mex.

T. 20 S., R. 26 E.,

Sec. 34, S $\frac{1}{2}$ SW $\frac{1}{4}$ .

T. 21 S., R. 28 E.,

Sec. 2, lots 1 and 9.

These pipelines will convey natural gas across 0.714 of a mile of public lands in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of

whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

Fred E. Padilla,  
Chief, Branch of Lands and Minerals Operations.  
(NM 36181)  
[FR Doc. 79-12896 Filed 4-25-79; 8:45 am]  
BILLING CODE 4310-84-M

## DEPARTMENT OF THE INTERIOR

### Alaska; Opportunity for Public Hearing and Republication of Notice of Proposed Withdrawal

The U.S. Army Corps of Engineers filed application, serial No. F-020174, on May 11, 1975, for a withdrawal in relation to the following described lands:

#### Fort Wainwright Maneuver Area.—Tract A

A parcel of land situated approximately 20 miles southeast of Fairbanks, Fourth Judicial District, State of Alaska. Said parcel being in the following unsurveyed townships and ranges:

T. 1 S., R. 3 E., Fairbanks Meridian

Sec. 22: E $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 23: S $\frac{1}{2}$ ;  
Sec. 24: S $\frac{1}{2}$ ;  
Secs. 25, 26: all;  
Secs. 27: E $\frac{1}{2}$ E $\frac{1}{2}$ .  
Sec. 34: E $\frac{1}{2}$ E $\frac{1}{2}$ .  
Secs. 35, 36: all.

Containing 3,600 acres, more or less.

T. 1 S., R. 4 E., Fairbanks Meridian

Sec. 19: S $\frac{1}{2}$ ;  
Sec. 21: SE $\frac{1}{4}$ ;  
Sec. 22: S $\frac{1}{2}$ ;  
Sec. 23: S $\frac{1}{2}$ ;  
Sec. 24: S $\frac{1}{2}$ ;  
Secs. 25 to 36 inclusive: all.

Containing 9,120 acres, more or less.

T. 1 S., R. 5 E., Fairbanks Meridian

Sec. 19: S $\frac{1}{2}$ ;  
Sec. 20: S $\frac{1}{2}$ ;  
Sec. 21: S $\frac{1}{2}$ ;  
Sec. 22: S $\frac{1}{2}$ ;  
Sec. 23: S $\frac{1}{2}$ ;  
Sec. 24: S $\frac{1}{2}$ ;  
Secs. 25 to 36 inclusive: all.

Containing 9,600 acres, more or less.

T. 1 S., R. 6 E., Fairbanks Meridian

Sec. 19: S $\frac{1}{2}$ ;  
Sec. 20: S $\frac{1}{2}$ ;  
Sec. 21: S $\frac{1}{2}$ ;  
Sec. 22: S $\frac{1}{2}$ ;  
Secs. 27 to 34 inclusive: all.

Containing 6,400 acres, more or less.

T. 2 S., R. 3 E., Fairbanks Meridian

Secs. 1, 2: all;  
Sec. 3: E $\frac{1}{2}$ E $\frac{1}{2}$ ;  
Sec. 10: E $\frac{1}{2}$ E $\frac{1}{2}$ ;  
Secs. 11, 12: all;

Sec. 14: N $\frac{1}{2}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$ ;

Sec. 15: E $\frac{1}{2}$ E $\frac{1}{2}$ ;

Sec. 22: E $\frac{1}{2}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ ;

Sec. 23: W $\frac{1}{2}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ ;

Sec. 24: S $\frac{1}{2}$ ;

Sec. 25: all;

Sec. 26: E $\frac{1}{2}$ , SW $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ .

Containing 5,320 acres, more or less.

T. 2 S., R. 4 E., Fairbanks Meridian

Secs. 1 to 16 inclusive,

Sec. 17: E $\frac{1}{2}$ ;

Sec. 19: S $\frac{1}{2}$ ;

Sec. 20: E $\frac{1}{2}$ , SW $\frac{1}{4}$ .

Secs. 21 to 30 inclusive: all;

Secs. 34 to 36 inclusive: all.

Containing 19,680 acres, more or less.

T. 2 S., R. 5 E., Fairbanks Meridian

Secs. 1 to 36 inclusive: all.

Containing 23,040 acres, more or less.

T. 2 S., R. 6 E., Fairbanks Meridian

Secs. 1 to 36 inclusive: all.

Containing 23,040 acres, more or less.

T. 2 S., R. 7 E., Fairbanks Meridian,

Secs. 1 to 36 inclusive: all.

Containing 23,040 acres, more or less.

T. 2 S., R. 8 E., Fairbanks Meridian,

Sec. 5: W $\frac{1}{2}$ , W $\frac{1}{2}$ E $\frac{1}{2}$ ;

Secs. 6, 7: all;

Sec. 8: W $\frac{1}{2}$ , W $\frac{1}{2}$ E $\frac{1}{2}$ ;

Sec. 17: W $\frac{1}{2}$ , W $\frac{1}{2}$ E $\frac{1}{2}$ ;

Secs. 18, 19: all;

Sec. 20: W $\frac{1}{2}$ , W $\frac{1}{2}$ E $\frac{1}{2}$ ;

Sec. 29: W $\frac{1}{2}$ , W $\frac{1}{2}$ E $\frac{1}{2}$ ;

Secs. 30, 31: all;

Sec. 32: W $\frac{1}{2}$ , W $\frac{1}{2}$ E $\frac{1}{2}$ .

Containing 6,720 acres, more or less.

T. 3 S., R. 4 E., Fairbanks Meridian,

Secs. 1 to 3 inclusive, 10 to 15 inclusive, 22 to 27 inclusive, 34 to 36 inclusive: all.

Containing 11,520 acres, more or less.

T. 3 S., Range 5 E., Fairbanks Meridian,

Secs. 1 to 36 inclusive: all. Excepting therefrom that parcel of land, (Fairbanks Serial No. 012866) withdrawn by PLO No. 1345 dated 16 October 1956 as amended by PLO No. 1523 dated 8 October 1957.

Containing 22,078.58 acres, more or less.

T. 3 S., R. 6 E., Fairbanks Meridian,

Secs. 1 to 36 inclusive: all.

Containing 23,040 acres, more or less.

T. 3 S., R. 7 E., Fairbanks Meridian,

Secs. 1 to 36 inclusive: all.

Containing 23,040 acres, more or less.

T. 3 S., R. 8 E., Fairbanks Meridian,

Sec. 5: W $\frac{1}{2}$ , W $\frac{1}{2}$ E $\frac{1}{2}$ ;

Secs. 6, 7: all;

Sec. 8: W $\frac{1}{2}$ , W $\frac{1}{2}$ E $\frac{1}{2}$ ;

Sec. 17: W $\frac{1}{2}$ , W $\frac{1}{2}$ E $\frac{1}{2}$ ;

Secs. 18, 19: all;

Sec. 20: W $\frac{1}{2}$ , W $\frac{1}{2}$ E $\frac{1}{2}$ ;

Sec. 29: W $\frac{1}{2}$ , W $\frac{1}{2}$ E $\frac{1}{2}$ ;

Secs. 30, 31: all;

Sec. 32: W $\frac{1}{2}$ , W $\frac{1}{2}$ E $\frac{1}{2}$ .

Containing 6,720 acres, more or less.

T. 4 S., R. 4 E., Fairbanks Meridian,

Sec. 1: all;

Sec. 2: E $\frac{1}{2}$ , NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ ;

Sec. 3: NE $\frac{1}{4}$ , N $\frac{1}{2}$ NW $\frac{1}{4}$ ;

Sec. 12: NE $\frac{1}{4}$ , N $\frac{1}{2}$ NW $\frac{1}{4}$ .

Containing 1,680 acres, more or less.

T. 4 S., R. 5 E., Fairbanks Meridian,

Secs. 1 to 6 inclusive: all;

Sec. 7: N $\frac{1}{2}$ , SE $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ ;

Secs. 8 to 15 inclusive: all;

Sec. 16: N $\frac{1}{2}$ , SE $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ ;

Sec. 17: NE $\frac{1}{4}$ , N $\frac{1}{2}$ NW $\frac{1}{4}$ . Excepting therefrom that parcel of land (Fairbanks Serial No. 012867) withdrawn by PLO No. 1345 dated 16 October 1956 as amended by PLO No. 1523 dated 8 October 1957.

Containing 9,393.09 acres, more or less.

T. 4 S., R. 6 E., Fairbanks Meridian,

Secs. 1 to 18 inclusive: all.

Containing 11,520 acres, more or less.

T. 4 S., R. 7 E., Fairbanks Meridian,

Secs. 1 to 11 inclusive: all;

Sec. 12: N $\frac{1}{2}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ ;

Sec. 14: N $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ ,

NW $\frac{1}{4}$ NE $\frac{1}{4}$ .

Sec. 15: N $\frac{1}{2}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$ ,

NW $\frac{1}{4}$ SE $\frac{1}{4}$ .

Secs. 16 to 18 inclusive: all.

Containing 10,000 acres, more or less.

T. 4 S., R. 8 E., Fairbanks Meridian,

Sec. 5: NW $\frac{1}{4}$ , W $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ ;

Sec. 6: all;

Sec. 7: N $\frac{1}{2}$ NW $\frac{1}{4}$ .

Containing 1,000 acres, more or less.

The above described parcels of land contain 249,551.67 acres, more or less.

The applicant desires that the land be reserved for an impact range for testing weapons and for training purposes.

A notice of the proposed withdrawal was published in the Federal Register on July 9, 1975, 40 FR 28820.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754, notice is hereby given that an opportunity for a public hearing is afforded in connection with the pending withdrawal application. All interested persons who desire to be heard on the proposed withdrawal must file a written request for a hearing with the State Director, Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513 on or before May 11, 1979. Notice of the public hearing will be published in the Federal Register, giving the time and place of such hearing. The hearing will be scheduled and conducted in accordance with BLM Manual Sec. 2351.16 B. All previous comments submitted in connection with the withdrawal application have been included in the record and will be considered in making a final determination on the application.

In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the pending withdrawal application may be filed with the undersigned authorized officer of the Bureau of Land Management on or before June 4, 1979.

The above-described lands are temporarily segregated from the operation of the public land laws, including the mining laws, to the extent that the withdrawal applied for, if and

when effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. In accordance with section 204(g) of the Federal Land Policy and Management Act of 1976, the segregative effect of the pending withdrawal application will terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

All communications (except for public hearing requests) in connection with the pending withdrawal application should be addressed to the Chief, Branch of Lands and Minerals Operations, Alaska State Office, Bureau of Land Management, Department of the Interior, 701 C Street, Box 13, Anchorage, Alaska 99513.

Robert E. Sorenson,  
Chief, Branch of Lands, and Minerals Operations.

[R-020174]

[FR Doc. 79-12891 Filed 4-25-79; 8:45 am]

BILLING CODE 4310-84-M

## Fish and Wildlife Service

### Authorities Issuing Permits Under the Endangered Species Convention

**AGENCY:** U.S. Fish and Wildlife Service.

**ACTION:** Notice.

**SUMMARY:** The Convention on International Trade in Endangered Species of Wild Fauna and Flora (T.I.A.S. 8249) is a multi-national treaty designed to protect certain species of wildlife and plants from overexploitation due to international trade. The operation of this Convention depends on a system of permits that are issued by designated authorities in each Party nation. At their first meeting in 1976, the Parties agreed to require comparable documents from competent authorities of non-party nations. The present notice states where the public may obtain information and lists of the permit-issuing Management Authorities in Party nations and competent authorities in non-party nations.

**ADDRESS:** Inquiries about permit-issuing authorities should be addressed to the Federal Wildlife Permit Office, U.S. Fish and Wildlife Service, Washington, D.C. 20240, telephone (703/235-1903) or any one of the following Service's Law Enforcement Offices.

813 D Street, Anchorage, AK 99501,  
telephone: (907/285-5491).

Lloyd 500 Bldg., Suite 1490, 500 NE.  
Multnomah St., Portland, OR 97232,  
telephone: (503/231-6125).

Room E 1924, 2800 Cottage Way, Sacramento,  
CA 95825, telephone: (916/484-4748).

P.O. Box 25486 DFC, Lakewood, CO 80225,  
telephone: (303/234-4612).  
P.O. Box 1038, Independence, MO 64051,  
telephone: (816/374-6273).  
P.O. Box 329, Albuquerque, NM 87103,  
telephone: (505/766-2091).  
P.O. Box 45, Twin Cities, MN 55111,  
telephone: (612/725-3530).  
548 Carondelet St., Rm. 100, New Orleans, LA  
70130, telephone: (504/589-2692).  
P.O. Box 95467, Atlanta, GA 30347, telephone:  
(404/881-4761).  
P.O. Box 290, Nashville, TN 37202, telephone:  
(615/251-5532).  
95 Aquahart Road, Glen Burnie, MD 21601,  
telephone: (301/761-8033 or 8034).  
Century Bank Bldg., 2nd Floor, 700 Rockaway  
Turnpike, Lawrence, NY 11559, telephone:  
(212/995-8613).  
P.O. Box 277, Newtonville, MA 02160,  
telephone: (617/965-5100 x254).

**SUPPLEMENTARY INFORMATION:** The Service has prepared a list of Management Authorities and competent authorities in non-party nations to guide the public in obtaining proper documents for international trade in specimens of species subject to the Convention. It should be noted that the Convention requires (1) that documents authorizing such trade must be issued by appropriate authorities, and (2) that the documents must contain certain types of information set forth in Article VI and Appendix IV of the Convention, which are reprinted below.

### Article VI

#### Permits and Certificates

1. Permits and certificates granted under the provisions of Articles III, IV, and V shall be in accordance with the provisions of this Article.
2. An export permit shall contain the information specified in the model set forth in Appendix IV, and may only be used for export within a period of six months from the date on which it was granted.
3. Each permit or certificate shall contain the title of the present Convention, the name and any identifying stamp of the Management Authority granting it and a control number assigned by the Management Authority.
4. Any copies of a permit or certificate issued by a Management Authority shall be clearly marked as copies only and no such copy may be used in place of the original, except to the extent endorsed thereon.
5. A separate permit or certificate shall be required for each consignment of specimens.
6. A Management Authority of the State of import of any specimen shall cancel and retain the export permit or re-export certificate and any

corresponding import permit presented in respect of the import of that specimen.

7. Where appropriate and feasible a Management Authority may affix a mark upon any specimen to assist in identifying the specimen. For these purposes "mark" means any indelible imprint, lead seal or other suitable means of identifying a specimen, designed in such a way as to render its imitation by unauthorized persons as difficult as possible.

BILLING CODE 4310-55-M

APPENDIX IV

CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA

EXPORT PERMIT NO. \_\_\_\_\_

Exporting Country: \_\_\_\_\_

Valid Until: \_\_\_\_\_

Date

This permit is issued to: \_\_\_\_\_ address: \_\_\_\_\_ who declares that he is aware of the provisions of the Convention, for the purpose of exporting: \_\_\_\_\_ (specimen(s), or part(s) or derivative(s) of specimen(s))<sup>1</sup> of a species listed in

- Appendix I )
Appendix II )<sup>2</sup>
Appendix III of the Convention as specified below.)

(bred in captivity or cultivated in \_\_\_\_\_)<sup>2</sup>

This (these) specimen(s) is (are) consigned to: \_\_\_\_\_ address: \_\_\_\_\_ country: \_\_\_\_\_

at \_\_\_\_\_ on \_\_\_\_\_

(signature of the applicant for the permit)

at \_\_\_\_\_ on \_\_\_\_\_

(stamp and signature of the Management Authority issuing the export permit)

Description of the specimen(s) or part(s) or derivative(s) of specimen(s), including any mark(s) affixed

Table with columns: Species (scientific and common name), Living specimens (Number, Sex, Size (or volume), Mark (if any)), Parts or derivatives (Quantity, Type of goods, Mark (if any))

Note: Stamps of the authorities inspecting:

(a) On exportation.

(b) On importation. (This stamp voids this permit for further trade purposes, and this permit shall be surrendered to the Management Authority.)

<sup>1</sup> Indicate the type of product.

<sup>2</sup> Delete if not applicable.

In addition to the information set forth in Appendix IV, the regulations implementing the Convention in the United States (50 CFR Part 23) require that documents from non-party nations contain a statement to the effect that the shipment of wildlife or plants is in accordance with the laws of that nation, that it will not be detrimental to the survival of the species in the wild, and that living specimens will be transported in a manner which minimize the risk of injury, damage to health, or cruel treatment.

This notice was prepared by Dr. Richard J. Jachowski of the Federal Wildlife Permit Office, Washington, D.C. 20240, telephone (703/235-2418).

Dated: April 19, 1979.

Lynn A. Greenwalt,  
Director, Fish and Wildlife Service.  
[FR Doc. 79-12865 Filed 4-25-79; 8:45 am]  
BILLING CODE 4310-55-M

## Office of the Secretary

### Proposed Grazing Management Program for the Shoshone Resource Planning Area, Idaho; Availability of Draft Environmental Statement and Public Hearings

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement for a proposed grazing management program for the Bennett Hills, Timerman Hills, and Magic Planning Units of the Shoshone District located in southcentral Idaho. Written comments are invited and should be received at Shoshone District Office, Bureau of Land Management, 400 West F Street, Shoshone, Idaho 83352 by June 11, 1979.

The proposal involves changes in initial stocking rates, implementing improved grazing systems and installation of certain range improvements. Approximately 565,000 acres of public lands were involved.

Copies of the draft environmental statement are available for inspection at the following locations:

Shoshone District Office, Bureau of Land Management, 400 West F Street, Shoshone, Idaho 83352, Telephone: (208) 886-2207.

Idaho State Office, Bureau of Land Management, Federal Building, 500 W. Fort Street, Boise, Idaho 83724, Telephone: (208) 384-1770.

Public Affairs, Bureau of Land Management, Interior Building, 18th and C Streets, NW., Washington, D.C. 20240.

A limited number of single copies may be obtained from the Idaho State Director, and the Shoshone District Manager, Bureau of Land Management at the above addresses.

Notice is also given that public hearings will be held at: (1) Lincoln Elementary School, Shoshone, Idaho, May 30, 1979, at 7 a.m., MDT; and (2) Rodeway Inn, 29th and Chinden, Boise, Idaho, May 31, 1979, at 7 p.m., MDT.

The public hearings will be conducted by an Administrative Law Judge, U.S. Department of the Interior. Individuals wishing to testify may do so by appearing at a hearing place as previously specified. Persons wishing to give testimony will be limited to 10 minutes, with written submissions invited. Prior to giving testimony at public hearings, individuals or spokesmen are requested to complete a hearing registration form. Registration forms may be obtained by contacting the Shoshone District Manager at the above address.

Dated: April 20, 1979.

Larry E. Maiorotto,  
Assistant Secretary of the Interior.

[INT DES 79-21]  
[FR Doc. 79-12839 Filed 4-25-79; 8:45 am]  
BILLING CODE 4310-84-M

## INTERNATIONAL TRADE COMMISSION

### Certain Steel Wire Nails from Korea; Inquiry and Hearing

The United States International Trade Commission (Commission) received advice from the Treasury Department (Treasury) on April 17, 1979, that, during the course of determining whether to institute an investigation with respect to certain steel wire nails from Korea in accordance with section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)), Treasury had concluded from the information developed during its preliminary investigation that there is substantial doubt 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 this merchandise into the United States. Therefore, the Commission on April 20, 1979, instituted inquiry No. AA1921-Inq.-26, under section 201(c)(2) of that 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 steel wire brads, nails, spikes, staples, and tacks of one-piece construction which

are (1) under 1 inch in length and under 0.065 inch in diameter, or (2) which are 1 inch or more in length and 0.065 inch or more in diameter, provided for in item numbers 646.25 and 646.26, respectively, of the Tariff Schedules of the United States.

The Treasury advised the Commission as follows:

The General Counsel of the Treasury,  
Washington, D.C., April 13, 1979.

Dear Mr. Chairman: In accordance with section 201(c) of the Antidumping Act of 1921, as amended, an antidumping investigation is being initiated with respect to certain steel wire nails from Korea. Pursuant to section 201(c)(2) of the Act, you are hereby advised that the information developed during our preliminary investigation has led me 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 this merchandise into the United States.

The bases for my determination are summarized in the attached copy of the Antidumping Proceeding Notice in this case. Additional information will be provided by the U.S. Customs Service.

Some of the information involved in this case is regarded by Treasury to be of a confidential nature. It is therefore requested that the Commission consider all the information provided for its investigation to be for the official use of the ITC only, not to be disclosed to others without prior clearance from the Treasury Department.

Sincerely,

Robert H. Mendelsohn.

The Honorable Joseph Parker,  
Chairman, International Trade Commission,  
Washington, D.C. 20436.

Enclosure.

**Hearing.** A public hearing in connection with the inquiry will be held in Washington, D.C. on Friday, May 4, 1979, at 10:00 a.m., e.d.t. The hearing will be held in the Hearing Room, United States International Trade Commission Building, 701 E Street, NW., Washington, D.C. All parties will be given an opportunity to be present, to produce evidence, and to be heard at such hearing. Requests to appear at the public hearing should be received in writing in the office of the Secretary to the Commission not later than noon Thursday, May 3, 1979.

**Written statements.** Interested parties may submit statements in writing in lieu of, and in addition to, appearing at the public hearing. A signed original and nineteen true copies of such statements should be submitted. To be assured of their being given due consideration by the Commission, such statements should be received not later than Wednesday, May 9, 1979.

By order of the Commission.

Issued: April 23, 1979

Kenneth R. Mason,  
Secretary.

[AA1921-Inq.-28]  
[FR Doc. 79-12834 Filed 4-25-79; 8:45 am]  
BILLING CODE 7020-02-M

### Steel Wire Coat Hangers from Canada; Inquiry and Hearing

The United States International Trade Commission (Commission) received advice from the Department of the Treasury (Treasury) on April 17, 1979, that during the course of determining, in accordance with section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)) whether to institute an investigation with respect to steel wire coat hangers from Canada, Treasury had concluded from the information available to it that there is substantial doubt 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 this merchandise into the United States. For purposes of this inquiry, steel wire coat hangers are defined as "coat and garment hangers of steel, wholly or in chief value of wire, provided for in TSUS item 657.25." Therefore, the Commission on April 20, 1979, instituted inquiry No. AA1921-Inq.-25, 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.

**Hearing.** A public hearing in connection with the inquiry will be held in Washington, D.C., at 10:00 a.m., e.d.t., on Wednesday, May 2, 1979, in the Hearing Room, U.S. International Trade Commission Building, 701 E Street, NW. All parties will be given an opportunity to be present, to produce information and to be heard at such hearing. Requests to appear at the public hearing should be received in writing in the office of the Secretary to the Commission not later than 3:00 p.m., Friday, April 27, 1979.

**Written statements.** Interested parties may submit statements in writing in lieu of, or in addition to, appearing at the public hearing. A signed original and nineteen true copies of such statements should be submitted. To be assured of their being given due consideration by the Commission, such statements should be received no later than Friday, May 4, 1979.

By order of the Commission.

Issued: April 23, 1979.

Kenneth R. Mason,  
Secretary.

[AA1921-Inq.-25]  
[FR Doc. 79-12835 Filed 4-25-79; 8:45 am]  
BILLING CODE 7020-02-M

### DEPARTMENT OF JUSTICE

#### Drug Enforcement Administration

#### Thomas R. Prendergast, Conroys Pharmacy, Denial of Application for Registration

On June 30, 1978, the Administrator of the Drug Enforcement Administration (DEA) issued to Thomas R. Prendergast, Conroys Pharmacy (Respondent) an order to show cause proposing to deny Respondent's application for registration for reason that on March 21, 1978, in the U.S. District Court for the Western District of Pennsylvania, Respondent was convicted of two counts of making a false and fraudulent statement of material fact in relation to controlled substances, each being a drug-related felony in violation of 18 U.S.C. 1001, and one count of knowingly refusing and failing to keep records required under the Controlled Substances Act, in violation of 21 U.S.C. 842(a)(5).

On October 27, 1978, a hearing was held in Washington, D.C., on the issues raised by the order to show cause. The Honorable Francis L. Young, administrative law judge, presided.

On February 13, 1979, the administrative law judge pursuant to 21 CFR 1316.55, transmitted to the Administrator the record of these proceedings together with this report containing recommended findings of fact and conclusions of law. After reviewing this material the Administrator hereby issues his final order in this proceeding.

The administrative law judge found that Respondent was indicted and convicted for telling DEA compliance investigators that he had obtained a partial bottle of phentermine which they discovered on his pharmacy's shelves during their audit of his pharmacy, from a neighboring pharmacy, when he in fact knew he had obtained it from a drug manufacturer. The administrative law judge found Respondent was indicted and convicted for falsely telling DEA compliance investigators that he had given 5,000 phentermine capsules to one Dr. R. W. Willison when, in fact, he knew that he had not done so. The administrative law judge found that Respondent was indicted and convicted for failing to make, keep and furnish records required under the Controlled Substances Act. The administrative law

judge further found that Respondent was indicted on one count of unlawfully distributing and dispensing a controlled substance phentermine and, although acquitted, was yet responsible in the opinion of the administrative law judge for disposing unlawfully of 15,000 phentermine capsules by covering up through falsehoods and deceit, his receipt of those capsules and this disposition of them.

Considering Respondent's testimony at the hearing and reviewing it from transcript during his trial on the criminal charges, the administrative law judge provided the following observations:

Dr. Willison testified at Respondent's trial and flatly denied ever having purchased an phentermine from Respondent. Although Respondent testified that the purported Dr. Willison who brought the phentermine had displayed a motor vehicle operator's permit and a State medical license card with Dr. Willison's name on them, the real Dr. Willison testified that he had never lost nor misplaced his permit or his license card.

Respondent's story of his sales of phentermine to a purported Dr. Willison do not ring true. The administrative law judge, after careful consideration of all the trial testimony and of the testimony at the hearing, finds that Respondent's testimony is unworthy of belief. The preponderance of the evidence amply justifies a finding that Respondent clandestinely disposed of about 15,000 capsules of phentermine, a Schedule IV controlled substance, during the period from about September, 1975, to about March, 1976, and failed to keep the records of disposition required by law.

The evidence establishes beyond any question, indeed Respondent himself testified, that during the audit period he received approximately 15,000 phentermine capsules but that he did not keep the required record of these deliveries, did not present any such records to the investigators when they requested such at the time of the audit. The same is true with respect to records of Respondent's purported sales to a person masquerading as Dr. Willison.

The preponderance of the evidence shows, as the criminal trial jury found, that Respondent knowingly answered falsely when the investigators, after finding a partial Veratex bottle of phentermine, asked Respondent to account for it. His statement that he had obtained it from John Oellig was made on April 30, 1976. Although he testified that this was due to faulty memory and that he remembered his Veratex purchases of phentermine shortly after the investigators left that day, Respondent made no effort to contact them, and tell them about his orders to Veratex, until June 9, after he had been confronted with copies of two Veratex invoices obtained by the investigators from Veratex.

The administrative law judge concluded that there is a lawful basis for denial of Respondent's application for DEA registration as a pharmacy.

Having reviewed the record of these proceedings in its entirety, and pursuant to 21 CFR 1316.66, the Administrator adopts the administrative law judge's findings of fact and conclusions of law.

Accordingly, under the authority vested in the Attorney General by section 304 of the Controlled Substances Act, (21 U.S.C. 824) and delegated to the Administrator of the Drug Enforcement Administration, it is ordered that Reason's application for registration under the Controlled Substances Act be denied, effective immediately.

Dated: April 18, 1979.

Peter B. Bensinger,  
Administrator.

[Docket No. 78-14]

[FR Doc. 79-12928 Filed 4-25-79; 8:45 am]

BILLING CODE 4410-09-M

### Office of the Attorney General

#### Designating Leon Ulman as the Representative From the Department of Justice on the Administrative Committee of the Federal Register

By virtue of the authority vested in me by 44 U.S.C. 1506, I hereby designate Leon Ulman, Deputy Assistant Attorney General, Office of Legal Counsel, as the representative of the Department of Justice on the Administrative Committee of the Federal Register.

Order No. 363-66 of May 12, 1966, is revoked.

Dated: April 16, 1979.

Griffin B. Bell,  
Attorney General.

[Order No. 828-79]

[FR Doc. 79-12931 Filed 4-26-79; 8:45 am]

BILLING CODE 4410-01-M

### Review of Advisory Committees

**AGENCY:** Department of Justice.

**ACTION:** Notice.

**SUMMARY:** Pursuant to the provision of section 7(b) of the Federal Advisory Committee Act (Pub. L. 92-463), the Department of Justice is conducting a comprehensive review of the following advisory committees:

1. Advisory Committee of the National Institute of Law Enforcement and Criminal Justice.
2. Advisory Corrections Council.
3. Committee on Selection of Federal Judicial Officers.
4. Federal Advisory Committee on Immigration and Naturalization.
5. National Advisory Committee for Juvenile Justice and Delinquency Prevention.
6. United States Circuit Judge Nominating Commission.

The review will determine for each committee:

1. whether the committee is carrying out its purpose;
2. whether consistent with the provisions of applicable statutes, the responsibilities assigned to it should be revised;
3. whether it should be merged with other advisory committees; or
4. whether it should be abolished.

**DATES:** Interested persons are invited to submit comments by April 30, 1979, on the items covered in the comprehensive review as outlined above.

**ADDRESS:** Address any comments to Phillip Cover, Advisory Committee Management Office, Department of Justice, Room 1616, Tenth and Constitution Avenues, N.W., Washington, D.C. 20530.

**FOR FURTHER INFORMATION CONTACT:** Phillip B. Cover, 202-633-4321.

Kevin D. Rooney,  
Advisory Committee Management Officer.

[FR Doc. 79-12844 Filed 4-25-79; 8:45 am]

BILLING CODE 4410-01-M

### NATIONAL ENDOWMENT FOR THE HUMANITIES

#### Humanities Panel; Cancellation of Meeting

April 20, 1979.

Notice is hereby given that the meeting of the Humanities Panel scheduled to be held at 806 15th Street, N.W., Washington, D.C. 20506 in Room 1134, from 9:00 a.m. to 5:30 p.m. on 27 April 1979 is canceled.

This meeting was to have reviewed applications in Basic Research that have been submitted to the General Research Program of the National Endowment for the Humanities for projects beginning 1 July 1979.

Victor Loughnan,  
Advisory Committee Acting Management Officer.

[FR Doc. 79-13054 Filed 4-25-79; 8:45 am]

BILLING CODE 7536-01-M

### NATIONAL COMMUNICATIONS SYSTEM

#### Telecommunications: Coding and Modulation Requirements for Duplex 600 and 1200 Bit/Second Modems

The Administrator of the General Services Administration (GSA) is responsible under the provisions of the Federal Property and Administrative Service Act of 1949, as amended, for the Federal Standardization Program. On August 14, 1972, the National Communications System (NCS) was

designated by the Administrator, GSA, as the responsible agent for the development of telecommunication standards for NCS interoperability and the computer-communications interface. Further information on the NCS can be found in DoD Directive 5100.41, "Arrangements for Discharge of Executive Agent Responsibilities for the NCS" and in an BCS Information Brochure available upon request from the National Communications System.

The purpose of this notice is to solicit comments on a proposed Federal standard for duplex 600 and 1200 bit/second modems. This proposed Federal standard has been developed under the Federal Telecommunication Standards Program by the National Communication System's Office of Technology and Standards based primarily upon International Telegraph and Telephone Consultative Committee (CCITT) draft Recommendation V. 22. The latest draft of the standard reflects comments received from modem manufacturers previously contacted by letter during February 1979.

The primary purpose of the proposed Federal standard is to facilitate the interoperability of telecommunication systems and networks of the Federal Government. Copies of this standard may be obtained from the Office of Technology and Standards, National Communications System, Washington, D.C. 20305.

Prior to formal coordination and adoption of the proposed Federal standard, it is considered essential that proper consideration be given to the needs and views of industry, the public, and State and local government. Interested parties may submit their comments to the Office of Technology and Standards, National Communications System, Washington, D.C. 20305. All comments should be submitted within 90 days of the date of this Notice. Telephone inquiries should be directed to Mr. Robert M. Fenichel, telephone (202) 692-2124.

Joseph Rose,  
Deputy Manager, NCS.  
[FR Doc. 79-12836 Filed 4-25-79; 8:45 am]  
BILLING CODE 3610-05-M

### NATIONAL SCIENCE FOUNDATION

#### Advisory Committee for Chemistry; Meeting

In accordance with the Federal Advisory Committee Act, as amended, P.L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Committee for Chemistry.  
Date and Time: May 14-15, 1979; 9:00 a.m. to 5:00 p.m. each day.  
Place: Room 523, National Science Foundation, 1800 G Street, N.W., Washington, D.C. 20550.

Type of Meeting: Part Open—Open 5-14—9:00 a.m. to 5:00 p.m., Open 5-15—9:00 a.m. to 12:00 p.m.; Closed 5-15—1:00 p.m. to 5:00 p.m.

Contact Person: Dr. Richard S. Nicholson, Division of Chemistry, National Science Foundation, Washington, D.C., Telephone (202) 632-4262.

Summary Minutes: May be obtained from the Committee Management Coordinator, Division of Financial and Administrative Management, Room 248, National Science Foundation, Washington, D.C. 20550.

Purpose of Committee: To provide advice and recommendations concerning NSF support for research in chemistry.

Agenda: Open—May 14, 9:00 a.m. to 5:00 p.m. and May 15, 9:00 a.m. to 12:00 p.m. General discussion of the current status and future plans of the Chemistry Division. Closed—May 15, 1:00 p.m. to 5:00 p.m. to review and evaluate research proposals and projects as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. The matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority To Close Meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of P.L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Acting Director, NSF, on February 18, 1977.

April 23, 1979.

M. Rebecca Winkler,  
Committee Management Coordinator.  
[FR Doc. 79-12938 Filed 4-25-79; 8:45 am]  
BILLING CODE 7555-01-M

### Advisory Committee for Physiology, Cellular, and Molecular Biology; Subcommittee on Human Cell Biology; Meeting

March 27, 1979.

In accordance with the Federal Advisory Committee Act, as amended, P.L. 92-463, the National Science Foundation announces the following meeting:

Name: Subcommittee on Human Cell Biology of the Advisory Committee for Physiology, Cellular and Molecular Biology.

Date and time: May 18, 1979 at 9:00 a.m.

Place: Room 421, National Science Foundation, 1800 G Street NW., Washington, D.C. 20550.

Type of Meeting: Closed.

Contact person: Dr. Herman W. Lewis, Program Director, Human Cell Biology Program, Room 326, National Science Foundation, Washington, D.C. 20550, telephone (202) 632-4200.

Purpose of subcommittee: To provide advice and recommendations concerning support for research in Human Cell Biology.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of P.L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Acting Director, NSF, on February 18, 1977.

M. Rebecca Winkler,  
Committee Management Coordinator.  
April 23, 1979.  
[FR Doc. 79-12941 Filed 4-25-79; 8:45 am]  
BILLING CODE 7555-01-M

### Subcommittee on Linguistics; Meeting

In accordance with the Federal Advisory Committee Act, P.L. 92-463, the National Science Foundation announces the following meeting:

Name: Subcommittee on Linguistics of the Advisory Committee for Behavioral and Neural Sciences.

Date: May 13, 14, and 15, 1979.

Time: 1:00 p.m.—5:00 p.m. May 13, 9:00 a.m.—5:00 p.m. May 14 and May 15.

Place: Room 338, National Science Foundation, 1800 G Street, NW, Washington, D.C. 20550.

Type of meeting: Part Open May 15—9:00 a.m.—12 noon; Closed May 13—1:00 p.m.—5:00 p.m. May 14—9:00 a.m.—5:00 p.m. May 15—12:00 noon—5:00 p.m.

Contact Person: Dr. Paul G. Chapin, Program Director, Linguistics Program, room 320, National Science Foundation, Washington, D.C. 20550, Telephone (202) 254-8326.

Summary minutes: May be obtained from the Committee Management Coordinator, Division of Financial and Administrative Management, Room 248, National Science Foundation, Washington, D.C. 20550.

Purpose of subcommittee: To provide advice and recommendations concerning support for research in Linguistics.

Agenda: Closed—May 13, 1:00 p.m.—5:00 p.m., May 14 all day, and May 15, 12:00 noon—5:00 p.m. to review and evaluate research proposals and projects as part of the selection process for awards. Open—May 15, 9:00 a.m.—12:00 noon. General

discussion of the current status and future plans of the Linguistics Program.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of P.L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Acting Director, NSF, on February 18, 1977.

M. Rebecca Winkler,  
Committee Management Coordinator.  
April 23, 1979.

[FR Doc. 79-12939 Filed 4-25-79; 8:45 am]  
BILLING CODE 7555-01-M

### Subcommittee on Psychobiology; Meeting

In accordance with the Federal Advisory Committee Act, P.L. 92-463, the National Science Foundation announces the following meeting:

Name: Subcommittee on Psychobiology of the Advisory Committee for Behavioral and Neural Sciences.

Date: May 16, 17, and 18, 1979.

Time: 8:30 a.m.—5:00 p.m. each day.

Place: Room 321, National Science Foundation, 1800 G Street, N.W., Washington, D.C. 20550.

Type of meeting: Part Open—Open May 18. Closed May 16 and May 17.

Contact person: Dr. Fred Stollnitz, Program Director, Psychobiology Program, room 320, National Science Foundation, Washington, D.C., 20550, telephone (202) 632-4204

Summary minutes: May be obtained from the Committee Management Coordinator, Division of Financial & Administrative Management, Room 248, National Science Foundation, Washington, D.C. 20550.

Purpose of subcommittee: To provide advice and recommendations concerning support for research in Psychobiology.

Agenda: May 16 and 17—To review and evaluate research proposals as part of the selection process for awards; May 18: (1) Executive Committee's oversight review, (2) Issues posed by certain types of proposals, (3) Interfaces with other NSF programs, (4) NSF role in National Primate Plan, (5) Budget outlook for 1979, (6) Making the case for 1980 and beyond.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6)

of 5 U.S.C. 552b(c), Government in the Sunshine Act.

**Authority to close meeting:** This determination was made by the Committee Management Officer pursuant to provision of Section 10(d) of P.L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Acting Director, NSF, on February 18, 1977.

M. Rebecca Winkler,  
Committee Management Coordinator  
April 23, 1979.

[FR Doc. 79-12940 Filed 4-25-79; 8:45 am]  
BILLING CODE 7555-01-M

### Subcommittee on History and Philosophy of Science of the Advisory Committee for Social Science; Meeting

In accordance with the Federal Advisory Committee Act, P.L. 92-463, as amended, the National Science Foundation announces the following meeting:

**Name:** Subcommittee on History and Philosophy of Science of The Advisory Committee for Social Sciences.  
**Date and time:** May 18 and 19, 1979—9 a.m. to 5 p.m., both days.

**Place:** National Science Foundation, Room 338, 1800 G Street NW., Washington, D.C. 20550.

**Type meeting:** Open 3 p.m. to 5 p.m. May 18, 1979; Closed 9 a.m.—3 p.m. May 18, 1979; 9 a.m.—5 p.m. May 19, 1979.

**Contact person:** Dr. Ronald J. Overmann, Associate Program Director for History and Philosophy of Science, room 312, National Science Foundation, Washington, D.C. 20550, Telephone: (202) 632-4182.

**Summary minutes:** May be obtained from the Committee Management Coordinator, Division of Financial and Administrative Management, Room 248, National Science Foundation, Washington, D.C. 20550.

**Purpose of subcommittee:** To provide advice and recommendations concerning support for research in history and philosophy of science.

**Agenda:** Closed session: To review and evaluate research proposals and projects as part of the selection process for awards. Open session: To discuss (1) postdoctoral program, (2) other ways to reduce load on H&PS subcommittee, and (3) long range plans.

**Reason for closing:** The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

**Authority to close meeting:** This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of P.L. 92-463. The Committee Management Officer was delegated the authority to make such

determinations by the Acting Director, NSF, on February 18, 1977.

M. Rebecca Winkler,  
Committee Management Coordinator.

April 23, 1979.  
[FR Doc. 79-12942 Filed 4-25-79; 8:45 am]  
BILLING CODE 7555-01-M

### Ocean Margin Drilling Program; Preparation of Environmental Impact Statement

Notice is hereby given that, in accordance with the National Environmental Policy Act of 1969, the National Science Foundation will prepare a draft environmental impact statement on a Scientific Deep Ocean/Ocean Margin Drilling Program which has been proposed for the 1980's. This proposed program envisions expanded efforts in future scientific deep-ocean drilling and research to explore the earth's crust beneath the oceans and to provide a geological framework for a better understanding of the resource potential of the continental margins.

Possible alternatives to the proposed action are: no program in ocean margin drilling; delay of the proposed program; continuation of the type of drilling being done now; and a greater effort than the one being planned.

Ocean drilling is a complicated process which must pass through several phases of planning before a program is launched. Major considerations are: regional and specific site surveys; selection and approval of drilling sites; safety aspects (utilizing safety experts); probability of encountering hydrocarbons; different types of drilling processes; available scientific and engineering expertise; long- and short-term effects of the program; international implications and possible cooperative endeavors with other countries; actual and/or potential environmental impacts and ways to prevent or mitigate such impacts; and appropriate technological advances which will facilitate drilling. NSF has done an EIS on the International Phase of Ocean Drilling, the current drilling program, which will be useful in preparing the EIS described in this notice.

Technical expertise, both in the Federal and private sectors, including universities, is being utilized in studies relevant to the proposed program. The results of the studies will be factored into the EIS.

The contact point within NSF for queries on the proposed program and the EIS is Dr. Peter E. Wilkniss, Program Manager, Ocean Sediment Coring Program, Division of Earth Sciences,

National Science Foundation, 1800 "G" Street, N.W., Washington, D.C., 20550, telephone (202) 632-4134. All interested agencies, organizations, or persons desiring to submit comments or suggestions for consideration during the preparation of the draft EIS should contact Dr. Wilkniss by June 15, 1979.

Dated at Washington, D.C., this 13th day of April 1979.

For the National Science Foundation.

John E. Slaughter,  
Assistant Director, Astronomical, Atmospheric, Earth and Ocean Sciences.

[FR Doc. 79-12937 Filed 4-25-79; 8:45 am]  
BILLING CODE 7555-01-M

### NUCLEAR REGULATORY COMMISSION

#### Texas Utilities Generating Co., et al.; Receipt of Additional Antitrust Information and Time for Submission of Views on Antitrust Matters

Texas Utilities Generating Company, pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, has filed information requested by the Attorney General for Antitrust Review as required by 10 CFR Part 50, Appendix L. This information concerns two proposed additional ownership participants, Texas Municipal Power Agency and Brazos Electric Power Cooperative, Inc. for the Comanche Peak Steam Electric Station, Units 1 and 2. The current holders of the construction permits are Texas Utilities Generating Company, Dallas Power & Light Company, Texas Electric Service Company, and Texas Power & Light Company.

The information was filed in connection with the Texas Utilities Generating Company's application for construction permits and operating licenses for two pressurized water reactors. Construction was authorized on December 19, 1974 at the Comanche Peak site located in Somervell County, Texas.

The original antitrust portion of the application was docketed on July 20, 1973, and the Notice of Receipt of Application for Construction Permits and Facility Licenses and Availability of Applicant's Environmental Report; Time for Submission of Views on Antitrust Matters was published in the Federal Register on August 1, 1973 (38 FR 20494). The notice of Hearing was published in the Federal Register on August 2, 1973 (38 FR 20635); and the Notice of Consideration of Issuance of Facility Operating Licenses and Notice of Opportunity for Hearing was published

in the Federal Register on February 5, 1979 (44 FR 8995).

A copy of the above documents are available for public examination and copying for a fee at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555 and at the Somervell County Public Library, On the Square, P.O. Bx 417, Glen Rose, Texas 76043.

Persons who wish to have their views on the antitrust matters with respect to Texas Municipal Power Agency and Brazos Electric Power Cooperative presented to the Attorney General for consideration or who desire additional information regarding the matter covered by this notice, should submit such views or requests for additional information to the U.S. Nuclear Regulatory Commission, Washington, D.C., 20555, Attention: Chief, Antitrust and Indemnity Group, Office of Nuclear Reactor Regulation, on or before June 4, 1979.

Dated at Bethesda, Maryland, this 23rd day of March 1979.

For the Nuclear Regulatory Commission.

Robert L. Baer,  
Chief, Light Water Reactors, Branch No. 2, Division of Project Management.

[Docket Nos. 50-445A and 50-448A]  
[FR Doc. 79-10186 Filed 4-4-79; 8:45 am]  
BILLING CODE: 7590-01-M

### Abnormal Occurrence Event; Extortion Attempt Involving Alleged Theft of Licensed Material

Section 208 of the Energy Reorganization Act of 1974, as amended, requires the NRC to disseminate information on abnormal occurrences (i.e., unscheduled incidents or events which the Commission determines are significant from the standpoint of public health and safety). The following incident was determined to be an abnormal occurrence using the criteria published in the Federal Register on February 24, 1977 (42 FR 10950), Appendix A (Example I.C.2) of the Policy Statement notes that a substantiated case of actual or attempted theft or diversion of licensed material can be considered an abnormal occurrence. The following description of the event also contains the remedial actions taken.

**Date and Place**—On January 29, 1979, the General Electric (GE) Company's fuel fabrication facility at Wilmington, N.C., reported to NRC's Region II office (Atlanta, Ga.) the receipt of an anonymous extortion letter.

**Nature and Probable Consequences**—An alleged theft of low-enriched uranium oxide and an attempted

extortion occurred. An individual was arrested on criminal charges and the material was recovered. The amount of material involved was too small for any nuclear reaction, and was not the type that could be used to make a nuclear bomb. It also represented a minimal health hazard, and was less hazardous than many industrial chemicals. The details of the event are described below.

On January 29, 1979, the Plant Manager of General Electric's fuel fabrication facility in Wilmington, N.C. received a letter in which the author claimed possession of two five-gallon cans of low-enriched uranium dioxide powder; a small vial containing a sample of the material accompanied the letter. The anonymous letter contained a threat to mail samples of the material to various persons and to spread the material in major American cities if payment of \$100,000 was not received by February 1, 1979. Prior to the receipt of the extortion letter and vial of material, the licensee's material control system had detected that two cans, containing about 62 kilograms of the material, were missing and the licensee had already commenced a search for the material.

GE reported the matter to NRC's Region II office in Atlanta, Ga. The NRC, in turn, notified the Atlanta, Georgia office of the Federal Bureau of Investigation (FBI), and the FBI immediately began an investigation. Two NRC inspectors were sent to Wilmington, N.C. to provide technical assistance.

On February 1, 1979, the FBI arrested an employee of a subcontractor of the GE plant on Federal criminal charges. The two cans of uranium dioxide powder were recovered on the same day in a field a few miles from the GE facility. If the threat had been carried out and the material dispersed, it would have presented a minimal health hazard except under conditions where an amount of the material could have been inhaled or ingested. The uranium dioxide was in the form of a fine brown powder, which is essentially insoluble in water or body fluids. The principal radiation hazard from the material would have been inhalation into the lungs. For an appreciable hazard to occur from inhalation, an individual would have to remain in a visible, thick brown cloud of the suspended uranium dioxide for more than ten minutes. This situation is thought to be highly unlikely since an individual would have a natural tendency to avoid such a situation, even without the knowledge that the material was radioactive.

If, in the highly unlikely event, the uranium dioxide were somehow

ingested (for example, eaten alone or with food), a large amount (two pounds or more) would have to be taken into the body to be of any appreciable radiological concern. Experiments with animals have shown no significant toxic effects from uranium dioxide such as that processed at the GE plant.

In view of the minimal health and safety hazards of this low-enriched material, the NRC does not prescribe specific details of how it should be protected. NRC's current requirements for protection of this material are satisfied by reasonable industrial security measures appropriate for material of comparable monetary value. As discussed below, NRC's requirements are currently being reviewed for potential changes.

**Cause or Causes**—The cause of the incident was the alleged criminal action involved in the unauthorized removal of the low-enriched uranium dioxide from the facility confines.

### Actions Taken To Prevent Recurrence

**Licensee**—The General Electric Company is reevaluating its present security and accountability system for such materials.

**NRC**—The NRC's inspectors observed the GE verification that the low-enriched uranium powder recovered by the FBI was, in fact, that missing from the licensee's facility. The NRC staff met with GE representatives on February 12, 1979 to discuss the regulatory aspects of this occurrence.

On February 2, 1979, NRC Inspection and Enforcement Information Notice No. 79-02 was issued to all fuel facilities licensed by the NRC. The notice informed the licensees of the event and advised extra caution be exercised in their existing security programs.

For some time, the NRC has been reexamining requirements for the protection of nuclear materials. As a result, new rules are being proposed. The rule pertaining to materials, such as low-enriched uranium, includes the following requirements:

—Storage or use of the material only within a controlled access area which is monitored to detect unauthorized intrusions.

—Use of watchmen or off-site response force to respond to unauthorized intrusion or activities.

—Establishment of response procedures for dealing with threats or thefts of special nuclear materials.

In addition, as a result of this incident, the proposed rule is being reexamined in regard to specific requirements for establishing exit controls for areas that process or store low-enriched uranium.

Dated at Washington, D.C. this 18th day of April 1979.

For the Nuclear Regulatory Commission.

Samuel J. Chalk.

Secretary of the Commission.

[FR Doc. 79-12904 Filed 4-25-79; 8:45 am]

BILLING CODE 7590-01-M

### Atomic Safety and Licensing Appeal Board; Pacific Gas & Electric Co., Order

April 20, 1979.

In the matter of Pacific Gas and Electric Company (Stanislaus Nuclear Project, Unit 1).

Oral argument of the appeal of the Southern California Edison Company from the Licensing Board's order of January 25, 1979 will be heard at 9:30 a.m. on Tuesday, May 22, 1979 in the Commission's Public Hearing Room, 5th floor, 4350 East-West Highway, Bethesda, Md. Southern California Edison will be heard first and will be allowed one hour for argument; a portion of its time may be reserved for rebuttal. The State of California Department of Water Resources and the NRC staff will be afforded a total of one hour for their argument, to be divided equally between them unless they agree otherwise. They are encouraged to coordinate their arguments to avoid unnecessary duplication. It may be assumed that, at the time of the argument, the Board will be fully familiar with the parties' positions as developed in their briefs.

Each party shall advise the Secretary to this Board, by letter mailed no later than May 11, 1979, of the name(s) of the counsel who will present oral argument on its behalf.

It is so ordered.

For the Appeal Board.

Margaret E. Du Flo,

Secretary to the Appeal Board.

[Docket No. P-564A]

[FR Doc. 79-12902 Filed 4-25-79; 8:45 am]

BILLING CODE 7590-01-M

### Iowa Electric Light & Power Co., et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 50 to facility Operating License No. DPR-49 issued to Iowa Electric Light and Power Company, Central Iowa Power Cooperative, and Corn Belt Power Cooperative (the licensee) which revised the license for operation of the Duane Arnold Energy Center, located in Linn County, Iowa.

The amendment became effective February 23, 1979.

The amendment adds a license condition to include the Commission-approved physical security plan as part of the license.

The licensee's filings comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

The licensee's filings dated December 1, 1978, January 19, March 9 and 21, 1979, and the Commission's Security Plan Evaluation Report are being withheld from public disclosure pursuant to 10 CFR 2.790(d). The withheld information is subject to disclosure in accordance with the provisions of 10 CFR Section 9.12.

For further details with respect to this action, see (1) Amendment No. 50 to License No. DPR-49, and (2) the Commission's related letter to the licensee dated April 19, 1979. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Cedar Rapids Public Library, 426 Third Avenue, SE., Cedar Rapids, Iowa 52401. A copy of items (1) and (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 19th day of April 1979.

For the Nuclear Regulatory Commission.

Thomas A. Ippolito,

Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[Docket No. 50-531]

[FR Doc. 79-12901 Filed 4-25-79; 8:45 am]

BILLING CODE 7590-01-M

### Power Authority of the State of New York; Cancellation of Scheduled Hearings

In the matter of Power Authority of the State of New York, (Greene County Nuclear Power Plant).

At the request of the Applicant Power Authority of the State of New York (PASNY), all scheduled hearings in Docket No. 50-549 are hereby cancelled.

Dated at Bethesda, Maryland, this 19th day of April, 1979.

For the Atomic Safety and Licensing Board.

Richard F. Cole,

Member.

[Docket No. 50-549 CF]

[FR Doc. 79-12903 Filed 4-25-79; 8:45 am]

BILLING CODE 7590-01-M

### NATIONAL TRANSPORTATION SAFETY BOARD

#### Accident Reports, Safety Recommendations and Responses; Availability

##### Highway Accident Report

*Gateway Transportation Co., Inc., Tractor-Semitrailer Penetration of Median Barrier and Collision with Automobile, I-70, St. Louis, Mo., September 25, 1977 (NTSB-HAR-79-3).*—The National Transportation Safety Board's investigation report, released April 18, shows that at 8:07 p.m. on Sunday, September 25, an empty tractor-semi-trailer was traveling eastbound on I-70 in downtown St. Louis when the truckdriver lost control of his vehicle on wet concrete pavement. The tractor struck, broke, and overrode a concrete median barrier, vaulted into the westbound lanes, and collided with a westbound automobile. All three occupants in the automobile died; the truckdriver was injured slightly.

As a result of its investigation, the Safety Board has determined that the probable cause of this accident was the loss of tractor-semi-trailer control during evasive maneuvers made by the truckdriver in response to improper lane changes by an eastbound automobile driver. Contributing to the severity of the accident were the barrier impact speed and attack angle of the tractor-semi-trailer which may have only slightly exceeded the design limits of the functional "New Jersey" concrete barrier.

The Safety Board, as a further result of its investigation of this accident, has issued seven recommendations. On April 4, the Board asked the Federal Highway Administration to determine what improvement can be made to

insure a more progressive pavement surface improvement program by the Missouri State Highway Commission (MSHC) (recommendation H-79-18), and to examine the feasibility of developing ways to improve the performance of concrete highway barriers already in place on roadways (H-79-19). Also on April 4 the Safety Board recommended that MSHC accelerate closure of the Delmar Avenue on-ramp on I-70, establish a new pavement surface improvement policy, insure that the current MSHC wet pavement surface improvement policy is being consistently followed, develop a more progressive wet pavement surface improvement policy, and determine whether additional resources are necessary to attain such policy (H-79-20 through 24). (See also 44 FR 21907, April 12, 1979.)

#### Highway Special Study

*"Safety of Multipurpose Vans"* (NTSB-HSS-79-1).—A threefold increase in the use of multipurpose vans since 1970, and the increasing number of van fatalities, prompted the Safety Board to undertake a special study on van safety. The official report on the study was made public April 18. To collect data for this study the Board investigated 18 low-to-moderate speed crashes involving 19 vans. The data were then analyzed from the standpoint of injury-producing environments, occupant restraints, crashworthiness, postcrash fires, and ease or difficulty of escape.

The study disclosed that in 1977 there were 740 fatalities in van accidents. By comparison, for the same year, fatalities in other transportation modes totaled 655 in air carriers, 653 in railroads, 216 in commercial marine, and 43 in pipelines.

The Board found that many van owners have customized the interiors of their vans with sinks, TV's, bars, stoves, tables, refrigerators, beds, chairs, and paneling. However, there are no existing standards or voluntary specifications on how to install or secure this equipment to the van structure. As a result, in a crash, these items often break loose and injure or kill the van occupants.

Specific objectives in making the study included determining the injurious effects of custom interior modifications to vans, the injurious effects on occupants because certain Federal safety standards do not apply to vans, and the provision of crash data to the National Highway Traffic Safety Administration to support the extension of existing Federal safety standards to light trucks and vans. As a result of this

study, the Safety Board on April 4 reiterated a previous recommendation, H-76-8, and issued a new one, H-79-13, to the Recreation Vehicle Industry Association. These recommendations asked the Association to determine the best methods of securing appliances in recreational vehicles and amend the Standard for Recreational Vehicles to specify these methods, and to determine the best methods of securing furnishings and amend the Standards to specify these methods.

Also on April 4 the Safety Board recommended that NHTSA study the failures of custom highback seats and anchorage systems, and the failures of custom steering wheels which do not meet Federal Motor Vehicle Safety Standards, to determine whether they pose a significant injury or safety problem. NHTSA was also asked to study the extent to which doors jam in collisions, and to determine whether Federal standards covering steering wheels, steering columns, and windshields should be extended to all classes of vans, or whether new requirements are needed for vans. The Board also recommended that NHTSA intensify its study to explore the Federal standard on passive restraint requirements to all classes of vans, to specify in rulemaking action on the Federal standard on door locks and door retention a requirement for a locking mechanism on cargo-type doors that can be operated from the interior of the vehicle, and to include in its exploratory rulemaking and research activity control of crash aggressiveness of vans in relation to other vehicles.

(Recommendations H-79-14 through 17.) (See also 44 FR 21907, April 12, 1979.)

#### Marine Accident Report

*Ferry M/V George Prince Collision with the Tanker SS Frosta (Norwegian) on the Mississippi River, Luling/Destrehan, La., October 20, 1976* (NTSB-MAR-79-4).—On October 20, 1976, the *George Prince* was maneuvered from the east bank ferry landing across the path of the upbound tanker *Frosta* at mile 120.8 AHP on the Mississippi River. The *Frosta's* engine was reversed too late and the ship struck and capsized the ferry. When the ferry capsized, 71 passengers and the crew of five were killed; one passenger is missing and presumed dead, and only 18 passengers survived. Thirty-four vehicles were cast overboard. The *George Prince* was a total loss; the *Frosta* sustained only minor damage.

This accident was investigated by a U.S. Coast Guard Marine Board Investigation which convened at New

Orleans, La., on October 23, 1976. A Safety Board representative participated in the investigation proceedings. The Safety Board has considered all facts pertinent to the Safety Board's statutory responsibility to determine the cause or probable cause of the accident and to make recommendations. The accident report, released April 13, is based on the factual information developed by the investigation.

The Safety Board has determined that the probable cause of the accident was the ferry boatmaster's deficient conning and maneuvering judgment. Contributing to the accident were the failure of the *Frosta's* pilot to take sufficiently early action to slow or stop the *Frosta* before it struck the *George Prince* and the impairment of the ferry boatmaster's judgment due to alcohol ingestion.

As a result of the investigation, the Safety Board on April 6, independently of any recommendations proposed by the Coast Guard, issued six safety recommendations asking Coast Guard to require ship pilots to alert the engineroom when approaching cross traffic lanes where they may be required to institute emergency engine maneuvers, to require passenger-ferry operators to issue written instructions to their crews concerning passenger safety in the event of a collision, to require such operators to post information in ferry terminals on the use of life-saving equipment if the short length of the trip prevents indoctrinating passengers, and to revise the Western River Rules of the Road to include a requirement that crossing ferries keep clear of channel-bound traffic and avoid any maneuver toward such traffic that may be misinterpreted. (Recommendations M-79-32 through 37.) (See also 44 FR 21908, April 12, 1979.)

#### Safety Recommendation Letters

*Aviation: A-79-21 through 24.*—On March 9, 1979, the pilot of a Learjet Model 24B reported longitudinal control problems while en route from Greensboro, N.C., to Nashville, Tenn. While cruising at altitude, the aircraft abruptly pitched nosedown. The pilot regained control and deactivated the aircraft's stall warning system and automatic flight control system. After the aircraft was configured for landing, during an instrument approach to Nashville, it became longitudinally unstable; the pilot, unable to control the pitching oscillation, aborted the approach. As airspeed was increased, the aircraft became controllable. The pilot declared an emergency and returned to Greensboro where better

weather existed. Similar problems were encountered while attempting to land at Greensboro. Three approaches were aborted before the aircraft was landed. The fourth approach was conducted without flaps, at a higher-than-normal airspeed, and with stabilizer trim for pitch control. Postflight examination of the aircraft disclosed a resistance to motion of the longitudinal control system which was traced to the pitch axis servo drive unit.

Two recent fatal accidents, still under investigation by the Safety Board, involved loss of control of Learjet Model 25 aircraft which were equipped with the same type of servo drive units. In view of the potential catastrophic results of control difficulties caused by jammed servo drive unit clutches, the Safety Board is extremely concerned and believes expedited action is justified. Accordingly, on April 18, the Board recommended that the Federal Aviation Administration:

Initiate a program immediately to expedite the determination of cause for the clutch malfunction in JET Electronic part No. 2380066, servo drive unit, devise a means to detect potential problems, and define corrective action. (A-79-21)

If defining and implementing the corrective action described above will require prolonged effort, restrict the operation of all Learjet aircraft equipped with this servo drive unit. (A-79-22)

Issue immediately an Operations Alert Bulletin to FAA inspectors and notify operators of Learjet aircraft equipped with this type of servo drive unit to advise the pilots of these aircraft of the possible control difficulties which can be encountered as a result of clutch malfunction. (A-79-23)

Determine whether other model aircraft use the same servo drive unit clutches and take appropriate action to advise the operators of those aircraft of the potential problem. (A-79-24)

**Aviation: A-79-25 and 26.**—New York Airways, Inc., Flight 972, a Sikorsky S61L helicopter with 15 passengers and a crew of three crashed on Newark International Airport at 1825 on April 18, 1979, shortly after takeoff. Three passengers were killed, nine others and the crewmembers were injured.

Preliminary evidence obtained in the Board's investigation disclosed that a 35-inch outboard section of one of the tail rotor blades separated in flight. It appears that the resultant unbalance caused a massive failure in the tail rotor gear box. The gearbox and the remainder of the tail rotor assembly separated before the aircraft could effect a safe landing.

The failed tail rotor blade has been examined in the Board's metallurgical laboratory. A fatigue crack through

approximately 90 percent of the leading edge spar was disclosed. The aluminum skin covering the spar also exhibited a fatigue crack extending from the leading edge approximately 2 inches. This crack may not have been detectable by visual examination prior to flight.

The Safety Board believes that the serious consequences of this failure and the potential for other accidents justifies the need for immediate Federal Aviation Administration action. Pending more detailed investigative examination, establishment and implementation of suitable corrective actions, the Safety Board believes that further flight operations with the S61 aircraft should be suspended. Accordingly, on April 19 the Board recommended that FAA:

Withdraw the airworthiness certificates of Sikorsky S61 helicopters until a means of detecting potential tail rotor blade failures can be devised and implemented. (A-79-25)

Notify foreign operators of Sikorsky S61 aircraft of this action. (A-79-26)

The Safety Board has designated all of the above aviation safety recommendations "Class I—Urgent Action."

**Marine: M-79-39 through 51.**—About 1100 on April 14, 1976, the self-elevating mobile offshore drilling unit *Ocean Express* departed a drilling site near the Texas coast in the Gulf of Mexico under tow for a new drilling site about 33 nmi northeast. The *Ocean Express* arrived at the new site about 2330, but was not set in place because of adverse seas. Three tugs held the *Ocean Express* in position awaiting better weather, but the seas continued to increase. About 1530 on April 5, one tug became partially disabled because of a reduction gear failure. At 1930, another tug's towline broke. With only one effective tug remaining, the *Ocean Express* turned broadside to the wind and seas, drifted, grounded, capsized, and sank about 2115. The vessel was valued at \$20 million.

The bargemover was rescued by a Coast Guard helicopter. The crew abandoned the *Ocean Express* in the unit's survival capsules. The 14 persons in one capsule were rescued without incident. The other capsule capsized with 20 persons inside; 13 persons drowned, seven escaped.

The Safety Board's analysis of this accident indicated that the *Ocean Express* operating manual did not provide adequate guidance regarding the unit's stability characteristics, towing arrangements, severe weather operations, transit preparations, and operational limitations. The bargemover was not aware that the unit's stability

was affected by the position of the mat. No provisions were made for towing emergencies, and the tubs were not repositioned after one tug's starboard reduction gear failed.

As a result of its analysis of this accident, the Safety Board on April 17 recommended that the U.S. Coast Guard:

Require that operating manuals for self-elevating mobile offshore drilling units include guidance regarding: (1) the stability of the unit for the complete range of mat-platform separations; (2) the number of tugs and the horsepower required for towing the unit, and the recommended towing arrangements and equipment; (3) contingency plans for emergencies afloat, including towing mishaps and severe weather; (4) transmit preparations, including an appropriate checklist; (5) the expected results of exceeding the design limits for jacking operations; and (6) the minimum wind speeds, sea conditions, and unit motions which would result in instability or structural failure. (M-79-39)

Require self-evaluating mobile offshore drilling units to be equipped with a recording fathometer and a recording anemometer. (M-79-40)

Require that critical operating limits for self-elevating mobile offshore drilling units be specified in terms of motion amplitudes and periods, and require on-board motion sensing and recording instruments to determine the actual unit motions. (M-79-41)

Study the feasibility of predicting self-evaluating mobile offshore drilling unit motions by on-board computer analysis of data from motion sensors and wave-measuring instruments. (M-79-42)

Expedite the promulgation of regulations for personnel qualifications and manning standards for self-elevating mobile offshore drilling units, and require that industrial personnel who perform seafaring duties obtain appropriate training and licenses. (M-79-43)

Determine and require a functional chain of command on mobile offshore drilling units to effectively cope with extreme situations. (M-79-44)

Develop appropriate survival capsule performance standards, including standards for safe towing. (M-79-45)

Conduct model tests and computer simulations with Whittaker Corporation to determine the survival capsule's capsizing characteristics and behavior in storm seas. (M-79-46)

Require that survival capsules be equipped with accessible towing and mooring fittings, proper fendering, and markings to indicate the location of the towing and mooring points. (M-79-47)

Also on April 17 the Safety Board by separate letters recommended that—

**Bethlehem Steel Corporation:** Equip its future self-elevating mobile offshore drilling units with towing fittings accessible in heavy weather. (M-79-48)

**Ocean Drilling and Exploration Company:** Review and revise the operating manuals for

its existing self-elevating mobile offshore drilling units to include guidance regarding: (1) the stability of the unit for the complete range of mat-platform separations; (2) the number of tugs and the horsepower required for arrangements and equipment; (3) contingency plans for emergencies afloat, including towing mishaps, and severe weather; (4) transit preparations, including an appropriate checklist; (5) the expected results of exceeding the design limits for jacking operations; and the minimum wind speeds, sea conditions, and unit motions which would result in instability or structural failure. (M-79-49)

*Whittaker Corporation:* Revise its survival capsule training program to include guidance on towing, securing alongside another vessel, and emergency escape from the capsule. (M-79-50)

*International Association of Drilling Contractors:* Recommend that its members use private meteorological services which provide the special information needed when engaged in weather-sensitive operations. (M-79-51)

Each of the above marine safety recommendations has been designated "Class II, Priority Action," with the exception of M-79-41 and 42 which are "Class III, Longer Term Action" recommendations. The Safety Board's formal investigation report is now being prepared for distribution and will be released in the near future.

## Safety Recommendation Responses

### Aviation

*A-75-28.*—On April 11 the Federal Aviation Administration responded to the Safety Board's letter of February 16, which commented on the recommendation issued April 2, 1975, citing several incidents in which large pieces of blue ice had separated from aircraft in flight and had caused varying degrees of damage on ground contact. Specifically, the recommendation discussed an incident involving a National Airlines Boeing 727 where a leaking toilet service drain created an ice buildup on the exterior of the aircraft to the extent that the ice separated and was ingested into the No. 3 engine.

The Board noted that the ice caused the engine to stop suddenly, creating excessive loads on the engine mount bolt. As a result, the bolt failed and the engine separated from the fuselage. The Board's concern was not only that an engine had separated and fallen to the ground, but that blue ice was being allowed to build up and separate from the fluid leakage. A number of these incidents damaged ground structures and jeopardized safety of persons on the ground.

FAA's initial response indicated issuance of a GENOT to alert the FAA

inspectors and operators of the potential safety implications and an advance notice of proposed rulemaking, No. 76-9 dated April 5, 1976, concerning the blue-ice problem. On October 20, 1978, FAA informed the Board that ANPRM 76-9 had been withdrawn because of the number of incidents involving in-flight overboard leakage of fluids subject to freezing had decreased and because of the comments received. (See 43 FR 52307, November 9, 1978.) The Safety Board's February 16 letter cited three more recent blue-ice incidents, two in the Denver, Colo., area and one in Kansas City, Mo. The Board asked that FAA reinstitute research concerning the problem and issue an Airworthiness Directive which would satisfactorily implement the intent of recommendation A-75-28.

FAA's April 11 response indicates that a restudy of the in-flight freezing of water and resultant ice accumulation at overboard drains on air carrier aircraft shows that:

There are no known design deficiencies in the present potable water or lavatory waste drain systems. "Blue ice" incidents occur from lavatory drains; clear ice incidents occur from potable drains.

There were 14 total incidents in 1974, 7 in 1975, and none reported in 1977. Three incidents were reported in 1978—one involved a B-707 when clear ice fell from the aircraft, two involved "blue ice." FAA was unable to identify the aircraft or operators in these two cases.

There were two reported Service Difficulty Reports in 1977 involving a B-707 and an L-188 aircraft. There were no reports from 1978 through February 1979.

Improved personnel training and more efficient maintenance procedures have significantly reduced the number of incidents.

FAA concludes that in view of the downward trend in incidents and reduction in total numbers in recent years, a requirement to redesign the system is not feasible.

*A-78-1.*—FAA's letter of April 9 is in response to the Safety Board's request of March 14 as to the status of FAA's actions with respect to this recommendation, stemming from the Southern Airways DC-9 thunderstorm accident at New Hope, Ga., April 4, 1977. FAA was asked to initiate research to determine attenuating effects of precipitation and icing on airborne radomes and to disseminate to the aviation community the limitations of airborne radar in precipitation. FAA's response of April 17, 1978, indicated that research may not be necessary since a large portion of the data needed was already available.

FAA's April 9 response indicates that a review of the data has been

completed. According to FAA, experience with the earlier heated radomes revealed much poorer performance than those which were not heated; icing has not been a problem since radome heating was generally discontinued. FAA has no evidence of serious problems caused by the accumulation of ice and water on radomes. The attenuation effects of ice and water are well-known, and FAA does not believe that research is necessary.

To ensure that air carrier training programs are satisfactory in this area, FAA will request that each Principal Operations Inspector check the training program of his assigned carrier to ensure that all pilots are being given information on the limitations of airborne weather radar with special emphasis on the attenuation effects of precipitation. FAA plans to issue the request to Principal Operations Inspectors within the next 30 days.

With respect to the dissemination of the information to the aviation community, FAA expects to issue an advisory circular and an operations bulletin within the next 90 days.

### Highway

*H-79-1 and 2.*—On April 2 the National Highway Traffic Safety Administration responded to recommendations resulting from investigation of an ambulance overturn near Littleton, N.H., on August 22, 1978. The recommendations asked NHTSA to modify Highway Safety Program Standard No. 11, "Emergency Medical Service," and NHTSA's "Training Program for Operation of Emergency Vehicles" to provide for training in high-speed driving techniques and to require that a student successfully complete both a written and a behind-the-wheel examination before he is licensed (R-79-1); and to urge the States to maintain and make available through the State driver licensing agency, the records of all licensed emergency vehicle operators so that employers can determine if an applicant for an emergency vehicle driver position is licensed for operating emergency vehicles (R-79-2). (See 44 FR 8045, February 8, 1979.)

In response to H-79-1, NHTSA states that there is no known justification for driving an ambulance at 90 mph. As a matter of policy, NHTSA does not encourage ambulance operators to violate speed limits or other rules of the road. The concept of quality ambulance service rests on stabilizing the patient and getting him to help rather than on racing the patient to the hospital. NHTSA does not advocate exceeding

posted speed limits; therefore, the training program omits high-speed driving training. NHTSA states that training must emphasize the importance of operating within the posted speed rather than tacitly approving disrespect for these laws by training the students to exceed them. NHTSA maintains that its Course Guide details at length the necessity for both internal and field evaluation.

NHTSA agrees in part with recommendation H-79-2, stating that the best indicator of emergency medical services (EMS) driver capability is the holding of a valid license for that vehicle type. Licenses should be issued only to individuals who have successfully completed an approved emergency vehicle driver training course and have demonstrated competence in that vehicle. Licenses should be held only by those whose records show that they are operating in a responsible manner, thus precluding the need to review a prospective employee's records. NHTSA says it will take steps to achieve this licensing/certification objective as a part of EMS efforts.

#### *Pipeline*

*P-78-3.*—Consolidated Gas Supply Corporation of Clarksburg, W. Va., on March 30 forwarded to the Safety Board a copy of its written procedures for the operation and maintenance of liquid petroleum gas (LPG) facilities, in response to one of eight recommendations issued to Consolidated following investigation of the propane pipeline rupture and fire at Ruff Creek, Pa., July 20, 1977. (See 44 FR 8046, February 8, 1979.) Consolidated notes that these procedures were issued to its field operating personnel on March 20, 1979.

#### *Railroad*

*R-73-8 and 9.*—Letter of March 28 from the Federal Railroad Administration concerns two recommendations originally issued as a result of investigation of the head-on collision of Penn Central freight trains at Herndon Pa., March 12, 1972, and reiterated last December 29 in connection with the Safety Board's report on the derailment of a St. Louis Southwestern Railway Company freight train at Lewisville, Ark., March 29, 1978. (See 44 FR 6536, February 1, 1979.)

Recommendation R-73-8 asked FRA to cooperate with the Association of American Railroads in developing a fail-safe device to stop a train if the engineer should become incapacitated and to promulgate regulations to require installation, use, and maintenance of

such a device. FRA reports intention to conduct research pertinent to this area of concern. Last November 27, FRA issued a "Request for Proposal" on a research locomotive and train handling evaluator, to be operational in 1982. FRA states that until such time that this unit can be utilized in examining the many-faceted problems associated with operating personnel within the locomotive cab, FRA will not be in a position to accurately evaluate the need for regulatory action.

Recommendation R-73-9 asked FRA to include in its present investigation of the safety of locomotive-control compartments a study of environmental conditions that could distract crews from their duties or cause them to fall asleep at the controls; also, promulgate regulations to correct any undesirable conditions disclosed. FRA notes that one of its studies did isolate and identify hazardous conditions in the locomotive cab which affect crew alertness. Two primary areas, in-cab noise and in-cab fumes, were determined by this study to be of particular interest. FRA is concerned with any potentially bothersome environmental in-cab condition, and intends to continue research, utilizing the research locomotive and train handling evaluator when this device becomes operational in 1982.

*R-79-1 and 2.*—Letter of March 8 from the New York City Transit Authority (NYCTA) is in response to recommendations issued following investigation of the derailment of an NYCTA subway train in New York City, December 12, 1978. (See 44 FR 6537, February 1, 1979.)

In response to R-79-1, which urged that all NYCTA rapid transit cars be inspected immediately to determine if their wheels have been subjected to above normal heat conditions, NYCTA advises that a fleetwide examination of the wheels of all passenger revenue cars in the "A" and "B" divisions was conducted over weekend periods of February 10-11 and 17-18, 1979. Any wheels found with signs of overheating or thermal damage were removed from service. A fleetwide wheel inspection was also scheduled for March 17-18.

Also, NYCTA's car maintenance department has developed an action plan to retrofit the 5,700 R10 to R42 series cars with a handbrake indication light system in the motorman's cab. The system will have a microswitch mounted on the handbrake. When the handbrake is operated to apply a mechanical brake, light-emitting diodes mounted in the operating motorman's cab will light up. The car maintenance

department is presently developing two prototypes for each of the three types of cars (R10-15, R17-38, R40-42) to cover the different designs of handbrakes. This information was supplied in response to R-79-2, which asked NYCTA to immediately equip handbrakes on its rapid transit cars with a positive indicator so that an operator can determine if the brake is applied or fully released. NYCTA states that all cars should be retrofitted by March 1980.

*Note.*—Single copies of the Safety Board's accident reports and special studies are available without charge, as long as limited supplies last. Copies of the Board's recommendation letters, response letters and related correspondence are also available free of charge. All requests for copies must be in writing, identified by report or recommendation number. Address inquiries to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

Multiple copies of accident reports may be purchased by mail from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151.

(Secs. 304(a)(2) and 307 of the Independent Safety Board Act of 1974 (Pub. L. 93-633, 88 Stat. 2169, 2172 (49 U.S.C. 1903, 1906)).)

Margaret L. Faber,  
Federal Register Liaison Officer.

April 23, 1979.

[N-AR 79-17]  
[FR Doc. 79-12329 Filed 4-25-79; 8:45 am]  
BILLING CODE 4910-58-M

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## OFFICE OF MANAGEMENT AND BUDGET

### Agency Forms Under Review

#### Background

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Federal Reports Act (44 USC, Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

#### List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and

grouped into new forms, revisions, or extensions. Each entry contains the following information:

The name and telephone number of the agency clearance officer;

The office of the agency issuing this form;

The title of the form;

The agency form number, if applicable;

How often the form must be filled out; Who will be required or asked to report;

An estimate of the number of forms that will be filled out;

An estimate of the total number of hours needed to fill out the form; and

The name and telephone number of the person or office responsible for OMB review.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. In addition, most repetitive reporting requirements or forms that require one half hour or less to complete and a total of 20,000 hours or less annually will be approved ten business days after this notice is published unless specific issues are raised; such forms are identified in the list by an asterisk (\*).

#### Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Stanley E. Morris, Deputy Associate Director for Regulatory Policy and Reports Management, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

#### DEPARTMENT OF AGRICULTURE

Agency Clearance Officer, Donald W. Barrowman—447-6202

##### New Forms

Food and Nutrition Service

Grant Applications for Demonstration Projects for WIC Program

SF-424

On occasion

State or local agencies; 50 responses; 6,800 hours

Charles A. Bilett, 395-5080

Food and Nutrition Service

Food Distribution Program for Households on Indian Reservations

On occasion

State agencies; Indian Reservation; 400,807 responses; 103,629 hours

Charles A. Bilett, 395-5080

##### Revisions

Economics, Statistics, and Cooperatives Service

Cost of production survey Annually

Selected crop producers; 7,800 responses; 7,800 hours

Office of Federal Statistical Policy and Standard 673-7974

##### Extensions

Food and Nutrition Service Agreement (Child Care Food Program) Part 226

Annually

Institutions Admin. by FNS; 6,000 responses; 6,000 hours

Charles A. Ellett, 395-5080

#### DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward Michaels—377-4217

##### Extensions

Office of Minority Business Enterprise \*Confirmation of assistance to clients

MBE-88

On occasion

Minority business; 5,250 responses; 1,312 hours

Richard Sheppard, 395-3211

#### DEPARTMENT OF DEFENSE

Agency Clearance Officer—John V. Wenderote—697-1195

##### New Forms

Department of the Army Military option evaluation study of civilian males

Single time

16-21 yr. old civilian males; 60,000 responses; 4,083 hours

David P. Caywood, 395-6140

##### Revisions

Department of the Air Force

\*Application for training leading to a commission in the United States Air Force

AF 56

On occasion

College graduates and active duty airmen; 8,000 responses; 2,000 hours

David P. Caywood, 395-6140

#### DEPARTMENT OF ENERGY

Agency Clearance Officer—Albert H. Linden—566-9021

##### New Forms

Refiners and Wholesalers Gasoline Prices and Sales

EIA-151

Single time

Wholesalers and refiners of petroleum products; 175 responses; 17,500 hours

Jefferson B. Hill, 395-5867

#### DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Agency Clearance Officer—Peter Gness—245-7488

##### New Forms

National Institutes of Health

Cardiology patient simulator evaluation

Single time

Medical students, teaching and support staff; 3,520 responses; 2,523 hours

Richard Eisinger, 395-3214

#### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Agency Clearance Officer—John Kalagher—755-5184

##### New Forms

Housing Management

\*Supplemental statistical data sheet FHA 2501, SUPP/FHA, 3100 SUPP

On occasion

Seller mortgagors and/or mortgagees; 150,000 responses; 12,500 hours

Arnold Strasser, 395-5080

##### Extensions

Housing Production and Mortgage Credit

\*Request for extension of title I claim period

FHA-299

On occasion

Banks, Savings, and Loans Credit

Unions, etc.; 10,000 responses; 1,000 hours

Arnold Strasser, 395-5080

Housing Production and Mortgage Credit

\*Title I—dealer/contractor application FH-13

On occasion

Banks accept from dealers, contractors, suppliers; 10,000 responses; 5,000 hours

Arnold Strasser, 395-5080

Housing Production and Mortgage Credit

Schedule of land development lots—title X

FHA 3554  
On occasion  
Seeking insured financing; 30 responses;  
30 hours  
Arnold Strasser, 395-5080\*

#### DEPARTMENT OF LABOR

Agency Clearance Officer—Philip M.  
Oliver—523-6341

#### Extensions

Bureau of Labor Statistics  
Employment, wages, and contribution  
report (ES 202)  
BLS-303—(ES-202)  
Quarterly  
States  
212 responses; 530,000 hours  
Arnold Strasser, 395-5080

#### ENVIRONMENTAL PROTECTION AGENCY

Agency Clearance Officer—John J.  
Stanton—245-3064

#### New Forms

A Study of Current and Potential  
Hazardous Waste Facility at  
Generator Owned Sites  
Single time  
Manufacturing firms; 3,000 responses;  
12,000 hours  
Edward H. Clarke, 395-5867

#### RAILROAD RETIREMENT BOARD

Agency Clearance Officer—W. V.  
Radesk—312-751-4690

#### Extensions

\*Claim for Sickness Benefits—  
Employees Statement  
SI-3—(4-68)  
On occasion  
Claimant for sickness benefits; 460,000  
responses; 15,333 hours  
Barbara F. Young, 395-6132  
Claim for Unemployment Benefits  
UI-3—(4-68)  
On occasion  
Claimant for unemployment benefits;  
450,000 responses; 37,500 hours  
Barbara F. Young, 395-6132

Stanley E. Morris,  
Deputy Associate Director for Regulatory Policy and Re-  
ports Management.

[FR Doc. 79-12976 Filed 4-25-79; 8:45 am]

BILLING CODE 3110-01-M

#### POSTAL RATE COMMISSION

Albuquerque, N. Mex., Associated  
Service Facility and Denver Colo.,  
BMC; Visit

April 23, 1979.

Notice is hereby given that a member  
of the Postal Rate Commission advisory  
staff will make visits to the following  
postal facilities for the purpose of

acquiring general background  
knowledge of postal operations.  
May 2—Albuquerque, NM, Associated  
Service Facility  
May 3—Denver, CO, BMC

A report of the visit will be on file in  
the Commission's Docket Room.

David F. Harris,

Secretary.

[FR Doc. 79-12968 Filed 4-25-79; 8:45 am]

BILLING CODE 7715-01

#### PRESIDENTIAL COMMISSION ON WORLD HUNGER

##### Subcommittee Meetings

Subcommittees of the Presidential  
Commission on World Hunger have  
scheduled meetings as follows:

The Domestic, Agriculture Policy,  
Consumer and Nutrition Subcommittees  
will meet on May 8, 1979, in Room 2010,  
New Executive Office Building, 728  
Jackson Place, N.W., Washington, D.C.,  
beginning at 9:30 a.m.

The International Policy  
Subcommittee will meet on May 18,  
1979, at the Ford Foundation, 320 E. 43rd  
Street, New York, New York, beginning  
at 9:30 a.m.

These meetings are open to  
observation by the public. Persons  
interested in attending the meetings  
should address a letter to the  
Presidential Commission on World  
Hunger, 734 Jackson Place, N.W.,  
Washington, D.C. 20006. Admission of  
observers will be on the basis of the  
earliest postmark and to the extent  
space is available.

Donald B. Harper,

Administrative Officer, Presidential Commission on World  
Hunger.

[FR Doc. 79-12927 Filed 4-25-79; 8:45 am]

BILLING CODE 6820-97-M

#### SECURITIES AND EXCHANGE COMMISSION

The Barrett, Smith, Schapiro, Simon &  
Armstrong Retirement Plan; Notice of  
Application and Opportunity for  
Hearing

April 20, 1979.

In the matter of the Barrett, Smith,  
Schapiro, Simon & Armstrong  
Retirement Plan, 26 Broadway, New  
York, NY 10004.

Notice is hereby given that Barrett,  
Smith, Schapiro, Simon & Armstrong  
(hereinafter referred to as "Applicant"  
or the "Firm"), a law firm organized as a  
partnership under the laws of the State  
of New York, on October 23, 1978, filed  
an application for an exemption from  
the registration requirements of the

Securities Act of 1933 ("Act") for  
participations or interests issued in  
connection with the Barrett, Smith,  
Schapiro, Simon & Armstrong  
Retirement Plan ("Plan"). All interested  
persons are referred to that document,  
which is on file with the Commission for  
the facts and representations contained  
therein, which are summarized below.

Applicant states that the Plan is of the  
type commonly referred to as a "Keogh"  
plan, which covers persons (in this case,  
Applicant's partners) who are  
employees within the meaning of  
Section 401(c)(1) of the Internal Revenue  
Code of 1954 ("Code"), and therefore, is  
excepted from the exemption provided  
by Section 3(a)(2) of the Act for interests  
or participations in employee benefit  
plans of certain employers. Section  
3(a)(2) of the Act provides, however,  
that the Commission may exempt from  
the provisions of Section 5 of the Act,  
any interests or participations issued in  
connection with a pension or profit-  
sharing plan which covers employees,  
some or all of whom are employees  
within the meaning of Section 401(c)(1)  
of the Code, if and to the extent that the  
Commission determines this to be  
necessary or appropriate in the public  
interest and consistent with the  
protection of investors and the purposes  
fairly intended by the policy and  
provisions of the Act.

Applicant states that the Plan covers  
all partners and employees of the Firm  
who satisfy the Plan's requirements for  
participation. As of October 1, 1978, 20  
partners and 47 employees were active  
participants in the Plan. A partner or  
employee of the Firm is entitled to  
become a participant after completion of  
three years of service with the Firm.  
Each year, the Firm contributes on  
behalf of each participant who is a  
partner an amount equal to 8% of such  
partner's Basic Earned Income, but not  
to exceed \$7,500. All contributions by  
the Firm are made out of its profits for  
the year. A participant's interest in all  
Firm contributions made on his behalf is  
fully vested and remains nonforfeitable  
at all times. In addition, a participant  
who is not a partner may make annual  
voluntary contributions in an amount  
not to exceed 10% of his earned income,  
or, in the case of an "owner employee,"  
\$2,500. Applicant represents that  
voluntary contributions have not been,  
and will not at any time be, solicited  
from participants.

Applicant states that the Plan was  
originally established effective as of  
January 1, 1968 and was amended and  
restated in its entirety, effective as of  
January 1, 1976, in order to comply with  
the requirements of the Employee

Retirement Income Security Act of 1974 ("ERISA"). By letter dated December 3, 1976, the Internal Revenue Service ("IRS") determined that the Plan, as so amended, was a qualified plan under Section 401(a) of the Internal Revenue Code (the "Code"). Further amendments to the Plan were adopted effective as of November 1, 1977 (the "1977 Amendments"). The IRS determination letter was issued prior to the adoption of the 1977 Amendments. However, Applicant represents that the 1977 Amendments do not affect the qualification of the Plan.

The trust forming a part of the Plan was originally established by an Agreement of Trust ("Agreement of Trust") between the Firm and Irving Trust Company ("Trustee"), made as of December 30, 1968. The Agreement of Trust was amended and restated in its entirety, effective January 1, 1976, in order to comply with the requirements of ERISA, and was further amended as of November 1, 1977 to make provision for the 1977 Amendments.

Applicant states that all contributions under the Plan are paid over to a trust fund maintained by the Trustee. The Trustee maintains two separate funds under the Agreement of Trust, a Fixed Income Fund which is invested principally in bonds, and an Equity Fund which is invested principally in common stocks. The choice of investments within each Fund rests in the Trustee's sole discretion. Each participant has, however, the right to direct how contributions made on his behalf are to be divided between the two Funds, and to have amounts credited to his account in the Fixed Income Fund invested in savings deposits or United States government obligations. The agreement of Trust does not authorize commingling the assets of the Plan with the assets of the plan of any other employer, and Plan assets have not been and will not be so commingled.

The Firm has overall responsibility and authority for administration of the Plan, including the determination of all questions arising out of the administration, interpretation and application of the Plan, authorization of distributions from the trust fund, establishment and enforcement of rules and regulations relating to administration of the Plan, determination of the time, manner and amount of benefit payments to participants and authorization of the proper expenses for administering the Plan.

Applicant states that the Plan is an "employee pension benefit plan" subject to regulation by the Department of

Labor under ERISA and is subject to the fiduciary standards and to the full reporting and disclosure requirements of ERISA.

Applicant submits that in excluding plans in which self-employed persons are participating from the exemption from registration afforded by Section 3(a)(2) of the Act, Congress apparently recognized that such plans constitute complex investment vehicles, interests in which could be sold by sponsoring financial institutions to self-employed individuals who might not be sophisticated in the securities field or who might be unable to protect their interests or the interests of their participating employees. Applicant further submits that the Plan does not present the risks associated with the sale of interests or participations in plans sponsored by financial institutions with which Congress was primarily concerned. The Plan is not a uniform prototype or master plan of a type designed to be marketed by a sponsoring financial institution or promoter to numerous unrelated self-employed persons. It is an individual plan sponsored by the Firm for the benefit of partners and employees of the Firm, with its assets held in an individual trust which is separately invested and administered. Applicant states that it maintains extensive administrative control over the Plan, and has retained the services of an independent financial expert, as trustee, to manage investments. Applicant further states that it is engaged in furnishing legal services which involve financially sophisticated and complex matters. For these reasons, Applicant submits that it is able to represent adequately its own interests and those of its employees.

Applicant concludes that for the foregoing reasons, granting the requested exemption would be appropriate in the public interest, consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than May 16, 1979, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission,

Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit, or in the case of an attorney at law, by certificate) shall be filed contemporaneously with the request. An order disposing of the application will be issued as a course following May 16, 1979, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,  
Secretary.

[Release No. 6057; (18-25)]

[FR Doc. 79-12987 Filed 4-25-79; 8:45 am]

BILLING CODE 8010-01-M

### Corporate Income Trust, Series 1, and Donaldson, Lufkin & Jenrette Securities Corp.; Notice of Application and Opportunity for Hearing

April 19, 1979.

In the matter of Corporate Income Trust, Series 1 (and subsequent Series) and Donaldson, Lufkin & Jenrette Securities Corporation 140 Broadway New York, New York 10005.

Notice is hereby given that Corporate Income Trust, Series 1 (and subsequent Series) (hereinafter each series is referred to as "a Trust" and the series collectively are referred to as "the Trust"), a unit investment trust, and its sponsor, Donaldson, Lufkin & Jenrette Securities Corporation ("Sponsor") (the Trust and the Sponsor are hereinafter referred to collectively as "Applicants"), filed an application on February 21, 1979, and amendments thereto on April 11, 1979 and April 16, 1979, for an order pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act"), exempting Applicants from the provisions of Sections 14(a) and 22(d) of the Act, and Rule 19b-1 thereunder, and pursuant to Section 11 of the Act, for an order permitting certain offers of exchange described herein. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicants state that the Trust will be created under Massachusetts law pursuant to a trust agreement ("Trust Agreement") among the Sponsor, State

Street Bank and Trust Company, as trustee ("Trustee"), and Interactive Data Services, Inc. as evaluator ("Evaluator"). Applicants state that in the case of Trusts created subsequent to the first series of the Trust ("Trust, Series 1") one or more additional entities may act as Sponsor, Trustee and Evaluator, respectively. The sponsor represents that if it ceases to remain Sponsor of a Trust, it will cause to be filed a new registration statement under the Act concerning the Trust.

In additions to the Trusts, the Sponsor is planning to offer units in other unit investment trusts in the future. Such trusts may include long-term, intermediate-term and short-term series and such other series as may be offered by the Sponsor from time to time. Any series of trust sponsored by the Sponsor and not consisting primarily of short-term securities will hereinafter be referred to as a "Conversion Trust." The securities to be deposited in the Trust, Series 1 will primarily be long-term corporate debt obligations. Future Trusts may consist primarily of other types of corporate securities, such as intermediate or short-term debt obligations (including but not limited to bank certificates of deposit) or preferred stocks. Any future Trust consisting primarily of short-term obligations will hereinafter be referred to as a "Short-term Trust".

Applicants state that once the Sponsor decides to offer a Trust to the public, it will prepare and file with the Commission under the Securities Act of 1933 and the Act the documents necessary to create the Trust's structure. Applicants represent that the Sponsor intends to deposit with the Trustee approximately \$10,000,000 principal amount of securities to be included in the portfolio of the Trust, Series 1, ("Securities"), and that, simultaneously with such deposit, the Trustee will deliver to the Sponsor a certificate representing units ("Units") of fractional undivided interest in the Trust at the rate of approximately one Unit of fractional undivided interest for each \$1,000 principal amount or par or liquidation value of the Securities deposited (interests in any Trust will hereinafter also be referred to as "Units", and holders of such Units as "Unitholders"). Such Units will represent the entire ownership of the Trust.

Applicants state that contemporaneously with the deposit of the Securities with the Trustee, and amendment which forms the basis for the final prospectus relating to the Trust will be filed with the Commission and

that the Units will then be offered to the public separately through a final prospectus at a public offering price. Applicants represent that the maximum public offering price during the initial public offering period will be computed by adding to the offering-side evaluation of the Securities, divided by the number of Units, a sales charge in an amount not exceeding 4.712% of such evaluation.

Applicants state that the aggregate offering-side evaluation of the Securities will be determined by the Evaluator on each business day during the initial public offering period as of the time ("Evaluation Time") set forth in the prospectus for each Trust (in the case of the Trust, Series 1, 4:00 P.M. New York time, the current close of trading on the New York Stock Exchange and, in the case of subsequent Trusts, a time determined in accordance with Rule 22c-1 under the Act) effective for all sales made during the preceding 24 hours.

Applicants represent that while not obligated to do so, the Sponsor intends to maintain a market for Units by offering to purchase such Units at prices based upon (i) the aggregate offering-side evaluation of the securities during the initial public offering period and (ii) the aggregate bid-side evaluation of the Securities thereafter. Units purchased by the Sponsor during the initial offering period will be reoffered for sale during the initial offering period at prices determined on the basis of the offering-side evaluation of the Securities, and Units purchased by the Sponsor in the secondary market will be reoffered for sale at prices determined on the basis of the bid-side evaluation of the Securities. Applicants state that the aggregate bid-side evaluation of the Securities will be determined by the Evaluator upon completion of the initial public offering period on each business day thereafter as of the Evaluation Time, effective for all sales made during the preceding 24 hours. Applicants represent that the maximum public offering price in the secondary market will be computed by adding to such bid-side evaluation of the Securities, divided by the number of Units, a sales charge in an amount not exceeding 5.263% of such evaluation. Applicants state that if the supply of Units of any Trust exceeds demand, or for some other business reason, the Sponsor may discontinue secondary market purchases of Units of such Trust.

Applicants represent that Units may be redeemed at any time at a price based on the bid-side evaluation of the Securities determined as of the Evaluation Time on the date of tender. Applicants further represent that so long

as the Sponsor is maintaining a bid in the secondary market, the Trustee will offer any Units tendered for redemption to the Sponsor for purchase on the conditions described in the prospectus. Applicants state that if the Sponsor does not so purchase the tendered Units, the Trustee will liquidate certain of the Securities in the Trust and the tendering Unitholder will receive cash from the proceeds of such liquidation.

#### Section 6(c)

Section 6(c) of the Act provides, in part, that the Commission may, upon application, conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions from any provisions of the Act or from any rule or regulation under the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

#### Section 14(a)

Section 14(a) of the Act provides, in substance, that no registered investment company and no principal underwriter for such company shall make a public offering of securities of which such company is the issuer unless (1) the company has a net worth of at least \$100,000; (2) such company has previously made a public offering of its securities, and at the time of such offering has a net worth of \$100,000; or (3) provision is made that a net worth of \$100,000 will be obtained from not more than twenty-five responsible persons within ninety days, or the entire proceeds received by such company, including any sales charge, will be refunded on demand.

Applicants request an order, pursuant to Section 6(c) of the Act, exempting Applicants from the provisions of Section 14(a) of the Act. In support of the requested exemption, Applicants represent that each Trust, at the date of deposit and before any Unit is offered to the public, will have a net worth far in excess of \$100,000. In addition, Applicants have agreed that the Sponsor will (1) refund all sales charges, on demand and without deduction, to purchasers of Units of any Trust from the Sponsor, or from any dealer participating in the distribution, and liquidate the Securities held by the Trust and distribute the proceeds thereof, if, within 90 days from the time that the registration statement relating to the Units of such Trust shall have become effective, the net worth of the Trust shall

have been reduced to less than \$100,000 or if such Trust shall have been terminated; (2) instruct the Trustee to terminate such Trust in the event redemption by the Sponsor of unsold Units results in such Trust having a net worth of less than 40% of the principal amount of Securities in the initial portfolio; and (3) in the event of any such termination, refund all sales charges, on demand and without deduction, to purchasers of Units of such Trust from the Sponsor or from any underwriter or dealer participating in the distribution.

#### Rule 19b-1

Rule 19b-1(a) under the Act provides, in substance, that no registered investment company which is a "regulated investment company" as defined in Section 851 of the Internal Revenue Code shall distribute more than one capital gain dividend in any one taxable year.

In the case of the Trust, Series 1, Applicants state that interest and principal received by the Trust will be paid out, less applicable expenses, on the fifteenth day of each month on a pro rata basis to Unitholders of record on the first day of the month. Applicants state that distributions of principal constituting capital gains to Unitholders may arise in the following instances: (1) an issuer might call or redeem Securities held in the portfolio, (2) Securities might be liquidated in order to provide the funds necessary to meet redemptions, or (3) Securities may be disposed of in order to maintain the qualification of such Trust as a regulated investment company under the Internal Revenue Code. Applicants state that it is unlikely that any capital gains will arise from sale upon default in payment of principal or interest or upon the occurrence of other market or credit factors that, in the opinion of the Sponsor, would make retention of such Securities in the Trust detrimental to the interests of Unitholders. Applicants further state that any such capital gains would be distributed to Unitholders on the next succeeding distribution day.

Applicants request an order, pursuant to Section 6(c) of the Act, exempting the frequency of the capital gains distributions of the Trust from the provisions of Rule 19b-1(a) under the Act. In support of their request, Applicants assert that the dangers against which Rule 19b-1(a) was intended to guard do not exist in the situation at hand, since neither the Sponsor nor the Trustee control the events which might trigger capital gains. In addition, Applicants assert that the

regular distribution per Unit will be fairly constant, and that any capital-gain or return-of-capital distributions will be clearly distinguished from income distributions in the accompanying report by the Trustee to Unitholders. Applicants argue that in order to comply with the literal requirements of Rule 19b-1(a), each Trust would be forced to hold any monies constituting capital gains from the disposition of Securities until the end of its taxable year and that such a practice would be to the detriment of the Unitholders.

#### Section 22(d)

Applicants state that the Sponsor intends to offer to Unitholders of the Trusts for which the Sponsor is maintaining a market, except for Unitholders of a Short-term Trust, a conversion privilege. Applicants state that this privilege will entitle the Unitholder to exchange, at a lower sales charge than offered to the general public, Trust Units for interests in a Conversion Trust, in either the initial public offering or the secondary market for the Conversion Trust, and would permit Conversion Trust unitholders to exchange, at reduced sales charges, units of a Conversion Trust for Units of any Trust, including the Trust, Series 1, except a Short-term Trust, in either the initial public offering or the secondary market for such Trust. Applicants represent that when any Unitholder notifies the Sponsor of his desire to exercise his conversion privilege, the Sponsor will deliver to the Unitholder a current prospectus for those Conversion Trusts in which the Unitholder has indicated an interest and which the Sponsor has available to offer to the Unitholder either in the initial public offering period or in the secondary market. A similar procedure would be followed in the case of a Conversion Trust Unitholder electing to exchange his unit for a Trust Unit. Applicants propose to sell both Trust Units and Conversion Trust units pursuant to the conversion privilege at a price in the secondary market equal to the bid-side evaluation of the underlying portfolio securities divided by the number of units outstanding and, during the initial public offering period, equal to the offering-side evaluation of the underlying portfolio securities divided by the number of units outstanding, plus, in both cases, a fixed charge of \$15 per unit. Applicants state that the \$15 fixed charge can be expected to approximate about 1½% of the offering price. Applicants state that pursuant to the conversion privilege, a unitholder would be permitted to acquire whole units

only, and that any excess amount representing the sale price of units submitted for conversion would be remitted to the unitholder.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it except to or through a principal underwriter for distribution or at a current public offering price described in the prospectus, and, if such class of security is being currently offered to the public by or through an underwriter, no principal underwriter of such security and no dealer shall sell any such security to any person, except a dealer, a principal underwriter or the issuer, except at a current public offering price described in the prospectus.

Applicants request an order, pursuant to Section 6(c) of the Act, exempting them from the provisions of Sections 22(d) of the Act to permit the operation of the proposed conversion privilege. In support of the requested exemption, Applicants state that an investor desiring to exercise the conversion privilege would be an existing customer whose essential investment needs have been identified. Accordingly, Applicants assert that the real cost of a conversion transaction should be less than the cost of an initial purchase transaction. Applicants further assert that the reduced charge of \$15.00 achieves a major goal of passing cost savings on to investors and yet fairly compensates brokers for their investment advice, financial planning and operational expenses. Finally, Applicants assert that the proposed conversion privilege is consistent with past statements by the Commission and with Commission precedent.

#### Section 11

Section 11(a) of the Act, in pertinent part, makes it unlawful for any registered open-end company or any principal underwriter for such company to make or cause to be made an offer to the holder of a security of such company or or any other open-end investment company to exchange his security for a security in the same or another such company on any basis other than the relative net asset values of the respective securities to be exchanged, unless the terms of the offer have first been submitted to and approved by the Commission. Section 11(c) of the Act provides, in part, that the provisions of Section 11(a) shall be applicable, irrespective of the basis of exchange, to any type of offer of exchange of the securities of a registered unit investment

trust for the securities of any other investment company.

Applicants are requesting an order pursuant to Section 11 of the Act approving the proposed conversion privilege to the extent it would involve an exchange offer prohibited by Section 11(a). In support of the requested exemption, Applicants point out that the exchange of units would be effected at the relative net asset values of the units and that the only charge to the unitholder would be the \$15 fixed dollar fee. Because this charge would reflect the real cost of effectuating a conversion privilege transaction, Applicants assert that exchanges made pursuant to the conversion privilege would be consistent with Section 11.

Notice is further given that any interested person may, not later than May 11, 1979, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,  
Secretary.

[Release No. 10667 (612-4440)]  
[FR Doc. 79-12984 Filed 4-25-79; 8:45 am]  
BILLING CODE 8010-01-M

### IDS Growth To Maturity Fund, Inc.; Notice of Application and Opportunity for Hearing

April 20, 1979

In the matter of IDS Growth to Maturity Fund, Inc., 1000 Roanoke Building, Minneapolis, Minn. 55402.

Notice is hereby given that IDS Growth to Maturity Fund, Inc. ("Applicant"), registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified management investment company, filed an application on March 19, 1979, pursuant to Section 8(f) of the Act, for an order of the Commission declaring that Applicant has ceased to be an investment company as that term is defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

Applicant was organized under the laws of the State of Nevada. It registered under the Act on July 17, 1978, and on the same date it filed a registration statement under the Securities Act of 1933 ("1933 Act") covering 7,500,000 shares of Discount Bond I Shares (one dollar par value) and an indefinite number of shares of common stock (one dollar par value). The registration statement under the 1933 Act (File No. 2-62149) became effective on October 25, 1978, and the public offering of Applicant's shares commenced on November 1, 1978.

The application states that in its initial prospectus the Applicant set forth a condition, approved by its Board of Directors on July 13, 1978, that if \$20,000,000 worth of shares was not sold during the initial offering period or a thirty day extension, Applicant would return to each shareholder his initial investment (including sales charge), plus any interest earned from investments in short-term securities that exceeded the management fee and expenses. Applicant states that when it became apparent that the required minimum level of sales of shares could not be achieved, such sales were discontinued and procedures implemented to return to the shareholders the amount of the initial investment (including sales charge).

The application further states that Applicant is not now engaged, nor does it propose to engage in any business activities; that all shareholders have received the amount of their initial investment plus interest; and that Applicant currently has no security holders, no assets, no current liabilities

outstanding and that it is not a party to any litigation or administrative proceedings. Moreover, the application states that all expenses incurred in connection with the return to the shareholders of the amount of their initial investment plus interest were paid by Applicant's investment adviser (Investors Diversified Services, Inc.). In addition, Applicant states that it is not making and does not presently propose to make a public offering of its securities. Finally, Applicant states that it presently has not and does not intend to file with the State of Nevada any articles of merger, certificate of dissolution or similar document.

On the basis of the above information Applicant maintains that it is not presently an "investment company" as that term is defined in the Act.

Section 3(c)(1) of the Act provides, in pertinent part, that any issuer whose outstanding securities (other than short-term paper) are beneficially owned by not more than 100 persons and which is not making and does not presently propose to make a public offering of its securities is not an investment company within the meaning of the Act.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission, on its own motion or upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the effectiveness of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than May 17, 1979, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by Affidavit, or in the case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's

own motion. Persons, who request a hearing or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,  
Secretary.

[Release No. 10669; (611-2852)]

[FR Doc. 79-12985 Filed 4-25-79; 8:45 am]

BILLING CODE 8010-01-M

### Public Service Co. of Okla.; Proposed Issuance and Sale of First Mortgage Bonds at Competitive Bidding

April 20, 1979.

In the matter of Public Service Company of Oklahoma, P.O. Box 201, Tulsa, Oklahoma 74102.

Notice is hereby given that Public Service Company of Oklahoma ("PSO"), an electric utility subsidiary of Central and South West Corporation ("CSW"), a registered holding company, has filed with this Commission an application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(b) and 12(c) of the Act and Rules 42 and 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement concerning the proposed transaction.

PSO proposes to issue and sell at competitive bidding up to \$75,000,000 aggregate principal amount of its first mortgage bonds, Series O, due June 1, 2009 ("Bonds"), to be dated June 1, 1979. The interest rate (which will be expressed in a multiple of  $\frac{1}{8}$  of 1%) and the price to be paid to PSO for the Bonds (which will not be less than 99% nor more than 102.75%) will be determined by competitive bidding. Except pursuant to the sinking fund provision mentioned below, none of the Bonds may be deemed before June 1, 1984, if such redemption is for the purpose of refunding them through the use, directly or indirectly, of borrowed funds having an effective interest cost less than the effective interest cost of the Bonds. The Bonds will be subject to a sinking fund provision requiring the annual redemption of one percent of the aggregate principal amount of Bonds issued, such redemptions to commence for the 12 month period ending March 31, 1981.

The Bonds will be issued under and secured by PSO's First Mortgage

Indenture dated July 1, 1945, as amended and supplemented, and as to be further amended by a supplemental indenture to be dated June 1, 1979.

The net proceeds from the sale of the Bonds will be used by PSO to repay in full its short-term debt, which is expected to aggregate approximately \$55,000,000 at the time of sale of the Bonds, and to pay costs incurred in its construction program. PSO estimates its construction expenditures (excluding allowance for funds used during construction) at \$214,000,000 for 1979 and at \$198,000,000 for 1980.

None of the proceeds from sale of the Bonds shall be utilized to pay the cost of facilities ("interconnection facilities") which would not be needed to provide service to customers of PSO if PSO were not part of the CSW System, nor will any expenditures be made by PSO for the construction or acquisition of any facility not so needed prior to the time all funds covered by this application-declaration have been expended. For the purpose of the foregoing representation, there are included within the meaning of the term "interconnection facilities" all facilities, the construction or acquisition of which are or would be part of any proposal for synchronous interstate operation of the CSW System forming the subject of the proceedings in *Central and South West Corporation, et al.* (Admin. Proc. File No. 3-4951) which would not also be required for the continuation of dissynchronous interstate/intrastate operation in the mode presently prevailing in the CSW System.

The fees and expenses to be incurred in connection with the proposed transaction will be supplied by amendment. It is stated that the Corporation Commission of the State of Oklahoma has jurisdiction over the proposed transaction and that no other state commission and no federal commission, other than this Commission, has jurisdiction thereover.

Notice is further given that any interested person may, not later than May 17, 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 said application-declaration 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 applicant-declarant at the above-stated address, and proof of

service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and 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 and 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.

[Rel. No. 21011 (70-6290)]

[FR Doc. 79-12980 Filed 4-25-79; 8:45 am]

BILLING CODE 8010-01-M

### Schnader, Harrison, Segal & Lewis H.R. 10 Retirement Plan; Notice of Application and Opportunity for Hearing

April 18, 1979.

In the matter of H.R. Retirement Plan of Schnader, Harrison, Segal & Lewis, 1719 Packard Building, Philadelphia, PA 19102.

Notice is hereby given that Schnader, Harrison, Segal & Lewis (the "Applicant"), a law firm organized as a partnership under the laws of the State of Pennsylvania, has, on September 20, 1978 and March 8, 1979, filed an application for exemption from the registration requirements of the Securities Act of 1933 ("Act") for participations or interests issued in connection with the Schnader, Harrison, Segal & Lewis H.R. 10 Retirement Plan ("Plan"). All interested persons are referred to that document, which is on file with the Commission, for the facts and representations contained therein, which are summarized below.

#### I. Introduction

Applicant states that it has adopted the Plan to provide retirement benefits to its partners and employees. The plan is of the type commonly referred to as a "Keogh" plan, which covers persons (in this case, Applicant's partners) who are employees within the meaning of Section 401(c)(1) of the Internal Revenue Code of 1954 (the "Code"), and, therefore is exempted from the exemption provided by Section 3(a)(2) of

the Act for interests or participations in employee benefit plans of certain employers. Section 3(a)(2) of the Act provides, however, that the Commission may exempt from the provisions of Section 5 of the Act any interest or participation issued in connection with a pension or profit-sharing plan which covers employees, some or all of whom are employees within the meaning of Section 401(c)(1) of the Code, if and to the extent that the Commission determines this to be necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

## II. Description of the Plan

Applicant states that the Plan was originally adopted in 1969. The Plan was amended and restated effective January 1, 1976 to comply with requirements of the federal income tax law and the Employee Retirement Income Security Act of 1974 ("ERISA"). Applicant further states that the Plan is qualified under Section 401(a) of the Code. The Plan covers all partners and employees of Applicant provided that the participant has attained age 25 and completed a twelve month period of service (1000 or more hours of service). As of September 1, 1978, the participants consisted of 59 partners, 31 associates and 77 clerical, secretarial and other staff personnel.

Applicant contributes to the Plan an amount determined as follows: For Plan years after December 31, 1977, for participants who are lawyers the rate of contribution by Applicant is 1.5% of participant's compensation in excess of \$17,000. Each participant, partners and otherwise, may make voluntary contributions to the Plan of at least 1% but not more than 10% of his compensation.

All contributions are paid to the trustees of the Plan, Bernard G. Segal, Fred L. Rosenbloom and Gilbert W. Oswald. The funds are held by the trustees in two collective investment funds solely and separately for the benefit of the participants in the Plan. Each participant may elect to have his contributions and those made on his behalf by the Applicant invested in a general fund, which consists of a portfolio of stocks, bonds and other securities and bank certificates of deposit and corporate bonds selected by the Investment Committee, or in the debt fund, which consists of bonds and other instruments of indebtedness, including bank certificates of deposit and corporate bonds selected by the Investment Committee and which is

designed to provide a greater degree of protection against market losses than is the portfolio of the general fund. The Plan is administered by a Pension Committee, consisting of at least three partners of Applicant and serving at the pleasure of Applicant. The Pension Committee has appointed an Investment Committee to manage the portfolios of the two funds in accordance with investment policies determined by the Pension Committee. The Pension Committee establishes regulations for the administration of the Plan and has the exclusive right to interpret the Plan and decide any matters arising in the administration and operation of the Plan.

The Plan is subject to ERISA and Applicant has complied with and will comply with all of the ERISA reporting and disclosure requirements. A Summary Plan Description, written in language understandable by the average participant, is delivered to each participant. In addition, a Summary Plan Report is delivered to each participant and also to persons currently receiving benefits. Each participant and person receiving benefits is informed that the full Annual Report for the Plan is available upon request.

Applicant states that if the partnership were a corporation, interests and participations in the Plan would be exempt under Section 3(a)(2) of the Act. Applicant submits that merely because Applicant is unincorporated is no reason for subjecting such interests and participations to the registration requirements of the Act. Applicant further submits that the intent of Congress in excluding from the exemption plans in which self-employed persons were participants was to prevent the sale without registration of interests in prepackaged plans offered by financial institutions to self-employed persons lacking the sophistication to protect themselves and their employees, and that the provision permitting the Commission to grant exemption upon application was included in Section 3(a)(2) of the Act to make available an exemption for partnership plans where the plan and the entity involved are comparable to corporate plans exempted by Section 3(a)(2).

Applicant states that the Plan covers partners and employees of a single firm and is not a uniform prototype plan of a type designed to be marketed by a sponsoring financial institution or promoter to numerous unrelated self-employed persons. Applicant represents that it has not distributed and does not

intend to distribute any type of promotional material relating to the Plan (other than such material as Applicant is required under ERISA to distribute to participants or to employees) and has not made and does not intend to make any solicitation of voluntary contributions under the Plan. Applicant makes available to Plan participants, upon request and without charge, copies of the Plan and interim financial statements of the Plan.

Applicant states that it is engaged in furnishing legal services of a type which necessarily involves financially sophisticated and complex matters and, for that reason as well as the extensive administrative control over the Plan maintained by the Partnership, is able to represent adequately its interests and the interests of its employees who are participants in the Plan.

Applicant concludes that for the foregoing reasons, granting the requested exemptive order would be appropriate in the public interest, consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than May 14, 1979, at 5:30 p.m. submit to the Commission in writing a request for a hearing, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit, or in the case of an attorney at law, by certificate) shall be filed contemporaneously with the request. An order disposing of the application will be issued as of course following May 14, 1979, unless the Commission thereafter orders a hearing upon request, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,  
Secretary.

[Release No. 6056 (18-17)]  
[FR Doc. 79-12986 Filed 4-25-79; 8:45 am]  
BILLING CODE 8010-01-M

**Self-Regulatory Organizations;  
Proposed Rule Change by the  
Depository Trust Co.**

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 March 28, 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 involves the submission of pledge data via DTC's Participant Terminal System (PTS) in DTC's Collateral Loan Program. The proposed rule change is attached as Exhibit 2 to DTC's filing on Form 19b-4A, File No. SR-DTC-79-2.

**Statement of Basis and Purpose**

The basis and purpose of the foregoing proposed rule change are as follows:

The purpose of the proposed rule change is to permit DTC's Participants to pledge securities in DTC's Collateral Loan Program by means of pledge data submitted via PTS. Submission of pledge data via PTS is an alternative to submission of the paper DTC pledge of collateral form which is used for the same purpose. The Pledgee Bank can receive the pledge data via PTS or as a paper report from DTC if the Pledgee Bank does not participate in PTS or does not choose to utilize PTS to receive pledge data.

The proposed rule change would carry out the purposes of Section 17A of the Securities Exchange Act of 1934 (the Act) by facilitating the prompt and accurate clearance and settlement of securities transactions for which DTC is responsible in that submission of pledge data via PTS will improve the timeliness and cost of the collateral loan process. The Participant and DTC will be able to identify errors in pledge data at the time of submission, thereby avoiding the delay and expense of rejecting and correcting erroneous pledge data, and the Pledgee Bank will receive pledge data processed by DTC more promptly.

Submission of pledge data via PTS in DTC's Collateral Loan Program was developed in close coordination with Participants and Pledgee Banks. Numerous discussions were held with users of the Collateral Loan Program. Articles on the subject appeared in the DTC Newsletters of January 1979 and March 1979.

DTC perceives no burden on completion by reason of the proposed rule change.

The foregoing rule change has become effective, pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934. At any time within sixty 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 on or before May 17, 1979.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,  
Secretary.

April 17, 1979.

[Release No. 34-15743; File No. SR-DTC-79-2]

[FR Doc. 79-12989 Filed 4-25-79; 8:45 am]

BILLING CODE 8010-01-M

**Self-Regulatory Organizations;  
Proposed Rule Change by the  
Depository Trust Co.**

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 March 21, 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 provides for an addition to the Fee Schedule for Major Services, filed on Form 19b-4A, File No. SR-DTC-78-6:

G. Legal Deposits: [\$25.00] \$10.00 per deposit. Discount for bulk deposits varies based on DTC's costs.

**Statement of Basis and Purpose**

The basis and purpose of the foregoing proposed rule change are as follows:

The purpose of the proposed change in the Fee Schedule for Major Services is to align the fees for DTC's legal deposit service more closely to the costs incurred in providing that service.

The proposed change in the Fee Schedule for Major Services relates to DTC's carrying out the purposes of Section 17A of the Securities Exchange Act of 1934 by equitably allocating fees among DTC Participants.

Comments on the proposed rule change have not been solicited or received. All Participants have been notified of the proposed fee reduction by a DTC Important Notice.

DTC perceives no burden on competition by reason of the proposed rule change.

The foregoing rule change has become effective, pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934. At any time within sixty 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, N.W., 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 on or before May 17, 1979.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,  
Secretary.

April 17, 1979.

[Release No. 34-15742; File No. SR-DTC-79-1]

[FR Doc. 79-12993 Filed 4-25-79; 8:45 am]

BILLING CODE 8010-01-N

### Self-Regulatory Organizations; Proposed Rule Changes by Midwest Stock Exchange, Inc.

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. 94-29, 16 (June 4, 1975), notice is hereby given that on March 22, 1979, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission proposed rule changes as follows:

#### *Statement of Terms of Substance of the Proposed Rule Changes; Additions Italicized—[Deletions Bracketed]*

Section 2 of Article VII of the Constitution is hereby amended as follows:

#### Article VII

##### *Discipline*

Sec. 2. The Exchange shall have authority to discipline any member organization violating any provision of the Constitution or Rules [or the By-Laws or Rules of the Midwest Clearing Corporation, Midwest Securities Trust Company or the Options Clearing Corporation as provided in the Rules]. Discipline may be by censure, fine, suspension, expulsion or as the Board of Governors may determine. The Exchange, as and to the extent provided in the Rules, shall have regulatory and disciplinary jurisdiction over partners of member firms; officers, directors and principal stockholders of member corporations; employees of members and member organizations; subsidiaries of member organizations; parent firms and principal officers and subsidiaries of parent firms. As and to the extent provided in the Rules, the disciplinary authority of the Exchange over any person or organization occupying a status described by this section shall continue after the termination of such status with respect to acts or omissions occurring prior to such termination. Disciplinary proceedings shall be in accordance with the Rules.

Sections 2 and 3 of Article VIII of the Constitution are hereby amended as follows:

#### Article VIII

##### *Terms and Conditions*

Sec. 2. *The terms and conditions of all Exchange Contracts shall be deemed to include [T] the provisions of the Certificate of Incorporation, Constitution and the Rules of the Exchange [shall be a part of the terms and conditions of all Exchange Contracts] and the By-Laws and the Rules of the [Midwest Clearing Corporation and the Options Clearing Corporation] registered clearing agency or agencies through which the Contract is to be cleared and settled. [shall be part of the terms and conditions of every contract which is to be cleared and conditions of every contract which is to be cleared or settled through such Clearing Corporation and a] All such contracts shall be subject to the exercise by the Board of Governors and the appropriate [clearing corporation] registered clearing agency of the powers with respect thereto vested in them by the Certificate of Incorporation, Constitution and Rules of the Exchange and by the By-Laws and Rules of [either of the appropriate clearing corporations, respectively.] the appropriate registered clearing agency.*

##### *Delivery and Payment*

Sec. 3. *The comparison of data respecting the terms of settlement of Exchange Contracts and the resolution of any disagreements about the terms of such Contracts shall be accomplished by the parties thereto through the facilities and in accordance with the Rules of the Exchange. On every Exchange Contract clearance and settlement [delivery and payment] shall be made through and in accordance with the By-Laws and Rules of a registered clearing agency, [the Midwest Clearing Corporation or Options Clearing Corporation as required by the By-Laws and Rules of the Midwest Clearing Corporation or Options Clearing Corporation] unless it is otherwise mutually agreed by the parties to the contract. [, or the appropriate Clearing Corporation, either in the particular instance or in pursuance of its By-Laws and Rules, refuses to act in the matter.]*

A party to an Exchange Contract who is not a *participant in* [clearing member of] a registered clearing agency [the Midwest Clearing Corporation or Options Clearing Corporation] shall cause the transaction to be cleared and settled for him or it by a [clearing member of] *member organization who is a participant in a registered clearing agency* [the appropriate Clearing Corporation]; however, such non-

clearing *participant* [member] having both the purchase and selling orders of a proposed transaction may have such transaction completed on the Exchange without the services of a clearing [member] *agency participant*, provided it is duly reported to the [e] Exchange *for comparison* [and the appropriate Clearing Corporation].

##### Statement of Basis and Purpose

The basis and purpose of the foregoing proposed rule changes is as follows:

The purpose of these amendments is to eliminate the references to Midwest Clearing Corporation, Midwest Securities Trust Company and The Options Clearing Corporation in order to better allow for the development of a national system for the settlement of transactions insecurities.

Sections 6(b)(8) and 15A(b)(9) of the Act prohibit the rules of a national securities exchange from imposing any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. These sections complement Section 17A(a)(2) of the Act which directs the Commission to use its authority under the Act to facilitate the establishment of a national system for the settlement of transactions in securities.

Comments have neither been solicited nor received by the Midwest Stock Exchange, Incorporated.

The Midwest Stock Exchange, Incorporated believes that no burden has been placed on competition.

On or before May 31, 1979, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

A. By order approve such proposed rule changes, or

B. Institute proceedings to determine whether the proposed rule changes should be disapproved.

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, N.W., 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 on or before May 17, 1979.

For the Commission by the Division of Market Regulation, pursuant to delegated authority,

George A. Fitzsimmons,  
Secretary.

April 20, 1979.

[Release No. 34-15751; File No. SR-MSE-79-9]

[FR Doc. 79-12990 Filed 4-25-79; 8:45 am]

BILLING CODE 8010-01-M

### Self-Regulatory Organizations; Proposed Rule Change by Midwest Stock Exchange, Inc.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) (the "Act") as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on April 2, 1979, the Midwest Stock Exchange, Incorporated (the "MSE") filed with the Securities and Exchange Commission a proposed rule change. As amended by Amendment No. 1 to SR-MSE-79-9, filed on April 13, 1979, the proposal provides as follows:

#### *MSE's Statement of the Terms of Substance of the Proposed Rule Change*

Article XXI, Rules 19(a) and 19(b)(1) of the MSE are hereby amended as follows:

#### *Additions Italicized—[Deletions Bracketed]*

#### Article XXI

##### *Floor Trading for Own Account*

Rule 19. (a) No member, partner in a member firm or officer or director of a member corporation, while on the Floor, shall effect a transaction for his own account, or an account in which he has an interest, in a security solely listed on the Exchange, unless he acts as the specialist, co-specialist, relief specialist or odd lot dealer, or he has been duly registered as a "Floor Trader", for the privilege of effecting transactions as principal, and had at the time of application for the privilege a liquid net worth of not less than \$10,000 and is in compliance with Section 11(a)(1)(G) of the Act and Rule 11a1-1(T) thereunder.

(b) All trading by a Floor Trader under this privilege shall conform to the following provisions:

1. bids or offers shall [be subordinate to all regular-way orders at the same price.] *yield priority, parity and precedence to orders originating off the*

*floor other than off floor orders to be executed pursuant to Section 11(a)(1)(G) of the Act and Rule 11a1-1(T) thereunder.*

#### MSE's Statement of Basis and Purpose

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of the proposed rule changes is to conform MSE rules to the requirements of Section 11(a)(1) of the Act which became applicable to all members of all national securities exchanges on February 1, 1979. The proposed rule changes relate to Section 6(b)(1) of the Securities Exchange Act of 1934 in that they would provide the Exchange with the capacity for it to carry out the purposes of the Act and to comply, and to enforce compliance by its members and persons associated with its members, with the Act and the rules and regulations thereunder.

#### Comments Received From Members, Participants, or Others

The Midwest Stock Exchange, Incorporated has neither solicited nor received any comments on this proposal.

#### Burden on Competition

The Midwest Stock Exchange, Incorporated believes that this proposal imposes no burdens on competition.

On or before May 31, 1979, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

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, N.W., 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 on or before May 17, 1979.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,  
Secretary.

April 18, 1979.

[Release No. 34-15745; File No. SR-MSE-79-9]

[FR Doc. 79-12991 Filed 4-25-79; 8:45 am]

BILLING CODE 8010-01-M

### Self-Regulatory Organizations; Proposed Rule Change by Philadelphia Stock Exchange, Inc.

April 12, 1979.

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 April 6, 1979, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

#### *Philadelphia Stock Exchange's Statement of Terms of Substance of the Proposed Rule Change*

The Philadelphia Stock Exchange, Inc. ("PHLX") pursuant to Rule 19b-4 of the Securities Exchange Act of 1934 ("the Act") hereby proposes to amend Rule 1014(c)(i) ("Obligations of Specialists and Registered Options Traders") as follows: (Brackets indicate words to be deleted and italics indicate words to be added.)

(i) [Bidding and/or offering so as to create differences of no more than 1/8 of \$1 between the bid and the offer for each option contract for which the mid-point of the quote is less than \$1, no more than 1/4 of \$1 where the mid-point of the quote is from \$1 but not greater than \$3, no more than 3/8 of \$1 where the mid-point of the quote is more than \$3 but not greater than \$6, no more than 1/2 of \$1 where the mid-point of the quote is more than \$6 but not greater than \$10, no more than 5/8 of \$1 where the mid-point of the quote is more than \$10 but not greater than \$15, no more than 3/4 of \$1 where the mid-point of the quote is more than \$15 but not greater than \$20, and no more than \$1 where the mid-point of the quote is more than \$20] *Bidding and/or offering so as to create differences of no more than 1/4 of \$1 between the bid and the offer for each option contract for which the last preceding transaction price was \$.50 or less, no more than 1/2 of \$1 where the last preceding transaction price was more than \$.50*

but did not exceed \$10, no more than ¼ of \$1 where the last preceding transaction price was more than \$10 but less than \$20, and no more than \$1 where the last preceding transaction price was \$20 or more, provided that the Exchange may establish differences other than the above for one or more series or classes of options. The bid-ask differentials as stated above shall apply to all but the longest term series of options open for trading in each class. For these series, the bid-ask differential shall be twice that stated above.

#### Philadelphia Stock Exchange's Statement of Basis and Purpose Under the Act for Proposed Rule Change

The proposed rule change represents a return to the original spread parameters contained in Rule 1014(c)(1) from the beginning of the PHLX option program until SEC approval of the current spread parameters on November 28, 1977. Upon review and discussion of the current spread parameters, the PHLX Committee on Options concluded that they had not resulted in the increased depth that had been originally projected. In the Committee's opinion, this was particularly the case in the less active option classes where the lack of volume combined with the narrower spread requirement to discourage specialists and registered option traders from making deeper markets than the minimum one contract market required by PHLX rules. For these reasons, the Committee determined to propose a return to the original spread parameters. These parameters are the same as those contained in the American Stock Exchange Rule 958 with respect to "Registered Traders".

Although the proposed parameters may in some situations permit wider spreads, the PHLX Committee on Options believes that they should encourage specialists and registered option traders to make substantially deeper markets in less active option classes. At the same time, the proposed parameters should encourage specialist and registered option traders to make markets with narrower spreads and substantial depth in active option classes where the volume is a sufficient economic incentive. Consequently, the Committee on Options believes that on balance, overall market liquidity should increase by a return to the parameters contained in the proposed rule change.

The basis for the proposed rule change is found in Section 6(b)(5) of the Act which provides, in pertinent part, that the rules of the Exchange be designed to facilitate transactions in

securities and to protect investors and the public interest.

Comments were neither solicited nor received.

The PHLX has determined that the proposed rule change will not impose any burden on competition.

On or before May 31, 1979, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(a) By order approve such proposed rule change, or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

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, N.W., 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 on or before May 17, 1979.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,  
Secretary.

April 12, 1979.

[Release No. 34-15721; File No. SR-PHLX-79-2]

[FR Doc. 79-12392 Filed 4-25-79; 8:45 am]

BILLING CODE 8010-01-M

#### SMALL BUSINESS ADMINISTRATION

##### Alabama; Declaration of Disaster Loan Area

As a result of the President's major disaster declaration, I find that Autauga, Chambers, Chilton, Choctaw, Clay, Coosa, Dallas, DeKalb, Elmore, Fayette, Greene, Houston, Jefferson, Lamar, Marshall, Marengo, Pickens, Randolph, Shelby, St. Clair, Sumter, Talladega, Tallapoosa, Tuscaloosa and Walker Counties and adjacent counties within the State of Alabama, constitute a disaster area because of damage

resulting from severe storms, high winds and flooding beginning on or about April 11, 1979. Applications will be processed under provisions of Public Law 94-305. Interest rate is 7½ percent. Eligible persons, firms and organizations may file applications for loans for physical damage until close of business on June 18, 1979, and for economic injury until the close of business on January 18, 1980, at:

Small Business Administration, District Office, 908 South 20th Street, Birmingham, Alabama 35205

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59006.)

Dated: April 20, 1979.

William A. Hawks, Jr.,  
Acting Administrator.

[Declaration of Disaster Loan Area 1617]

[FR Doc. 79-12358 Filed 4-25-79; 8:45 am]

BILLING CODE 8025-01-M

#### DEPARTMENT OF STATE

##### Agency for International Development

##### Joint Research Committee of the Board for International Food and Agricultural Development; Meeting

Pursuant to Executive Order 11769 and the provisions of Section 10(a), (2), Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given of the twenty-third meeting of the Joint Research Committee (JRC) of the Board for International Food and Agricultural Development on May 8 and 9, 1979.

The purpose of the meeting is to discuss the standardization of procedures for implementing Collaborative Research Support Programs (CRSPs), to consider priorities and alternative program levels for research in food, agricultural development and nutrition, and to consider implications for JRC's role in organizational changes proposed under the Foreign Assistance Act for FY-80, being discussed in Congress now.

The meeting will convene at 9:00 a.m. and adjourn at 5:00 p.m. on May 8 and 9, 1979. The meeting will be held in the Dynasty Room of the Holiday Inn, 1850 N. Ft. Myer Drive, Arlington, Virginia, 22209. The meeting is open to the public. Any interested person may attend, may file written statements with the Committee before or after the meeting, or may present oral statements in accordance with procedures established by the Committee, and to the extent the time available for the meeting permits.

Dr. Erven J. Long, Office of Title XII Coordination and University Relations,

Development Support Bureau, is designated A.I.D. Advisory Committee Representative at the meeting. It is suggested that those desiring further information write to him in care of the Agency for International Development, State Department, Washington, D.C. 20523, or telephone him at (703) 235-8929.

Dated: April 17, 1979.

Erven J. Long,  
A.I.D. Advisory Committee Representative, Joint Research Committee, Board for International Food and Agricultural Development.  
[FR Doc. 79-12906 Filed 4-25-79; 8:45 am]  
BILLING CODE 4710-02-M

**Shipping Coordinating Committee; Subcommittee on Safety of Life at Sea; Meeting**

The working group on radiocommunications of the Subcommittee on Safety of Life at Sea (SOLAS), a subcommittee of the Shipping Coordinating Committee, will conduct an open meeting at 1:30 p.m. on May 17, 1979, in Room 8442 of the Department of Transportation, 400 Seventh Street, S.W., Washington, D.C. 20590.

The purpose of the meeting is to prepare position documents for the Twenty-first Session of the Subcommittee on Radiocommunications of the Intergovernmental Maritime Consultative Organization (IMCO) to be held in London in January, 1980. In particular, the working group will discuss the following topics:

- Survival craft radio equipment
- Operational requirements for future EPIRB's
- Operational standards for shipboard radio equipment
- Maritime distress system

Requests for further information should be directed to Lt. R. F. Carlson, United States Coast Guard, (G-OTM/74), Washington, D.C. 20590, telephone (202) 426-1345.

The Chairman will entertain comments from the public as time permits.

John Lloyd III,  
Acting Director, Office of Maritime Affairs.  
April 18, 1979

[Public Notice CM-8/187]  
[FR Doc. 79-12905 Filed 4-25-79; 8:45 am]  
BILLING CODE 4710-01-M

**DEPARTMENT OF TRANSPORTATION**

**Coast Guard**

**Chemical Transportation Advisory Committee, Subcommittee on Commercial Explosives; Public Meeting**

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of the Chemical Transportation Advisory Committee's Subcommittee on Commercial Explosives to be held on Wednesday, June 6, 1979, beginning at 9:30 a.m. Room 6200, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590. The agenda for this meeting is as follows:

1. Presentation of the Subcommittee's recommendations for regulation of explosives waterfront facilities by Dr. W. J. Taylor, Jr., Chairman.
  2. Open discussion of those recommendations.
  3. Open discussion of status of Coast Guard waterfront facilities rulemaking.
- Attendance is open to the interested public. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to attend and persons wishing to present oral statements should notify, not later than the day before the meeting, Lt. L. H. Gibson, c/o Commandant (G-MHM/83), U.S. Coast Guard, Washington, D.C. 20590, 202-426-1577. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C., on April 20, 1979.

F. P. Schubert,  
Captain, U.S. Coast Guard, Acting Chief, Office of Marine Environment and Systems.

[CGD 79-062]  
[FR Doc. 79-12980 Filed 4-25-79; 8:45 am]  
BILLING CODE 4910-14-M

**OMEGA Radionavigation System**

This notice is to announce the OMEGA radionavigation system signal transmission format and other information regarding the OMEGA transmitting stations.

The OMEGA radionavigation system was developed by the United States and is being implemented and operated in partnership with other nations. OMEGA signals, transmitted from eight stations, provide nearly worldwide service. Seven of the eight permanent stations are now being operated by Norway, Liberia, United States, France, Argentina, and Japan. The last permanent station in Australia is expected to be complete in late 1980. In the meantime, a temporary station in Trinidad is operating in Australia's place. OMEGA is available to, and is used widely by the marine and air communities. In July 1978 the U.S. Coast Guard assumed full U.S. responsibility for the operation and maintenance of OMEGA.

OMEGA is a VLF, continuous-wave, radionavigation system operating on a time-shared basis, with all stations transmitting phase-synchronized signals. OMEGA transmissions are referenced to the atomic time scale which differs from Coordinated Universal Time (UTC) which is more commonly in use. UTC can be referenced to OMEGA by comparison of signal transmissions to published phase delays. The OMEGA epoch, in 1979, leads UTC by eight seconds.

The practicality of the OMEGA system is based on the fact that the radio signals in the VLF band have a sufficiently predictable phase-stability over extremely long distances to provide nearly worldwide service. The accuracy of the system is dependent upon this inherent stability and the predictability of the phase variations along the propagation path.

Information regarding the OMEGA Transmitting Stations:

Station name	Letter designation	Geographic location	Geodetic location *
Norway.....	A	Aldra, Norway.....	66°25'12.62" N 13°00'12.52" E
Liberia.....	B	Monrovia, Liberia.....	6°18'19.11" N 10°39'52.40" W
Hawaii.....	C	Oahu Island, Hawaii, U.S.....	21°24'10.78" N 157°49'51.51" W
North Dakota.....	D	La Moure, North Dakota, U.S.....	46°21'57.29" N 98°20'08.77" W
La Reunion.....	E	La Reunion Island, France.....	20°58'27.03" S 55°17'23.07" E
Argentina.....	F	Gulfo Nuevo, Argentina.....	43°03'12.89" S 65°11'27.36" W
Australia.....	G	Woodside, Australia.....	38°28'52.53" S 146°56'08.51" E
Trinidad **.....	G'	Trinidad Island, Trinidad & Tabago.....	10°41'59.12" N 61°38'17.73" W
Japan.....	H	Tsushima Island, Japan.....	34°36'52.93" N 129°27'12.57" E

\* Based upon World Geodetic System 1972 (WGS-72).  
\*\* Trinidad is transmitting temporarily in Australia's place.

Table 1 shows the OMEGA radionavigation system signal transmission format. The common frequencies which are transmitted are 10.2 kHz, 13.6 kHz, 11½ kHz and 11.05 kHz. A unique frequency is transmitted also by each station. All the frequencies are usable for navigation.

The stations always transmit each assigned frequency in order, with the length of the transmission varying between 0.9 and 1.2 seconds with an interval of 0.2 seconds between successive transmissions. The 0.2-second interval eliminates the possibility of an overlap of the signals received from different stations. The entire 10-second pattern is repeated continuously, i.e., at the end of the eighth segment the stations start their transmissions again at segment one.

Note.—The notation for the transmission segments of the OMEGA format has been changed to numerical designations. Previously, letter designations were used to denote the segments as well as stations.

Dated: April 18, 1979.

F. P. Schubert,

*Captain, U.S. Coast Guard, Acting Chief, Office of Marine Environment and Systems.*

BILLING CODE 4910-14-M

OMEGA RADIONAVIGATION SYSTEM SIGNAL TRANSMISSION FORMAT

Station	Segment	1	2	3	4	5	6	7	8
Norway	(A)	10.2	13.6	11 1/3	12.1†	12.1†	11.05	12.1†	12.1†
Liberia	(B)	12.0†	10.2	13.6	11 1/3	12.0†	12.0†	11.05	12.0†
Hawaii	(C)	11.8†	11.8†	10.2	13.6	11 1/3	11.8†	11.8†	11.05
North Dakota	(D)	11.05	13.1†	13.1†	10.2	13.6	11 1/3	13.1†	13.1†
La Reunion	(E)	12.3†	11.05	12.3†	12.3†	10.2	13.6	11 1/3	12.3†
Argentina	(F)	12.9†	12.9†	11.05	12.9†	12.9†	10.2	13.6	11 1/3
Australia*	(G)	11 1/3	13.0†	13.0†	11.05	13.0†	13.0†	10.2	13.6
Japan	(H)	13.6	11 1/3	12.8†	12.8†	11.05	12.8†	12.8†	10.2
Transmission Interval		0.9	1.0	1.1	1.2	1.1	0.9	1.2	1.0
		10 seconds							

Frequencies in kHz.

\* OMEGA Station Trinidad is presently (March 1979) occupying the Australian time slot and transmits only the 10.2, 11 1/3, and 13.6 kHz frequencies. Trinidad is a low power station and will be discontinued once Australia is completed.

† is the unique frequency for the respective station.

[CGD 79-032]  
[FR Dec. 79-12962 Filed 4-25-79; 8:45 am]  
BILLING CODE 4810-14-C

TABLE 1

### Proposed Conversion of a Drawbridge to a Fixed Structure Across the Bohemia River, Mile 4.0, at Cayots, Md.; Public Hearing

Notice is hereby given that the Commandant has authorized a public hearing to be held by the Commander, Fifth Coast Guard District, at the Bohemia Manor High School, Maryland Route 213, Chesapeake City, Md., at 8:00 p.m. on May 31, 1979. The purpose of the hearing is to consider the application from the State of Maryland for a Coast Guard permit to convert an existing drawbridge to a fixed structure across the Bohemia River, mile 4.0, at Cayots, Md. All interested persons may present data, views and comments orally or in writing at the public hearing concerning the impacts the proposed bridge conversion may have on the environment and on navigation. Of particular importance at this time are the effects a fixed bridge with a vertical clearance of 12 feet at mean high water and a horizontal clearance of 40 feet may have on navigation. Presentations should include factual data to support comments presented.

The hearing will be informal. A Coast Guard representative will preside at the hearing, make a brief opening statement, and announce the procedures to be followed at the hearing. Each person who wishes to make an oral statement should notify the Commander (oan), Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Va. 23705 by May 30, 1979. Such notification should include the approximate time required to make the presentation. A transcript will be made of the hearing and may be purchased by the public. Comments previously submitted are a matter of record and need not be resubmitted at the hearing. Speakers are encouraged to provide written copies of their oral statements to the hearing officer. Those wishing to make written comments only may submit those comments at the hearing, or to the Commander (oan), Fifth Coast Guard District, by June 14, 1979. Each comment should identify the proposed project, and clearly state the reasons for any objections, comments or proposed changes to the plans, and the name and address of the person or organization submitting the comment.

Copies of all written communications will be available for examination by interested persons at the office of the Commander (oan), Fifth Coast Guard District. All comments received will be considered before final agency action is taken on the proposed bridge permit application. After the time set for the submission of comments, the

Commander, Fifth Coast Guard District, will forward the case record, including all written comments, his findings, conclusions and recommendations to the Commandant, U.S. Coast Guard, Washington, D.C. 20590. The commandant will review the case record and make the final determination of issuance or denial of the bridge permit application.

(Section 502, 60 Stat. 847, as amended; 33 U.S.C. 525, 49 U.S.C. 1655(g)(6)(C); 49 CFR 1.46(c)(10))

Dated: April 18, 1979.

F. P. Schubert,  
Captain, U.S. Coast Guard, Acting Chief, Office of Marine,  
Environment and Systems.

[CGD 79-057]

[FR Doc. 79-12981 Filed 4-25-79; 8:45 am]

BILLING CODE 4910-14-M

### Federal Aviation Administration

#### Informal Airspace Meeting No. 8

TIME: 7:00 p.m., June 13, 1979.

PLACE: Alamo Room, Convention Center, South Alamo and Market Street, San Antonio, Texas.

STATUS: Open to the Public.

MATTERS TO BE CONSIDERED: Proposed Terminal Control Area (TCA) for International Airport, San Antonio, Texas.

COMMENTS: No verbatim minutes or transcripts will be taken. However, participants may submit written comments to be made a matter of record if they so desire. This action will not prevent participants from submitting comments later in response to a Notice of Proposed Rule Making (NPRM) in the event the item is formally proposed. Public comments are invited at this meeting on development of the configuration of the proposed TCA.

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

Ralph L. Frick,

Chief, Airspace and Procedures Branch, ASW-530, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. 76101.

[FR Doc. 79-12556 Filed 4-25-79; 8:45 am]

BILLING CODE 4910-13-M

#### Informal Airspace Meeting No. 4, May 22, 1979

TIME: 7:30 p.m.

PLACE: Auditorium, Mike Monroney Aeronautical Center, 6500 S. McArthur, Oklahoma City, Oklahoma.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: Proposed Terminal Control Area (TCA) for Will Rogers World Airport, Oklahoma City, Oklahoma.

COMMENTS: No verbatim minutes or transcripts will be taken. However, participants may submit written comments to be made a matter of record if they so desire. This action will not prevent participants from submitting comments later in response to a Notice of Proposed Rule Making (NPRM) in the event the item is formally proposed. Public comments are invited at this meeting on development of the configuration of the proposed TCA.

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

Ralph L. Frick,

Chief, Airspace and Procedures Branch, ASW-530, Southwest Region, Federal Aviation Administration, Fort Worth, Texas 76101.

[FR Doc. 79-12741 Filed 4-25-79; 8:45 am]

BILLING CODE 4910-13-M

### Proposed Memphis, Tenn., Terminal Control Area; Informal Airspace Meeting

May 30, 1979.

The purpose of this meeting is to discuss a proposed Terminal Control Area configuration for Memphis, Tennessee. Comments on the potential economic and environmental effects are also invited.

Memphis is one of the 44 new Group II TCA proposals being developed as announced in the Notice of Proposed Rulemaking 78-19, titled Proposed "Controlled Visual Flight" Rules, which closed for comments on April 4, 1979. NPRM 78-19 will not be a topic of discussion.

The meeting will convene at 7:00 p.m., Wednesday, May 30, 1979, in the Memphis Air Route Traffic Control Center, 3229 Democrat Road, Memphis, Tennessee (between Airways Avenue and Lamar Avenue, north of airport). Attendance is open to the interested public, but is limited to the space available.

With the approval of the chairman, members of the public may present statements at the meeting. Individuals speakers will be limited to five minutes, with ten minutes for a group spokesman.

There will be no relinquishing of time by one speaker to another. The time limit may be waived at the discretion of the chairman. Written statements in addition to, or in lieu of, oral presentations will be accepted. These should be submitted to the chairman or as directed at the meeting.

Issued in Atlanta, Georgia on April 12, 1979.

Lonnie D. Parrish,  
Chief, Air Traffic Division Southern Region.  
[FR Doc. 79-12742 Filed 4-25-79; 8:45 am]  
BILLING CODE 4910-13-M

#### Air Carrier District Office at Newark, N.J.; Notice of Relocation and Merger

Notice is hereby given that on or about May 30, 1979, the Newark, New Jersey, Air Carrier District Office will be relocated and merged with the Teterboro, New Jersey, General Aviation District Office. This office will then be known as the Teterboro Flight Standards District Office. It will provide all services to air carrier and general aviation in the area. Communication to the Flight Standards District Office should be addressed as follows:

Teterboro Flight Standards District Office,  
Department of Transportation, Federal Aviation Administration, 150 Riser Road, Teterboro Airport, Teterboro, New Jersey 07608.

(Sec. 313(a) of the Federal Aviation Act of 1958, 72 Stat. 752, 49 U.S.C. 1354.)

Issued in New York, New York on April 12, 1979.

Louis J. Cardinali,  
Acting Director, Eastern Region.  
[FR Doc. 79-12846 Filed 4-25-79; 8:45 am]  
BILLING CODE 4910-13-M

#### Informal Airspace Meeting No. 7, June 6, 1979

TIME: 7:30 p.m.

PLACE: Aldine High School, 11101 Airline Drive, Houston, Texas.

STATUS: Open to the Public.

MATTERS TO BE CONSIDERED: Proposed Terminal Control Area (TCA) Expansion for Intercontinental Airport, Houston, Texas.

COMMENTS: No verbatim minutes or transcripts will be taken. However,

participants may submit written comments to be made a matter of record if they so desire. This action will not prevent participants from submitting comments later in response to a Notice of Proposed Rule Making (NPRM) in the event the item is formally proposed. Public comments are invited at this meeting on the proposed changes to the existing TCA.

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

Ralph L. Frick,  
Chief, Airspace and Procedures Branch, ASW-530, Southwest Region, Federal Aviation Administration, Fort Worth, Texas 76101.

[FR Doc. 79-12886 Filed 4-25-79; 8:45 am]

BILLING CODE 4910-13-M

#### Informal Airspace Meeting No. 6, May 31, 1979.

TIME: 7 p.m.

PLACE: Grapevine High School, 3223 Mustang Drive, Grapevine, Texas.

STATUS: Open to the Public.

MATTERS TO BE CONSIDERED: Proposed Terminal Control Area (TCA) Expansion for Dallas-Fort Worth Regional Airport, Texas.

COMMENTS: No verbatim minutes or transcript will be taken. However, participants may submit written comments to be made a matter of record if they so desire. This section will not prevent participants from submitting comments later in response to a Notice of Proposed Rule Making (NPRM) in the event the item is formally proposed. Public comments are invited at this meeting on the proposed changes to the existing TCA.

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

Ralph L. Frick,  
Chief, Airspace and Procedures Branch, ASW-530, Southwest Region, Federal Aviation Administration, Fort Worth, Texas 76101.

[FR Doc. 79-12867 Filed 4-25-79; 8:45 am]

BILLING CODE 4910-13-M

#### Petitions for Exemption; Summary of Petitions Received and Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemptions received and of dispositions of petitions issued.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I) and of dispositions of certain petitions previously received. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Publication of this notice and any information it contains or omits is not intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before: May 16, 1979.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-24), Petition Docket No. 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION: The petition, any comments received and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-24), Room 916, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW, Washington, D.C. 20591; telephone (202) 426-3644.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C., on April 20, 1979.

Carl E. Schellenberg,  
Assistant Chief Counsel, Regulations and Enforcement Division.

## Petitions for Exemptions

Docket No.	Petitioner	Regulations affected	Description of relief sought
18950	Summit Airlines	14 CFR Section 121.351(a)	To permit Summit Airlines to conduct extended over water operations of CV-580 aircraft with only one high frequency transceiver.
18957	National aircraft maintenance, Inc. (NAMI)	14 CFR Section 135.173(a)	To be exempted from the requirement to equip their Grumman G-73 aircraft with thunderstorm detection equipment as required by Section 135.173(a) when flying between Long Beach Municipal Airport and Catalina Island, California.
18956	Thunderbird Airways, Inc.	14 CFR Section 135.80(b)(3), 121.333(c) (2), (3) and (4).	To permit Thunderbird Airways, Inc. to operate its Learjet and Sabreliner aircraft under Section 121.333(c) (2), (3) and (4), which allow for oxygen masks to be worn, secured and sealed, above FL 410 with both crewmembers at their stations equipped with quick-donning masks.

## Dispositions of Petitions for Exemptions

Docket No.	Petitioner	Regulations affected	Description of relief sought—disposition
18900	British Midland	Appropriate portions of 14 CFR Parts 21, 61, 63, and 91.	Requests an amendment to Exemption No. 2704 to include additional airmen in the appendix so that they may serve as flight crewmembers on B-707 aircraft N448M leased from Robert F. Beauchamp. <i>Granted 4/10/79.</i>
18735	Flying Tigers	14 CFR 121.153(a)(1)	To amend Exemption 2081 to allow the carriage of nonmilitary cargo on a one-time basis while returning the Cargolux Airline DC-8-63F aircraft to Luxembourg on or before April 30, 1979. <i>Granted 4/17/79.</i>
18953	Air New England, Inc.	14 CFR Section 121.291(a)	To permit Air New England, Inc. to operate three Convair 580 aircraft without having to conduct the required emergency evacuation demonstrations. <i>Granted 4/20/79.</i>

[Summary Notice No. FE-79-2]  
[FR Doc. 79-12882 Filed 4-25-79; 8:45 am]  
BILLING CODE 4910-13-M

### Petitions for Rule Making; Summary of Petitions Received and Dispositions of Petitions Denied

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of petitions for rule making and of dispositions of petitions denied.

**SUMMARY:** Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for rulemaking (14 CFR Part 11), this notice contains a summary of certain petitions requesting the initiation of rulemaking procedures for the amendment of specified provisions of the Federal Aviation Regulations and of denials of certain petitions previously received. The purpose of this notice is to improve the public's awareness of this aspect of FAA's regulatory activities. Publication of this notice and any information it contains or omits is not intended to affect the legal status of any petition or its final disposition.

**DATES:** Comments on petitions received must identify the petition docket number involved and be received on or before: May 16, 1979.

**ADDRESSES:** Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-24), Petition Docket No. 800 Independence Avenue SW., Washington, D.C. 20591.

**FOR FURTHER INFORMATION:** The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-24), Room 916, FAA

Headquarters Building (FOB 10A), Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone (202) 426-3644.

This notice is published pursuant to paragraphs (b) and (f) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C., on April 20, 1979.

Carl B. Schellenberg,  
Assistant Chief Counsel, Regulations and Enforcement Division.

## Petitions for Rulemaking

Docket No.	Petitioner	Description of the Rule Requested
18882	Aircraft Owners and Pilots Assn	<p>DESCRIPTION OF PETITION</p> <p>Amendment of 14 CFR 77.17(a) to require construction sponsors to submit, as part of the "Notice of Proposed Construction or Alteration," construction plans, engineering data, or similar substantial information which discloses the overall dimensions of the proposed structure.</p> <p><i>Petitioner's reasons for rule:</i> That information is needed for the FAA (1) to determine the actual dimensions of the structure if constructed, including horizontal dimensions (such as guy wires); (2) to evaluate the basis and necessity of the dimensions of the proposed structure; and (3) to meaningfully negotiate any possible reductions in the proposed dimensions. The amendment is needed to eliminate the practice of specifying excessive heights in required notices and to provide the FAA with more precise construction or alteration information.</p>

## Petitions for Rulemaking: Denied

Docket No.	Petitioner	Description of the Rule Requested
None during the period from March 20 through April 20, 1979.		

[Summary Notice No. FR-79-2]  
[FR Doc. 79-2061 Filed 4-25-79; 8:45 am]  
BILLING CODE 4910-13-M

## Federal Railroad Administration

### Sandersville Railroad Co.; Petition for Exemption From the Hours of Service Act

In accordance with 49 CFR § 211.41 and § 211.9, notice is hereby given that the Sandersville Railroad Company (SAN) has petitioned the Federal Railroad Administration (FRA) for an exemption from the Hours of Service Act (83 Stat. 464, Pub. L. 91-169, 45 U.S.C. 64a(e)). That petition requests that the SAN be granted authority to permit certain employees to continuously remain on duty for in excess of twelve hours.

The Hours of Service Act currently makes it unlawful for a railroad to require or permit specified employees to continuously remain on duty for a period in excess of twelve hours. However, the Hours of Service Act contains a provision that permits a railroad, which employs no more than fifteen employees who are subject to the statute, to seek an exemption from this twelve hour limitation.

The SAN seeks this exemption so that it can permit certain employees to remain continuously on duty for periods not to exceed sixteen hours. The petitioner indicates that granting this exemption is in the public interest and will not adversely affect safety. Additionally, the petitioner asserts that it employs no more than fifteen employees and has demonstrated good cause for granting this exemption.

Interested persons are invited to participate in this proceeding by submitting written views or comments. FRA has not scheduled an opportunity for oral comment since the facts do not appear to warrant it. Communications concerning this proceeding should identify the Docket Number, Docket Number HS-79-3, and must be submitted in triplicate to the Docket Clerk, Office of the Chief Counsel, Federal Railroad Administration, Trans Point Building, 2100 Second Street, SW., Washington, D.C. 20590.

Communications received before May 30, 1979, will be considered by the FRA before final action is taken. Comments received after that date will be considered as far as practicable. All comments received will be available for examination both before and after the closing date for comments, during regular business hours in Room 4406, Trans Point Building, 2100 Second Street, SW., Washington, D.C. 20590.

Authority: Section 5 of the Hours of Service Act of 1969 (45 U.S.C. 64a), 1.49(d) of the regulations of the Office of the Secretary, 49 CFR 1.49(d).

Issued in Washington, D.C. on April 17, 1979.

J. W. Walsh,  
Chairman, Railroad Safety Board.

[FRA Waiver Petition Docket HS-79-3]  
[FR Doc. 79-12907 Filed 4-25-79; 8:45 am]  
BILLING CODE 4910-06-M

## Office of the Secretary

### Floodplain Management and Protection; Policies and Procedures

AGENCY: Department of Transportation.

ACTION: Publication of DOT Order 5650.2, "Floodplain Management and Protection."

SUMMARY: This notice publishes the Department of Transportation's final policies and procedures on protection and management of floodplains, which are contained in an internal directive developed pursuant to an Executive Order.

EFFECTIVE DATE: April 26, 1979.

FOR FURTHER INFORMATION CONTACT: Robert P. Thurber, Office of Environment and Safety (202) 426-4396.

SUPPLEMENTARY INFORMATION: Executive Order 11988, "Floodplain Management," was promulgated on May 24, 1977, and guidelines for implementing it were issued by the Water Resources Council on January 25, 1978. The objective of the Executive Order is to avoid adverse impacts due to occupancy and alteration of floodplains, which are lowland areas adjoining inland and coastal waters, including flood-prone areas of offshore islands. It applies to all relevant Federal actions and to all floodplains and requires agencies to avoid impacting the base floodplain (the area which would be inundated by a 100-year flood) unless that location is the only practicable alternative. In such circumstances, every effort must be made to minimize the potential risks to human safety and to property and to minimize negative effects on natural and beneficial floodplain values.

The Executive Order requires Federal agencies to issue procedures to accomplish these goals, as well as to ensure that the public is properly informed regarding floodplain-related plans and proposals. The Department of Transportation's floodplain directive,

which appears below as DOT Order 5650.2, applies to all elements of the Department but leaves to each element the option of applying the directive directly or of issuing its own policies and procedures, consistent with the Departmental directive.

### Disposition of Major Comments

A draft version of the Department's floodplain order was published for comment in the Federal Register on June 22, 1978, and a docket was established with a closing date of July 24, 1978. Twenty-three parties submitted comments. Most of those comments were received from State Departments of Transportation.

A number of commentors expressed concern about the problems involved in delineating a 500-year floodplain, as would have been required for "critical actions" (any action for which even a slight chance of flooding would be unacceptable). Since a subsequent inventory of the Department's programs indicated that the Department's activities and operations do not encompass actions of that nature, all references to a "500-year floodplain" and to "critical action" were deleted from the Order.

Another key issue raised was whether floodplain delineations and assessments would, in effect, require that detailed engineering design be accomplished for projects earlier than is usual and for multiple alternatives. In response to this point, the draft Order was modified to suggest that conceptual design, in most cases, should be sufficient.

The requirement that notices related to hearings refer to significant floodplain encroachments, where these are involved in one or more of the alternatives under consideration, generated considerable comment. Some commentors expressed the view that floodplain matters should not be highlighted in such notices, given the fact that other important areas (e.g. historic preservation) would not ordinarily receive the same treatment. The Department concluded, however, that special attention of this sort was in fact warranted for significant encroachments on floodplains in light of their potential for serious consequences to life, property, and/or the natural environment. Other commentors took an opposite position, maintaining that still more extensive and specific steps should be outlined in the Order to assure appropriate early public review of possible floodplain encroachments.

This comment was not accepted because the Department believes that existing mechanisms for public involvement will be adequate after appropriate adjustments to reflect the requirements of Executive Order 11988 and this Order.

A few of the respondents took issue with one or more of the exceptions and exemptions addressed in paragraph 5 of the draft Order. Several commentors felt that the exceptions should be broadened, while a few others urged omitting or limiting them. After an analysis of these concerns, it was determined that paragraph 5c, which exempts all nonmajor Federal actions from the requirements of the Order, was too broad in its application. Instead, Departmental elements will be permitted to develop a narrower range of project categories which would not be subject to this Order due to their negligible potential for having an adverse impact on floodplains. On the other hand, all encroachments (not only significant ones) are now governed by all relevant provisions in the Order; only paragraphs 7b and 9, which address public involvement concerns and the "only practicable alternative" finding, respectively, are specifically limited in their application to significant encroachments.

The exceptions from the Order for projects where (1) final environmental impact statements will have been filed within 12 months of the effective date of this Order or (2) any public hearings will have been held and a negative declaration approved within 120 days of that date, stand. These provisions appear to be essential for the orderly integration of the new floodplain management requirements with the Department's ongoing programs and activities. The Order still includes the exception for cases where the only step being taken in the base floodplain is the relocation of persons into existing housing units.

#### Other Changes to the Order

Sections 10 and 13 were clarified regarding the responsibilities assigned to the Office of the Assistant Secretary for Policy and International Affairs.

Matters regarding direct and indirect land development likely to be induced by a transportation action in or near a floodplain were also reconsidered. In order to eliminate possible confusion on the matter, support of floodplain development is now treated as an impact in the Order rather than as an encroachment in and of itself. The draft Order was modified in a way that ensures adequate and even-handed

attention to both direct and indirect support of development.

In addition, provisions were included with regard to the Unified National Program for Flood Plain Management and the Flood Disaster Protection Act of 1973, and the "grace period" for draft environmental impact statements already in preparation was reduced to six months from the date of this Order's publication in the Federal Register.

Finally, the draft Order was clarified on (1) the format for the "only practicable alternative" finding when there is a companion final environmental impact statement or negative declaration, and (2) the transmittal of such findings to State and local clearinghouse (A-95) agencies. A number of minor editorial and substantive revisions proposed by commentors or recommended by Departmental staff were incorporated into the Order as well.

A proposed Federal Highway Administration floodplain regulation, "Location and Hydraulic Design of Encroachments on Flood Plains" (23 CFR 650, Subpart A), which was published in the Federal Register on December 27, 1978, was developed in accordance with this Order.

Issued in Washington, D.C. on April 12, 1979.

Brock Adams,  
Secretary of Transportation.

[DOT 5650.2]

Subject Floodplain Management and Protection.

1. *Purpose.*—This Order prescribes policies and procedures for ensuring that proper consideration is given to the avoidance and mitigation of adverse floodplain impacts in agency actions, planning programs, and budget requests.

2. *Authority.*—This Order is issued pursuant to the following statutes and executive order:

a. The National Environmental Policy Act of 1969 (NEPA) (Pub. L. 91-190) establishes a national policy to, among other things, ". . . promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man. . . ." NEPA requires preparation of an environmental impact statement (EIS) for any major Federal action significantly affecting the quality of the human environment. DOT 5610.1B, Procedures for Considering Environmental Impacts, of 9-30-74, Attachment 2, paragraph 11, requires that information on flood hazards, if relevant, be included in the EIS.

b. The National Flood Insurance Act of 1968, Title XIII of the Housing, and Urban Development Act of 1968 (Pub. L. 90-448, 8-1-68), provides previously unavailable flood insurance protection to property owners in flood-prone areas. Section 1302(c) of the Act stipulates that "the objectives of a flood

insurance program should be integrally related to a unified national program for flood plain management. . . ."

c. Executive Order 11988—Floodplain Management, promulgated on 5-24-77, links the need to protect lives and property with the need to restore and preserve natural and beneficial floodplain values. Federal agencies are directed to avoid conducting, allowing, or supporting actions on the base floodplain unless the agency finds that the base floodplain is the only practicable alternative location, and to issue procedures for implementing the requirements of the Executive Order.

d. The Flood Disaster Protection Act of 1973 (Pub. L. 93-234, 87 Stat. 975) requires the purchase of flood insurance as a condition of receiving any form of federal or federally-related financial assistance for acquisition or construction purposes with respect to insurable buildings and mobile homes within an identified special flood, mudslide, or flood-related erosion hazard area.

3. *Policy.*—It is the policy of the Department of Transportation (DOT) (1) to encourage a broad and unified effort to prevent uneconomic, hazardous, or incompatible use and development of the Nation's floodplains, (2) to avoid, where practicable, encroachments by Departmental actions, (3) to minimize the adverse impacts which such actions may have on base floodplains, including direct or indirect support for development, and (4) to restore and preserve natural and beneficial floodplain values that are adversely affected by such actions.

4. *Definitions.*—a. *Action*—the construction or reconstruction of a federal or federally-financed, licensed, or approved transportation improvement (including any relocation housing built or moved to a new site); and the acquisition, management, or disposition of Departmental lands and facilities.

b. *Base Flood*—that flood having a one percent chance of being exceeded in any given year (commonly known as a 100-year flood).

c. *Base Floodplain*—the area which would be inundated by a base flood.

d. *Encroachment*—an action within the limits of the base floodplain.

e. *Environmental Impact Statement*—the detailed statement mandated by section 102(2)(C) of the National Environmental Policy Act of 1969 (ref: DOT 5610.1B).

f. *Facility*—any element of the built environment other than a walled or roofed building.

f. *Flood or Flooding*—a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland and/or tidal waters, and/or the unusual and rapid accumulation or runoff of surface waters from any source.

g. *Flood of Record*—the largest historical flood event which has been reliably determined and recorded.

h. *Floodplain*—the lowland areas adjoining inland and coastal waters which are periodically inundated by flood waters, including flood-prone areas of offshore islands.

i. Floodproofing—the incorporation of design features in, or modifications to, individual structures and facilities, their sites and their contents to protect against structural failure, to keep water out, or to reduce effects of water entry, so that threats to human life and property are reduced.

j. Minimize—to reduce to the smallest practicable amount or degree.

k. Natural and Beneficial Floodplain Values—include but are not limited to: natural moderation of floods, water quality maintenance, groundwater recharge, fish, wildlife, plants, open space, natural beauty, scientific study, outdoor recreation, agriculture, aquaculture, and forestry.

l. Negative Declaration—a determination by the responsible official that a particular action does not significantly affect the quality of the human environment.

m. Practicable—capable of being done within natural, social, and economic constraints.

n. Restore—to establish a setting or environment in which the natural and beneficial values impacted by the transportation agency action can again operate. In some situations, a transportation improvement may represent a positive enhancement or negligible use of natural and beneficial floodplain values.

o. Risk—the adverse consequences associated with the probability of flooding attributable to an encroachment, specifically including the potential for property loss and the hazard to life.

p. Significant Encroachment—an encroachment resulting in one or more of the following construction or flood-related impacts:

(1) a considerable probability of loss of human life;

(2) likely future damage associated with the encroachment that could be substantial in cost or extent, including interruption of service on or loss of a vital transportation facility; and

(3) a notable adverse impact on "natural and beneficial floodplain values", as defined in item k, above.

It is not contemplated that detailed design would be necessary in order to determine whether there is a significant encroachment.

q. Support Base Floodplain Development—to encourage, allow, serve, or otherwise facilitate additional development in a base floodplain. Direct support results from an action on the base floodplain. Indirect support results from actions out of the base floodplain.

5. Application.—a. Paragraph 3 of this Order applies to all actions affecting base floodplains. The other provisions apply, except as indicated in subparagraphs b and c below.

b. The provisions of this Order do not apply to or alter decisions, approvals, or authorizations which were given by the Department or its elements pursuant to directives in effect before the date of this Order's publication in the Federal Register, not do they apply to transportation projects where:

(1) The final EIS is filed with the Environmental Protection Agency within 12

months after the date of this Order's publication in the Federal Register; or any public hearings have been held and a negative declaration had been approved, within 120 days after that publication date; or

(2) The only step being taken in the floodplain is the relocation of persons into existing housing units, except that potential occupants shall be advised at the appropriate stage if the relocation housing is located in a base floodplain and be offered alternative comparable housing at their option.

c. DOT elements may develop categories of projects which are not subject to the requirements of this Order due to their negligible potential, alone or cumulatively, for resulting in adverse impacts associated with the occupancy of modification of floodplains, or the direct or indirect support of floodplain development.

6. Floodplain Identification.—Base floodplain limits shall be determined and encroachments delineated for reasonable alternative actions through the following sources:

a. Federal Insurance Administration (FIA) maps shall be used as the primary reference for establishing base floodplain limits (obtain maps from the U.S. Department of Housing and Urban Development sources listed in 43 FR 6050).

(1) A Flood Insurance Rate Map (FIRM) or Flood Insurance Study Report (FIS) shall be consulted first.

(2) If a FIRM or FIS is not available, a Flood Hazard Boundary Map (FHBM) may be available from the same sources. These approximate maps shall be used to determine if the alternatives under consideration are clearly out of the floodplain. If one or more of the alternatives appears to be near or inside the indicated base floodplain boundary, more detailed information on the floodplain boundary shall be developed or obtained.

b. If a FIRM, FIS, or floodplain delineation from other agency sources as listed in 43 FR 6049-51 is not available and current, or if the site is near or inside the FHBM boundaries, base floodplain limits shall be established by the best available method meeting acceptable professional engineering standards.

c. The delineation of floodplain limits shall take proper account of previous alterations to the floodplain by flood retention works or other elements of the built environment.

7. Public Involvement.—Where any of the alternatives identified for accomplishing an action are proposed in the base floodplain, opportunity shall be provided for early public review and comment. The following steps shall be made a part of existing review procedures (including the EIS review process) as appropriate to the nature of the encroachment.

a. Public hearing presentations shall include identification of encroachments.

b. If one or more alternatives under consideration include significant encroachments, any public notices, public hearing notices, notices offering an opportunity for a hearing, and notices of availability for negative declarations shall make reference to that fact.

8. Environmental Review Process.—Whenever appropriate, the procedures

established in DOT 5610.1B, Procedures for Considering Environmental Impacts, of 9-30-74, shall be the vehicle through which implementation of this policy is documented.

a. Draft environmental review documents (draft EISs<sup>1</sup> and any preliminary versions of negative declarations) shall cover the items below for all alternatives involving encroachments:

(1) Any risk to, or resulting from, the transportation action;

(2) The impacts on natural and beneficial floodplain values; and

(3) The degree to which the action provides direct or indirect support for development in the base floodplain.

b. Draft environmental review documents shall also include sufficient discussion to permit an initial review of the adequacy of methods proposed to minimize harm, and, where practicable, to restore and preserve the natural and beneficial floodplain values affected.<sup>2</sup> In most cases, conceptual design (as opposed to detailed engineering studies) should be sufficient to help establish the adequacy of mitigation measures.

Commitments to later compliance with special flood-related design criteria or the imposition, in advance, of protective conditions may be warranted in some situations.

c. Final environmental review documents (final EISs and final versions of negative declarations) reflecting a decision on the preferred alternative shall clearly identify the floodplain concerns and impacts associated with that alternative and cover the items listed in subparagraphs a and b above.

9. Only Practicable Alternative Finding.—Where it is proposed to conduct, support, or allow an action involving a significant encroachment, the final EIS or final version of the negative declaration shall reflect consideration of alternatives to avoid such encroachment, and to reduce its adverse base floodplain impacts.

a. A preferred alternative involving a significant encroachment shall not be approved unless the responsible official can make a finding, in writing, that the proposed significant encroachment is the only practicable alternative, together with:

(1) A description of why the proposed action must be located in the floodplain, including the alternatives considered and why they were not practicable.

(2) A statement indicating that the action conforms to applicable State and/or local floodplain protection standards.

b. The finding shall be incorporated into, or attached to, the final environmental review document.

c. On occasion, a proposal for which an environmental review document is unnecessary may nevertheless have the potential for causing a significant encroachment. Under such circumstances, the

<sup>1</sup> DOT elements shall follow a rule of reason in determining how much floodplain information needs to be incorporated in draft EISs circulated during a six-month period after the date of the Order's publication in the Federal Register.

<sup>2</sup> Guidance and examples regarding methods for minimizing harm to floodplains and for restoring and preserving the natural and beneficial floodplain values affected can be found in 43 FR 6047-48.

above written finding shall still be made and included with the project records.

d. The above written finding, within or together with any final EIS prepared for the proposed action, shall be provided to State and areawide clearinghouses and other interested parties.

e. A determination that a given action outside of a floodplain is or is not practicable requires a careful balancing and application of individual judgment. While such balancing should include the full range of environmental, social, economic, and engineering considerations, special weight should be given to floodplain management concerns.

10. *Program Directives.*—a. DOT elements which have programs potentially affecting base floodplains shall include adequate provision consistent with this Order for the evaluation and consideration of flood hazards and measures to avoid or minimize floodplain impacts. As appropriate, modifications shall be made to regulations, and operating procedures for licenses, permits, and loan or grant-in-aid programs to accomplish this purpose. These changes should be submitted to the Assistant Secretary for Policy and International Affairs for review within 120 days after the date of this Order's publication in the Federal Register.

b. Each DOT element shall have the option of applying this Order directly to its programs and activities within 120 days of its date of publication in the Federal Register or of issuing its own floodplain regulations or procedures, consistent with this Order. Such regulations or procedures shall be submitted within the same 120-day period, to the Assistant Secretary for Policy and International Affairs for concurrence.

c. DOT elements may elect to develop project-related engineering design standards reflecting flood hazard and floodplain considerations, for their individual programs.

11. *Budget Requests.*—Any requests for new authorizations or appropriations transmitted to the Office of Management and Budget shall indicate, if a specific proposal will involve significant encroachment upon a floodplain, that the proposed action is in accord with Executive Order 11988.

12. *Federal Real Property and Facilities.*—Departmental elements with responsibilities for Federal real property and facilities shall take the following measures, in addition to those specified in the other sections of this Order:

a. The construction of walled or roofed buildings or other facilities shall be consistent with the intent of the standards and criteria promulgated under the National Flood Insurance Program, and shall deviate only to the extent that the standards of the Flood Insurance Program are demonstrably inappropriate for the given case.

b. If, after compliance with the requirements of this Order, new or rehabilitated buildings are to be located in a floodplain, accepted floodproofing and other flood protection measures shall be applied. To achieve flood protection DOT elements shall elevate the buildings above the base

flood level, wherever practicable, rather than filling in land.

c. If property used by the general public has suffered flood damage or is located in an identified flood hazard area, the responsible DOT element shall provide on buildings or other places, where appropriate, conspicuous delineation of the level of the base flood and flood of record (if larger), in order to enhance public awareness of flood hazards.

d. When property in floodplains is proposed for lease, easement, right-of-way, or disposal to nonfederal parties, the responsible DOT element shall indicate if a flood hazard exists and (1) identify in the conveyance those uses that are restricted under Federal, State, or local floodplain regulations; and (2) attach other restrictions consistent with this Order to the uses of properties by the grantee or purchaser and any successors, except as prohibited by law; or (3) withhold such properties from conveyance.

13. *Responsibilities.*—a. The Assistant Secretary for Administration and Heads of Operating Administrations shall assure that the requirements of this Order are met and that appropriate steps are taken to implement it.

b. The Assistant Secretary for Policy and International Affairs shall oversee the implementation of the policy set forth in paragraph 3, review and concur in any floodplain procedures of the operating administrations, and recommend any modifications of procedures that may be appropriate. The Assistant Secretary shall consult periodically with the Council on Environmental Quality, the Water Resources Council, and FIA to evaluate the Department's implementation of these policies and shall be responsible for the preparation of any required reports on floodplain management, including such monitoring of the floodplain evaluation process as may be appropriate.

14. *Unified National Program for Floodplain Management.*—This Order incorporates by reference "A Unified National Program for Flood Plain Management," a report to the Congress by the Water Resources Council, July 1978 (available from the U.S. Government Printing Office, Documents Department, Washington, D.C. 20402, Order Number GPO 052-045-00047, price \$1.95), and future revisions.

15. *Flood Disaster Protection Act.*—The Flood Disaster Protection Act contains certain provisions which can affect DOT programs. Basically, the Act mandates the purchase of flood insurance as a condition of receiving Federal assistance for the construction or repair of buildings located in areas having special flood hazards as identified by FIA. The requirement also applies when Federal assistance is being used to purchase equipment which will be housed in buildings which are located in such special flood hazard areas. Flood-prone communities may arrange for flood insurance through FIA's National Flood Insurance Program. DOT elements shall take steps to assure full compliance with this requirement (set forth in section 202(a) of the Act), where applicable.

16. *Emergency Provisions.*—Nothing in this Order shall prevent the timely provision of assistance or funds for emergency repairs essential to save lives and to protect property and public health and safety. However, a reasonable effort to comply with the Order shall be made during and/or after the emergency period.

For the Secretary of Transportation.

Alan Butchman,

Deputy Secretary.

[FR Doc. 79-12302 Filed 4-25-79; 8:45 am]

BILLING CODE 4910-62-M

## DEPARTMENT OF THE TREASURY

### U.S. Tax Court Nominating Commission; Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), that the United States Tax Court Nominating Commission will meet in the General Counsel's office in the Treasury Department on May 17, 1979, at 8:00 a.m. The Commission was established by Executive Order 12064 of June 5, 1978 (43 FR 24661).

The members of the Commission will continue to examine the qualifications of persons to be recommended to the President for appointment to the United States Tax Court. This process will necessarily involve consideration of information of a personal nature relating to candidates for appointment. Discussion of sensitive and confidential matters relating to such persons in a meeting open to the public would constitute a clearly unwarranted invasion of personal privacy of the individuals being considered for appointment to the Tax Court.

Meetings of the Commission must be conducted in a manner conducive to a frank exchange of views and searching evaluation of the qualifications of candidates for appointment to the Tax Court. Open meetings would have a chilling effect on candid comments by Commission members about the qualifications of such candidates and would inhibit the ability of the Commission to obtain comments of third parties. Open meetings would thus significantly frustrate the Commission's efforts to implement its primary function under the Executive Order.

A determination as required by section 10(d) of the Federal Advisory Committee Act has been made that this meeting will concern matters within section 552b(c)(6) and 9(B) of Title 5, United States Code, and that the public interest requires that this meeting be closed to public participation.

Dated: April 23, 1979.

Robert H. Mundheim,  
General Counsel.

[FR Doc. 79-12930 Filed 4-25-79; 8:45 am]

BILLING CODE 4810-25-M

## VETERANS ADMINISTRATION

### Medical Center, Memphis, Tenn; Intent To Prepare an Environmental Impact Statement

Notice is hereby given that an Environmental Impact Statement for Land Acquisition and Construction of a Spinal Cord Injury Facility at the Veterans Administration Medical Center, Memphis, Tennessee, will be prepared as required by the National Environmental Policy Act of 1969.

An Environmental Assessment was prepared and findings indicate that environmental impacts of the proposed action are potentially significant. The Statement will discuss the environmental impacts of the proposed acquisition of residential property along the west and north boundaries of the existing Veterans Administration Medical Center property and construction of a spinal cord injury facility at the Medical Center. The document is being prepared by the Veterans Administration in Washington, D.C. Persons wishing to provide input to the scoping process should contact the following office: Director, Environmental Affairs Office (66), Veterans Administration, 810 Vermont Avenue, N.W., Washington, D.C. 20420 [202 389-2526].

Dated: April 23, 1979.

By direction of the Administrator.

Maury S. Cralle, Jr.,  
Assistant Deputy Administrator for Financial Management and Construction.

[FR Doc. 79-12576 Filed 4-25-79; 8:45 am]

BILLING CODE 8320-01-M

### Medical Center, San Francisco, Calif; Intent To Prepare an Environmental Impact Statement

Notice is hereby given that an Environmental Impact Statement for construction of a 120 Bed Nursing Home Care Unit at the San Francisco, VAMC, San Francisco, California, will be prepared as required by the National Environmental Policy Act of 1969.

An Environmental Assessment was prepared and the findings indicate that environmental impacts of the proposed action are potentially significant. The statement will discuss the environmental impacts of the proposed action upon neighboring streets (parking) as well as the adjacent historic property and the Pacific Ocean coastal

area. The document is being prepared by the Veterans Administration in Washington, D.C. Persons wishing to provide input to the scoping process should contact the following office: Director, Environmental Affairs Office (66), Veterans Administration, 810 Vermont Avenue, N.W., Washington, D.C. 20420.

Dated: April 23, 1979.

By direction of the Administrator.

Maury S. Cralle, Jr.,  
Assistant Deputy Administrator for Financial Management and Construction.

[FR Doc. 79-12877 Filed 4-25-79; 8:45 am]

BILLING CODE 8320-01-M

### Station Committee on Educational Allowances; Meeting

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on May 21, 1979, at 9:30 a.m., the St. Paul VA Center Station Committee on Educational Allowances shall at Room 114B, Federal Building, Fort Snelling, St. Paul, Minnesota 55111 conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in On-the-job training at Sperry-Univac for Customer Engineer Computer Systems, 1000 Apollo Road, Eagan, Minnesota 55121 should be discontinued, as provided in 38 CFR 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the committee at that time and place.

Morris Noonan, Jr.,  
Director, VA Center, Federal Bldg., Ft. Snelling, St. Paul, Minn.

April 20, 1979.

[FR Doc. 79-12908 Filed 4-25-79; 8:45 am]

BILLING CODE 8320-01-M

## INTERSTATE COMMERCE COMMISSION

### Permanent Authority Applications; Decision-Notice

Decided: April 11, 1979.

The following applications are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR § 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date notice of the application is published in the *Federal Register*. Failure to file a protest, within 30 days, will be considered as a waiver of opposition to the application. A protest

under these rules should comply with rule 247(e)(3) of the Rules of Practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding, (as specifically noted below), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. A protestant should include a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describe in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named. If the protest includes a request for oral hearing, such request shall meet the requirements of section 247(e)(4) of the special rules and shall include the certification required in that section.

On cases filed on or after March 1, 1979, petitions for intervention either with or without leave are appropriate.

Section 247(f) provides, in part, that an applicant which does not intend timely to prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

If applicant has introduced rates as an issue it is noted. Upon request an applicant must provide a copy of the tentative rate schedule to any protestant.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administratively acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

*We Find:* With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the

public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the transportation policy of 49 U.S.C. § 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find preliminarily and in the absence of the issue being raised by a protestant, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. § 10101 subject to the right of the Commission, which is expressly reserved, to impose such conditions as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. § 10930(a) [formerly section 210 of the Interstate Commerce Act].

In the absence of legally sufficient protests, filed 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 this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, such duplication shall not be construed as conferring more than a single operating right.

Applicants must comply with all specific conditions set forth in the grant or grants of authority within 90 days after the service of the notification of the effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board Number 3, Members Parker, Fortier, and Hill.

H. G. Homma, Jr.,  
Secretary.

MC 21866 (Sub-110F), filed January 22, 1979. Applicant: WEST MOTOR FREIGHT, INC., 740 S. Reading Avenue, Boyertown, PA 19512. Representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, PA 19102. To operate as a *common carrier*, by motor

vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *mail sorting machines*, and (2) *materials, parts, and supplies* used in the manufacture of mail sorting machines, between the facilities of Burroughs Corporation at Downingtown, PA, on the one hand, and, on the other, points in the United States (except AK, HI, and PA). (Hearing site: Washington, DC, or Philadelphia, PA.)

MC 29886 (Sub-363F), filed January 24, 1979. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4314 39th Avenue, Kenosha, WI 53142. Representative: Paul F. Sullivan, 711 Washington Building, Washington, DC 20005. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *rental construction equipment*, between points in IL, IN, MO, WI, MI, IA, KY, TN, WV, OH, AR, LA, TX, OK, and NC. (Hearing site: St. Louis, MO, or Washington, DC.)

MC 42487 (Sub-895F), filed January 19 1979. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities*, (except commodities in bulk and household goods as defined by the Commission), serving the facilities of Cold Spring Granite Company and Granit-Bronz, Inc., at Cold Spring, MN, as an off-route point in connection with carrier's presently authorized regular route operations. (Hearing site: Minneapolis, MN.)

MC 42487 (Sub-896F), filed January 28 1979. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and assembled automobiles), (1) between Billings, MT, and junction U.S. Hwy 26 and 30 near Ogallala, NE; from Billings over Interstate Hwy 90 to junction U.S. Hwy 87 near Buffalo, WY, then over U.S. Hwy 87 to junction U.S. Hwy 26 near Casper, WY, then over U.S. Hwy 26 to junction NE Hwy 79E near Minatare,

NE, then over NE Hwy 79E to junction NE Hwy 92, then over NE Hwy 92 to junction U.S. Hwy 26, then over U.S. Hwy 26 to junction U.S. Hwy 30 near Ogallala, (2) between junction Interstate Hwys 90 and 25 near Buffalo, WY, and junction Interstate Hwy 25 and U.S. Hwy 26 near Casper, WY, over Interstate Hwy 25, serving the termini for purposes of joinder only, (3) between Cheyenne, WY, and junction U.S. Hwys 26 and 30 near Ogallala, NE; from Cheyenne over Interstate Hwy 80 to junction U.S. Hwy 30 near Pine Bluffs, WY, then over U.S. Hwy 30 to junction U.S. Hwy 26, serving the intermediate point of junction Interstate Hwy 80 and U.S. Hwy 30 for the purpose of joinder only, (4) between junction U.S. Hwys 26 and 30 near Ogallala, NE; and Omaha, NE; from junction U.S. Hwys 26 and 30 over U.S. Hwy 30 to junction NE Hwy 25 near Sutherland, NE, then over NE Hwy 25 to junction Interstate Hwy 80, then over Interstate Hwy 80 to Omaha, serving the junction of NE Hwy 25 and Interstate 80 as an intermediate point for the purpose of joinder only, (5) between Pine Bluffs, WY, and junction Interstate Hwy 80 and NE Hwy 25, over Interstate Hwy 80, serving the junctions of Interstate Hwy 80 and U.S. Hwy 30 and Interstate Hwy 80 and NE Hwy 25 as intermediate points for purpose of joinder only, (6) between Kansas City, MO, and Omaha, NE; from Kansas City over Interstate Hwy 29 to junction U.S. Hwy 136 near Rockport, MO, then over U.S. Hwy 136 to Auburn, NE, then over U.S. Hwy 75 to Omaha, and (7) between Kansas City, MO, and Omaha, NE; from Kansas City over Interstate Hwy 29 to Council Bluffs, IA, then over Interstate Hwy 80 to Omaha, in (1) through (7) above, return over the same route, serving no intermediate points except as noted, and serving the junction of U.S. Hwy 26 and 30 for purposes of joinder only, as alternate routes for operating convenience only. (Hearing site: Washington, DC, or Chicago, IL.)

MC 43246 (Sub-28F), filed January 22, 1979. Applicant: BUSKE LINES, INC., 123 W. Tyler Ave., Litchfield, IL 62056. Representative: Howard Buske (same address as applicant). To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *alcoholic beverages*, in containers, from the facilities of Hiram Walker & Sons, Inc., at or near Detroit, MI, to points in the United States (except AK and HI), under continuing contract(s) with Hiram Walker & Sons, Inc. of Detroit, MI. Note: Dual operations may be involved.

(Hearing site: Springfield, IL or St. Louis, MO.)

MC 59396 (Sub-28F), filed January 22, 1979. Applicant: BUILDERS EXPRESS, INC., R.D. Limecrest Road, Lafayette, NJ 07848. Representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, NY 10048. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *roofing granules and pulverized stone*, in bulk, from Bound Brook and Belle Mead, NJ, to the facilities of Georgia-Pacific Corporation at or near Quakertown, PA. (Hearing site: New York, NY, or Washington, DC.)

MC 69397 (Sub-54F), filed January 24, 1979. Applicant: JAMES H. HARTMAN & SON, INC., P.O. Box 85, Pocomoke City, MD 21851. Representative: Wilmer B. Hill, 805 McLachlen Bank Building, 666 Eleventh Street, N.W., Washington, DC 20001. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles*, from the facilities of H. H. Robertson Company at or near Ambridge, PA, to points in CT, DE, GA, ME, MD, MA, NH, NJ, NY, NC, OH, PA, RI, SC, VT, VA, WV, and DC. (Hearing site: Washington, DC, or Pittsburgh, PA.)

MC 95876 (Sub-264F), filed January 22, 1979. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, MN 56301. Representative: Robert D. Givold, 1000 First National Bank Building, Minneapolis, MN 55402. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *derricks, booms, and machine parts*, and (2) *equipment, materials, and supplies* used in the manufacture, distribution, and installation of the commodities named in (1) above, [except commodities in bulk], between the facilities of Telelect, Inc., at Watertown, SD, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Pierre, SD, or St. Paul, MN.)

MC 97457 (Sub-8F), filed January 22, 1979. Applicant: WARNER & SONS TRUCKING COMPANY, a corporation, 3224 Sand Creek Highway, R.F.D. #1, Adrian, MI 49221. Representative: David E. Jerome, P.O. Box 400, 22375 Haggerty Road, Northville, MI 48167. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the

Commission, commodities in bulk, and those requiring special equipment), (1) between Grand Rapids and Belding, MI, and (2) between Grand Rapids and Greenville, MI. (Hearing site: Lansing or Grand Rapids, MI.)

MC 100666 (Sub-426F), filed January 23, 1979. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, LA 71107. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *knocked down prefabricated steel buildings*, and *parts and accessories* for prefabricated steel buildings, and (2) *iron and steel articles*, from the facilities of INRYCO, INC., at Milwaukee, WI, to points in AL, AZ, CA, CO, FL, GA, KS, MO, NV, NC, SC, TN, and UT. (Hearing site: Milwaukee, WI.)

MC 108876 (Sub-136F), filed January 22, 1979. Applicant: A. J. METLER HAULING & RIGGING, INC., 117 Chicamauga Avenue, Knoxville, TN 37917. Representative: Louis J. Amato, P.O. Box E, Bowling Green, KY 42101. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *air cleaners, air coolers, and air pollution control equipment*, and (2) *parts, materials, and attachments* used in the manufacture and installation of the commodities named in (1) above; (except commodities in bulk), between the facilities of American Air Filter at or near Elizabethton and Brownsville, TN, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Nashville, TN, or Louisville, KY.)

MC 109397 (Sub-436F), filed January 15, 1979. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, P.O. Box 113, Joplin, MO 64801. Representative: A. N. Jacobs (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *agricultural, forestry, and nursery equipment, machinery, and implements* (except hand equipment, hand implements, and hand machinery), from the facilities of R. A. Whitfield Manufacturing Co., at or near Mableton, GA, to points in the United States (except AK and HI). (Hearing site: Atlanta, GA, or Kansas City, MO.)

MC 109397 (Sub-438F), filed January 19, 1979. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, P.O. Box 113, Joplin, MO 64801. Representative: A. N. Jacobs (same address as

Applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *Compressed wood fireplace logs and briquettes*, from Flagstaff, AZ, to points in the United States (except AK and HI). (Hearing site: Phoenix, AZ or Kansas City, MO.)

MC 109397 (Sub-439F), filed January 22, 1979. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, P.O. Box 113, Joplin, MO 64801. Representative: A. N. Jacobs (same address as Applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *agricultural parts and implements*, from Clearfield, UT, to points in the United States (except AK and HI). (Hearing site: Salt Lake City, UT.)

MC 109397 (Sub-440F), filed January 22, 1979. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, P.O. Box 113, Joplin, MO 64801. Representative: A. N. Jacobs (same address as Applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *cranes*, and (2) *machinery, attachments, accessories, and parts* used in connection with cranes, between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Essex Crane Rental Corporation. (Hearing site: Birmingham, AL, or Kansas City, MO.)

MC 109397 (Sub-441F), filed January 22, 1979. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, P.O. Box 113, Joplin, MO 64801. Representative: A. N. Jacobs (same address as Applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *metal buildings*, and (2) *parts and accessories* for the above named commodities, from the facilities of Kirby Building Systems, Inc., at or near Spanish Fork, UT, to points in the United States (including AK but excluding HI). (Hearing site: Salt Lake City, UT.)

MC 114457 (Sub-471F), filed January 22, 1979. Applicant: DART TRANSIT COMPANY, 2102 University Avenue, St. Paul, MN 55114. Representative: James H. Wills (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *plastic and plastic articles*, and (2) *materials and supplies* use in the manufacture of plastic and plastic articles (except commodities in bulk), between the facilities of

International Paper Company, at or near Hudson, NC, on the one hand, and, on the other, points in the United States (except AK & HI). (Hearing site: New York, NY or St. Paul, MN.)

MC 114457 (Sub-472F), filed January 22, 1979. Applicant: DART TRANSIT COMPANY, 2120 University Avenue, St. Paul, MN 55114. Representative: James H. Wills (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, (1) *vinyl and plastic siding, clapboard siding, plastic articles, paper articles, and building materials*, and (2) *accessories and supplies* for the commodities named in (1) above, (except commodities in bulk), from the facilities of Bird & Son, Inc., at Bardstown, KY, to points in AZ, CA, CO, CT, DE, ID, IL, IN, IO, KS, ME, MD, MA, MI, MS, NE, NJ, NH, NY, OH, OR, PA, UT, VT, WA, WV, WI, and DC. (Hearing site: Boston, MA, or St. Paul, MN.)

MC 114457 (Sub-473F), filed January 23, 1979. Applicant: DART TRANSIT COMPANY, 2102 University Avenue, St. Paul, MN 55114. Representative: James H. Wills (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs* (except in bulk), from points in WI to points in the United States (except AK, HI, and WI), restricted to the transportation of traffic originating at the facilities of the The Larsen Company. (Hearing site: Madison, WI, or St. Paul, MN.)

MC 115917 (Sub-34F), filed January 24, 1979. Applicant: UNDERWOOD & WELD COMPANY, INC., P.O. Box 247, Crossnore, NC 28616. Representative: Wilmer B. Hill, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, DC 20001. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *salt*, in bulk, from Asheville, NC, to Glade Springs, VA. (Hearing site: Atlanta, GA, or Washington, DC.)

MC 117686 (Sub-237F) filed January 22, 1979. Applicant: HIRSCHBACH MOTOR LINES, INC., P.O. Box 417, Sioux City, IA 51102. Representative: George L. Hirschbach (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *frozen foods*, from the facilities of The Pillsbury Company, at or near Minneapolis and St. Paul, MN, to points in AZ, CA, CO, ID, NV, OR, UT, and WA, restricted to the transportation of traffic originating at the named

facilities and destined to the indicated destinations. (Hearing site: Minneapolis, MN, or Washington, DC.)

Note.—Dual operations may be involved.

MC 119917 (Sub-52F) filed January 19, 1979. Applicant: DUDLEY TRUCKING COMPANY, INC., 724 Memorial Drive, S.E., Atlanta, GA 30316. Representative: William F. Dudley (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *kraft paper and waste paper*, and (2) *materials, equipment, and supplies* used in the manufacture of cardboard boxes, from points in GA, FL, AL, MS, NC, SC, and TN, to the facilities of Chesapeake Container Corporation at Sandston, VA. (Hearing site: Richmond, VA, or Atlanta, GA.)

MC 124896 (Sub-82F), filed January 23, 1979. Applicant: WILLIAMSON TRUCK LINES, INC., P.O. Box 3485, Wilson, NC 27893. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *petroleum, petroleum products, vehicle body sealer and sound deadener compounds, and filters* (except commodities in bulk, in tank vehicles), from points in Warren County, MS, to points in AL, AZ, CA, CO, FL, GA, IN, IA, KS, KY, MD, MI, MN, MO, NE, NM, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VA, WI, and WV, and (2) the *commodities* named in (1) above, and *materials, equipment, and supplies* used in the manufacture and distribution of the commodities named above (except commodities in bulk, in tank vehicles), from points in AL, GA, KY, NY, OH, PA, RI, SC, VA, and WV, to points in Warren County, MS, restricted to the transportation of traffic originating at or destined to the facilities of Quaker State Refining Corporation in Warren County, MS. (Hearing site: Pittsburgh, PA.)

MC 125777 (Sub-303F), filed January 17, 1979. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Avenue, Gary, IN 46403. Representative: Allan C. Zuckerman, 39 South LaSalle Street, Chicago, IL 60603. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *pig iron*, in dump vehicles, from Chicago, IL, to points in ME, VT, NH, MA, CT, DE, NY, PA, NJ, MD, RI, WV, VA, NC, SC, AL, MS, ND, SD, and DC. (Hearing site: Chicago, IL.)

MC 126717 (Sub-15F), filed December 4, 1978. Applicant: Walt's DRIVE-A-WAY SERVICE, INC., 1103 East Franklin Street, Evansville, IN 47711.

Representative: Warren C. Moberly, 320 North Meridian Street, Suite 777, Indianapolis, IN 46204. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *Trucks* (except trucks weighing less than 1500 pounds), and (2) *Mine, well, or quarry-drilling equipment and A-frames* in drive-away service, in secondary movements, (a) from Waverly, IA, to Bryan, OH, and Chattanooga, TN, to Ashland, Corbin, and Louisville, KY, and Evansville and Indianapolis, IN, (b) from Ashland and Corbin, KY, to points in OH, (c) from Louisville, KY, to those points in IN on and south of Interstate Hwy 70, including Indianapolis, IN, (d) from Evansville, IN, to those points in KY on and west of U.S. Hwy 65, and in IL on and south of U.S. Hwy 70, (e) from Indianapolis, IN, to Louisville, KY, (f) from Olathe, KS, and Minneapolis, MN, to Indianapolis, IN, and (g) from Indianapolis, IN, to points in Darke, Clark, Franklin, Greene, Madison, Miami, Montgomery, and Preble Counties, OH, and Vermillion and Gallatin Counties, IL. (Hearing site: Indianapolis, IN, or Washington, DC.)

MC 128616 (Sub-25F), filed January 23, 1979. Applicant: GELCO COURIER SERVICES, INC., P.O. Box 1975, St. Paul, MN 55111. Representative: Sally G. Galway (same address as applicant). To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *commercial papers, documents, and written instruments* as are used in the business of banks and banking institutions (except currency and negotiable securities), between Salt Lake City, UT, on the one hand, and, on the other, points in Uinta and Sweetwater Counties, WY, under continuing contract(s) with banks and banking institutions. (Hearing site: Salt Lake City, UT, or Evanston, WY.)

Note.—Dual operations may be involved.

MC 129387 (Sub-86F), filed January 23, 1979. Applicant: PAYNE TRANSPORTATION, INC., P.O. Box 1271, Huron, SD 57350. Representative: Charles E. Dye (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products and meat byproducts and articles distributed by meat packing houses* as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Omaha, NE, to points in AZ, CA and NV, restricted

to the transportation of traffic originating at the facilities of Dubuque Packing Co. (Hearing Site: Omaha, NE or Chicago, IL.)

MC 130556F filed March 1, 1979. Applicant: SIERRA WEST TRAVEL, 228 North Main Street, Porterville, CA 93257. Representative: Barry Roberts, 888 17th Street, NW., Washington, DC 20006. To engage in operations, in interstate or foreign commerce, as a *broker*, at Porterville, CA, in arranging for the transportation, by motor vehicle, of *passengers and their baggage* in the same vehicle with passengers, in special and charter operations, beginning and ending at points in Obispo, Tulare, and San Luis Counties, CA, and extending to points in the United States, including AK and HI. (Hearing site: Los Angeles, CA.)

MC 134286 (Sub-93F), filed January 23, 1979. Applicant: ILLINI EXPRESS, INC., P.O. Box 1564, Sioux City, IA 51102. Representative: Julie Humbert (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products and meat byproducts, and articles distributed by meat-packing houses* as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from the facilities of Iowa Beef Processors, Inc., at or near Dakota City, NE, to points in AZ, CA, and NV, restricted to the transportation of traffic originating at the named facilities and destined to the named points (except on export traffic). (Hearing site: Omaha, NE, or Kansas City, MO.)

MC 134477 (Sub-314F), filed January 24, 1979. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, MN 55118. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *automotive parts, and materials and supplies* used in the manufacture of automobiles (except commodities in bulk) from points in IL, IN, MI, and OH, to the facilities of Ford Motor Company, at or near St. Paul, MN. (Hearing site: St. Paul, MN.)

MC 134806 (Sub-57F), filed January 22, 1979. Applicant: B-D-R TRANSPORT, INC., P.O. Box 1277, Brattleboro, VT 05301. Representative: Francis J. Ortman, 7101 Wisconsin Avenue, Suite 605, Washington, DC 20014. To operate as a *contract carrier*, by motor vehicle,

in interstate or foreign commerce, over irregular routes, transporting (1) *skis, skiing equipment, and skiing accessories*, from Middletown, CT, to points in CA, and (2) *fiberglass strips*, from points in San Diego County, CA, to Middletown, CT, service in (1) and (2) to be performed under continuing contract(s) with Olin Ski Company, Inc., of Middletown, CT. (Hearing site: Boston, MA, or Washington, DC.)

MC 135007 (Sub-71F), filed January 22, 1979. Applicant: AMERICAN TRANSPORT, INC., 7850 F Street, Omaha, NE 68127. Representative: Arthur J. Cerra, P.O. Box 19251, 2100 TenMain Center, Kansas City, MO 64141. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products, and meat byproducts, and articles distributed by meat-packing houses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Iowa Beef Processors, Inc., at or near Dakota City, NE, to points in AZ, CA, and NV, under continuing contract(s) with Iowa Beef Processors, Inc., of Dakota City, NE. (Hearing site: Kansas City, MO, or Omaha, NE.)

Note.—Dual operations may be involved.

MC 135997 (Sub-1F), filed January 19, 1979. Applicant: TEXAS TANK LEASING, INC., Route 5, Box 99, Conroe, TX 77301. Representative: William D. Lynch, P.O. Box 912, Austin, TX 78767. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *glass fiber reinforced plastic products, fiberglass storage vessels, fiberglass pipe, manholes, and wetwells* (except insulation materials) between points in Galveston, Harris, and Montgomery Counties, TX, on the one hand, and, on the other, points in AZ, CO, IL, KY, NM, TX, UT, LA, KS, MO, AR, MS, AL, TN, FL, GA, and OK. (Hearing site: Houston, TX.)

MC 136897 (Sub-27F), filed January 23, 1979. Applicant: SWIFT TRANSPORTATION COMPANY, INC., 335 West Elwood Road, P.O. Box 3902. Representative: Donald E. Fernaays, 4040 East McDowell Road, Suite 320, Phoenix, AZ 85008. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in or used by grocery and food business houses, in vehicles equipped with mechanical refrigeration (except commodities in

bulk) from the facilities of Kraft, Inc., at (1) Los Angeles, CA, and its commercial zone, and (2) Ontario, CA, to points in AZ, CO, ID, MT, NV, NM, OR, UT, WA, and WY, under continuing contract(s) with Kraft, Inc. of Chicago, IL. (Hearing site: Los Angeles, CA, or Phoenix, AZ.)

Note.—Dual operations may be involved.

MC 138157 (Sub-110F), filed January 19, 1979. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, P.O. Box 9596, Chattanooga, TN 37412. Representative: Patrick E. Quinn (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *wheels and parts for wheels*, from Riverside, CA, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Los Angeles, CA.)

Note.—Dual operations may be involved.

MC 138627 (Sub-52F), filed January 18, 1979. Applicant: SMITHWAY MOTOR XPRESS, INC., P.O. Box 404, Fort Dodge, IA 50501. Representative: Arlyn L. Westergren, Suite 106, 7101 Mercy Road, Omaha, NE 68601. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *lumber and lumber mill products*, from points in SD and WY, to points in AR, IL, IN, IA, KS, KY, MI, MN, MO, NE, ND, OH, OK, PA, SD, TN, and WI. (Hearing site: Omaha, NE.)

MC 138627 (Sub-No. 53F), filed January 18, 1979. Applicant: SMITHWAY MOTOR XPRESS, INC., P.O. Box 404, Fort Dodge, IA 50501. Representative: Arlyn L. Westergren, Suite 106, 7101 Mercy Road, Omaha, NE 68106. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *lumber and lumber mill products*, from points in AR to points in IL, IN, IA, KS, KY, MI, MN, MO, NE, ND, OH, OK, SD, TN, WI, and WY. (Hearing site: Little Rock, AR or Omaha, NE.)

MC 139577 (Sub-30F), filed January 22, 1979. Applicant: ADAMS TRANSIT, INC., P.O. Box 338, Friesland, WI 53935. Representative: Wayne W. Wilson, 150 East Gilman Street, Madison, WI 53703. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs* (except in bulk), (a) from Hoopston and Princeville, IL, to points in IN, IA, KY, MI, MO, OH, TN, and WI, and (b) from 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

all instances to the transportation of traffic originating at the facilities of Joan of Arc Company. [Hearing site: Peoria, IL, or Madison, WI.]

MC 139906 (Sub-30F), filed January 22, 1979. Applicant: INTERSTATE CONTRACT CARRIER CORP., 2156 West 2200 South, P.O. Box 30303, Salt Lake City, UT 84125. Representative: Richard A. Peterson, P.O. Box 81849, Lincoln, NE 68501. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *radios, phonographs, and sound reproduction and amplification equipment*, and (2) *parts, components, and accessories* for the commodities named in (1) above, (except commodities in bulk, and those because of size or weight requiring special handling or equipment), from the facilities of Superscope, Inc., at Chatsworth, GA, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX. [Hearing site: Lincoln, NE, or Salt Lake City, UT.]

Note.—Dual operations may be involved.

MC 140587 (Sub-10F), filed January 16, 1979. Applicant: CECIL CLAXTON, Box 7, Route 3, Wrightsville, GA 31096. Representative: Ronald K. Kolins, 1055 Thomas Jefferson Street, N.W., Washington, D.C. 20007. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *malt beverages and related advertising materials* and (2) *malt beverages and materials* used in the manufacture and distribution of malt beverages (1) from the facilities of Pabst Brewing Co. in Pabst, GA (Houston County, GA) and Newark, NJ, to points in DE, FL, IN, KY, MI, NC, OH, SC, VA, and DC and (2) between the facilities of the Pabst Brewing Co., located at Pabst, GA (Houston County, GA), Newark, NJ, and Peoria, IL. [Hearing site: Atlanta, GA.]

Note.—Dual operations may be involved.

MC 140677 (Sub-20F), filed January 22, 1979. Applicant: EDNA K. BREWER, JOHN R. BREWER, AND LEWIS BREWER, d/b/a BREWER TRUCKING, 1603 East Tallent, Rapid City, SD 57701. Representative: J. Maurice Audren, 1734 Sheridan Lake Road, Rapid City, SD 57701. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *iron and steel articles*, from the facilities of Northwestern Steel & Wire Co., at or near Sterling and Rock Falls, IL, to points in CO, NE, ND, SD, and WY, and (2) *equipment, materials, and supplies* used in the manufacture and distribution of the commodities named in (1) above, in the reverse

direction. [Hearing site: Chicago or Rock Island, IL.]

MC 140827 (Sub-10F), filed January 22, 1979. Applicant: MARKET TRANSPORT, LTD., 33 NE Middlefield Rd., Portland, OR 97211. Representative: Nick I. Goyak, 555 Benjamin Franklin Plaza, One Southwest Columbia, Portland, OR 97258. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *malt beverages*, from Vancouver, WA, to points in CA; and (2) *empty containers, pallets and brewer's supplies*, from points in CA, to points in Vancouver, WA. [Hearing site: Portland, OR or Seattle, WA.]

Note.—Dual operations may be involved.

MC 141076 (Sub-22F), filed January 22, 1979. Applicant: ROGERS MOTOR LINES, INC., R.D. #2, P.O. Box 388 D2, Hackettstown, NJ 07840. Representative: Eugene M. Malkin, Suite 6193, 5 World Trade Center, New York, NY 10048. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs*, in vehicles equipped with mechanical refrigeration, from the facilities of Campbell Soup Company, at or near Napoleon, OH, to Camden, NJ, and points in NY, and PA. [Hearing site: Cleveland, OH, or Washington, DC.]

Note.—Dual operations may be involved.

MC 141428 (Sub-17F), filed January 22, 1979. Applicant: WHEATON CARTAGE CO., a corporation, Millville, NJ 08332. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, DC 20001. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *medical supplies, surgical supplies, and hospital supplies*, from Benicia and Los Gatos, CA, to points in CT, NJ, and NY, under continuing contract(s) with Becton-Dickinson and Company of Rutherford, NJ. [Hearing site: New York, NY.]

Note.—Dual operations may be involved.

MC 141426 (Sub-18F), filed January 23, 1979. Applicant: WHEATON CARTAGE CO. (a corporation), Millville, NJ 08332. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, DC 20001. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *medical supplies, surgical supplies, and hospital supplies*, from Sumter, SC, to points in NE, IL, NJ, and CT, under continuing contract(s) with Becton-Dickinson and Company of

Rutherford, NJ. [Hearing site: New York, NY.]

Note.—Dual operations may be involved.

MC 141426 (Sub-19F), filed January 23, 1979. Applicant: WHEATON CARTAGE CO. (a corporation), Millville, NJ 08332. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, DC 20001. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *medical supplies, surgical supplies, and hospital supplies*, from North Canaan, CT, to points in TX, GA, FL, IL, and CA, under continuing contract(s) with Becton-Dickinson and Company of Rutherford, NJ. [Hearing site: New York, NY.]

Note.—Dual operations may be involved.

MC 141426 (Sub-20F), filed January 24, 1979. Applicant: WHEATON CARTAGE CO. (a corporation), Millville, NJ 08332. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, DC 20001. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *medical supplies, surgical supplies, and hospital supplies*, from Hancock, NY, to points in FL, GA, and CA, under continuing contract(s) with Becton-Dickinson and Company of Rutherford, NJ. [Hearing site: New York, NY.]

Note.—Dual operations may be involved.

MC 142207 (Sub-25F), filed January 22, 1979. Applicant: BRANNAN SYSTEMS, INC., P.O. Box 29287, New Orleans, LA 70189. Representative: Bruce E. Mitchell, Fifth Floor-Lenox Towers South, 3390 Peachtree Road, Atlanta, GA 30326. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission and commodities in bulk), in containers or in trailers, having immediately prior or subsequent movement by water, and, (2) *empty containers, used trailers and used trailer chassis*, between New Orleans, LA and points in Mobile County, AL, on the one hand, and, on the other, those points in the United States in and east of TX, OK, KS, NE, IA and MN. [Hearing site: New Orleans, LA.]

MC 143267 (Sub-46F), filed January 23, 1979. Applicant: CARLTON ENTERPRISES, INC., P.O. Box 520, Mantua, OH 44255. Representative: Neal A. Jackson, 1155 15th Street, N.W., Washington, DC 20005. To operate as a *common carrier*, by motor vehicle, in

interstate or foreign commerce, over irregular routes, transporting *iron and steel articles*, from the facilities of National Wire Products, Inc., at (1) Baltimore, MD, (2) Toledo, OH, (3) Atlanta, GA, (4) Savannah, GA, and (5) Tampa, FL, to those points in the United States in and east of WI, IL, KY, TN, and MS. (Hearing site: Cleveland, OH, or Washington, DC.)

MC 144407 (Sub-6F), filed January 19, 1979. Applicant: DECKER TRANSPORT COMPANY, INCORPORATED, 412 Route 23, Pompton Plains, NJ 07444. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs*, and *materials, equipment, and supplies* used in the manufacture and sale of the above named commodities (except commodities in bulk), between the facilities of Nabisco, Inc. at or near Fair Lawn, NJ, Philadelphia, PA, and McComb, OH, on the one hand, and, on the other, points in FL, TX, LA, OH, IN, IL, and MS restricted to the transportation of traffic originating at the named origin facilities and destined to the above destinations. (Hearing site: New York, NY or Washington, DC.)

Note.—Dual operations may be involved.

MC 144557 (Sub-2F), filed January 19, 1979. Applicant: HUDSON TRANSPORTATION, INC., P.O. Box 847, Troy, AL 36081. Representative: William P. Jackson, Jr., 3426 North Washington Blvd., P.O. Box 1240, Arlington, VA 22210. To operate as a *common carrier* by motor vehicle, in interstate or foreign commerce, transporting flour and corn meal (except in bulk), from the facilities of Shawnee Milling Co., at or near Shawnee, OK, to points in AL, FL, GA, LA, MS, MC, SC, TN, and KY. (Hearing site: Oklahoma City, OK.)

Note.—Dual operations may be involved.

MC 144626 (Sub-1F), filed January 24, 1979. Applicant: TRANS NATIONAL EXPRESS, INC., 520 Otter Hole Road, West Milford, NJ 07480. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *foodstuffs*, and (2) *materials, equipment, and supplies* used in the manufacture and sale of foodstuffs, (except commodities in bulk), between the facilities of Nabisco, Inc., at or near (a) Fair Lawn, NJ, (b) Philadelphia, PA, and (c) McComb, OH, on the one hand, and, on the other, points in AZ, CA, OR, and WA, restricted in (1) and (2) above to

the transportation of traffic originating at the named origin facilities and destined to the indicated destinations. (Hearing site: New York, NY, or Washington, DC.)

MC 144747 (Sub-5F), filed January 19, 1979. Applicant: INTERSTATE EQUIPMENT CO., INC., 22821 N. 81st Avenue, Peoria, AZ 85345. Representative: Phil B. Hammond, 111 W. Monroe, 10th Floor, Phoenix, AZ 85003. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *glass fiber, glass yarn, fiberglass cloth and fabric, and waste fiber*, (1) from the facilities of Owens-Corning at (a) Anderson, SC, (b) Jackson, TN, (c) Huntingdon, PA, and (d) Amarillo, TX, to the facilities of Royell, Inc., at (a) Mountain View, CA, (b) Anderson, CA, (c) Sacramento, CA, (d) Marysville, CA, (e) Woodland, CA, (f) Los Angeles, CA, (g) Bakersfield, CA, (h) Fresno, CA, and (i) Carson City, NV, and (2) from the facilities named in (1) above to points in CA and NV, under continuing contract(s) with Royell, Inc., of Mountain View, CA. (Hearing site: Mountain View, CA, or Phoenix, AZ.)

MC 145267 (Sub-5F), filed January 23, 1979. Applicant: CAMPBELL TRANSPORT, INC., P.O. Box 388, Vineland, NJ 08360. Representative: Mark D. Russell, 407 Walker Building, 734 15th Street, N.W., Washington, DC 20005. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *animal feed, feed ingredients, and additives*, and (2) *materials and supplies* used in the manufacture and promotion of animal feed, (except commodities in bulk), between the facilities of Kal Kan Foods, Inc., at or near (a) Mattoon, IL, (b) Indianapolis, IN, (c) Terre Haute, IN, (d) Hutchinson, KS, (e) Sherburne, NY, and (f) Columbus, OH, on the one hand, and, on the other, points in the United States (except AK and HI), under continuing contract(s) with Kal Kan Foods, Inc., of Vernon, CA. (Hearing site: Philadelphia, PA, or Washington, DC.)

MC 145446 (Sub-1F), filed January 22, 1979. Applicant: TRADE FURNITURE DELIVERY, INC., 18 Thames Street, Brooklyn, NY 11208. Representative: Ronald I. Shapps, 450 Seventh Avenue, New York, NY 10001. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *uncrated furniture*, between New York, NY, on the one hand, and, on the other, points in NY, CT, and NJ. (Hearing site: New York, NY.)

Note.—Dual operations may be involved.

Mc 145487 (Sub-1F), filed January 22, 1979. Applicant: SMITH TRUCK BROKERAGE, INC., P.O. Box 974, Willmar, MN 56201. Representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, MN 55403. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *protective floor finishes*, from Chicago, IL, to points in ND, SD, WY, MT, ID, WA, and OR, under continuing contract(s) with Magee Chemical Company, of Des Plaines, IL. (Hearing site: Minneapolis or St. Paul, MN.)

Mc 146146 (Sub-1F), filed January 23, 1979. Applicant: HADDAD TRANSPORTATION, INC., 5000 Wyoming Avenue, Dearborn, MI 48128. Representative: J. F. Schouman, 21925 Garrison Road, Dearborn, MI 48124. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1)(a) *fluid drives, couplings, gas and air moving equipment, dust collectors, and industrial coils*, and (b) *equipment and supplies* for the commodities named in (1)(a) above, from Dearborn, MI, to points the United States (except AK and HI), and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities named in (1) above, from points in IL, IN, PA, and MI, to Dearborn, MI, under continuing contract(s) with American Standard of New Brunswick, NJ. (Hearing site: Detroit, MI, or Washington, DC.)

Mc 146237F, filed January 24, 1979. Applicant: MELBA S. POWELL d.b.a. C.B.M. TRANSPORT, 922 South 2300 East, Salt Lake City, UT 84108. Representative: Harry D. Pugsley, 310 South Main Street, Suite 1200, Salt Lake City, UT 84101. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *soda ash*, from the facilities of FMC at or near Green River, WY, to points in CA, and (2) *Water heaters*, from points in Los Angeles County, CA, to points in UT, CO, ID, OR, WA, and MT. (Hearing site: Salt Lake City, UT.)

[Decisions Vol. No. 38]  
[FR Doc. 79-12710 Filed 4-25-79; 8:45 am]  
BILLING CODE 7035-01-M

### Assignment of Hearings

April 23, 1979.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be

published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 143978 (Sub-2), Emerson Delivery, Inc., MC-143978 (Sub-No. 3), Emerson Delivery, Inc., now assigned for hearing on May 14, 1979, at Chicago, IL, and will be held in Room No. 572, Everett McKinley Dirksen Bldg., 219 S. Dearborn Street.

MC 145491F, Piggyback Transportation Services, Inc., now assigned for hearing on May 16, 1979 at Chicago, IL, and will be held in Room No. 572, Everett McKinley Dirksen Bldg., 219 S. Dearborn Street.

MC 114632 (Sub-161F), Apple Lines, Inc., now assigned for hearing on May 14, 1979, is canceled and reassigned to May 14, 1979 (5 days), in Room B-15, Federal Building, U.S. Courthouse, 110 South 4th Street, Minneapolis, MN.

MC 118638 (Sub-5F), GCS Air Service, Inc., now assigned for hearing on May 15, 1979 at Columbus, OH, is postponed indefinitely.

MC 103993 (Sub-931F), Morgan Drive-Away, Inc., now assigned for hearing on May 7, 1979 at Chicago, Illinois and will be held in Room 1319, Everett McKinley Dirksen Building, 219 South Dearborn Street.

No. 37087, Clevepak Corporation V. Checker Express Co. and O.K. Motor Service, Inc., now assigned for hearing on, May 3, 1979 at Chicago, Illinois and will be held in Room 1319, Everett McKinley Dirksen Building, 219 South Dearborn Street.

H. G. Homme, Jr.,  
Secretary.

[Notice No. 76]

[FR Doc. 79-12959 Filed 4-26-79; 8:45 am]

BILLING CODE 7035-01-M

### Exemption Under Provision of Rule 19 of the Mandatory Car Service Rules Ordered in Ex Parte No. 241

April 23, 1979.

To: The Atchison, Topeka and Santa Fe Railway Company; Boston and Maine Corporation; Chicago, Milwaukee, St. Paul and Pacific Railroad Company; Chicago, Rock Island and Pacific Railroad Company; Consolidated Rail Corporation;<sup>1</sup> Illinois Central Gulf Railroad Company; Louisville and Nashville Railroad Company; Missouri-Illinois Railroad Company; Missouri Pacific Railroad Company, and Seaboard Coast Line Railroad Company.

*It appearing,* That the railroads have mutually agreed to the use of each other's empty plain cars having

mechanical designations "XM," "XMI," "XMIH," "FM"—less than 200,000 lbs., "GA," "GB," "GD," "GH," and "GS" and bearing reporting marks assigned to such carriers.

*It further appearing,* That these railroads have mutually agreed to participate in an Expanded Clearinghouse Project in which each road will treat the cars of the other roads as system cars, with the Car Service Division of the AAR acting as agent.

*It is ordered,* That, pursuant to the authority vested in me by Car Service Rule 19, empty plain cars described in the Official Railway Equipment Register, I.C.C.—R.E.R. No. 410, issued by W. J. Trezise, or successive issues thereof, as having mechanical designations of "XM," "XMI," "XMIH," "FM"—less than 200,000 lbs., "GA," "GB," "GD," "GH," and "GS" and bearing the following reporting marks are exempt from provisions of Car Service Rules 1 and 2, while on the lines of any of the railroads named below. Any clearinghouse ownership car bearing one of the applicable mechanical designations may be loaded out via a non-clearinghouse railroad if the car is placed empty by a clearinghouse road at a point open to reciprocal switching.

The Atchison, Topeka and Santa Fe Railway Company  
Reporting Marks: ATSF Effective August 22, 1976.

Boston and Maine Corporation  
Reporting Marks: BM Effective February 4, 1979.

Chicago, Milwaukee, St. Paul and Pacific Railroad Company  
Reporting Marks: MILW Effective July 15, 1976.

Chicago, Rock Island and Pacific Railroad Company  
Reporting Marks: RI—ROCK Effective September 12, 1976.

Consolidated Rail Corporation  
Reporting Marks: BCK—CNJ—CR—DL&W—EL—ERIE—LV—NH—NYC—PAE—PC—PCA—PRR—RDG—TOC Effective November 6, 1977.<sup>1</sup>

Illinois Central Gulf Railroad Company  
Reporting Marks: ICG—GM&O—IC Effective August 22, 1976.

Louisville and Nashville Railroad Company  
Reporting Marks: L&N—CIL—MON—NC Effective August 15, 1976.

Missouri-Illinois Railroad Company  
Reporting Marks: MI Effective July 15, 1976.

Missouri Pacific Railroad Company  
Reporting Marks: MP—C&EI—KO&G—T&P Effective July 15, 1976.

Seaboard Coast Line Railroad Company  
Reporting Marks: SCL—ACL—C&WC—SAL Effective August 15, 1976.

<sup>1</sup> Change.

<sup>1</sup> Delaware and Hudson Railway Company eliminated effective April 15, 1979.

*It is further ordered,* That this order will become effective for specific ownerships on dates to be set by the Car Service Division as each road is phased into the Project participants, and to advise the undersigned.

Effective 12:01 a.m., April 15, 1979, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., April 12, 1979.

Interstate Commerce Commission.

Robert S. Turkington,

Agent.

[Fifteenth Revised Exemption No. 128]

[FR Doc. 79-12960 Filed 4-25-79; 8:45 am]

BILLING CODE 7035-01-M

### Chicago, Milwaukee, St. Paul & Pacific Railroad Co.

April 23, 1979.

Because of the inability of the railroad to assemble the cars, a movement of 50 empty covered hopper cars has been seriously delayed enroute to Houston, Texas, for loading. The Pillsbury Company desires to ship a fifty car unit-grain-train of corn to Houston, Texas, routed MILW—ATSF. The consignee at Houston, Texas, is badly in need of the corn. Only 25 empty covered hoppers have arrived at Wells, Minnesota. Section (a) of Revised Service Order No. 1312 authorizes any railroad which is unable to supply the number of covered hopper cars required by its tariff to transport unit-grain-trains of fewer cars in accordance with the scale in Section (b).

Pursuant to the authority vested in the Director, Bureau of Operations, by Section (h) of Revised Service Order No. 1312, The Chicago, Milwaukee, St. Paul and Pacific Railroad Company is authorized to operate a fifty (50) car unit-grain-train from Wells, Minnesota, to Houston, Texas, comprised of fifty (50) covered hoppers, on a one trip basis, with a minimum of 25 loaded cars operated in the first movement, and the remaining cars of the unit-train operated together in the final movement of this unit-grain-train. The total tariff minimum weight will be transported as required except if the railroad is unable to move all of the empty covered hoppers to the loading point on the final movement, the train can be reduced by the allowable number of cars or allowable weight percentage, as set forth in Section (b) of this Service Order.

This exception applies to railroad owned and private covered hopper cars.

The bills of lading and waybills shall bear the following endorsement: "Unit-grain-train of ( ) tons or ( ) cars. Partial movement of ( ) tons or ( )

cars forwarded authority Exception No. 7 to ICC Revised Service Order No. 1312. ( ) tons or ( ) cars to follow."

Demurrage rules will be treated as if each of the movements of the unit-train is a complete movement in itself.

*Effective 10:00 a.m., April 6, 1979.*

*Expires 11:59 p.m., May 31, 1979.*

Issued at Washington, D.C., April 6, 1979.

Robert S. Turkington,

Assistant Director, Bureau of Operations.

[Rev. S.O. 1312; Exception 7]

[FR Doc. 79-12962 Filed 4-25-79; 8:45 am]

BILLING CODE 7035-01-M

**Norfolk & Western Railway Co. and Southern Railway Co.; Petition for Waiver of Consolidation Procedures; Decision**

Decided: April 18, 1979.

On April 11, 1979, Norfolk and Western Railway Company (N&W) and Southern Railway Company (Southern) filed a petition seeking waiver of section 1111.2(b)(3)(i) of the Commission's Railroad Acquisition, Control, Merger, Consolidation Project, Trackage Rights and Lease Procedures, 49 C.F.R. Part 1111 (1977), revised at 44 Fed. Reg. 2,177 (1979) (Consolidation Procedures). The petition was filed in anticipation of the submission by N&W and Southern of an application under 49 U.S.C. § 11343 for authority to consolidate the two railroads. Both N&W and Southern are class I railroads, N&W and subsidiaries serving the East and Midwest, and the Southern system operating throughout the Southeast.

Section 1111.2(b)(3)(i) of the Consolidation Procedures specifies that the traffic study submitted as Exhibit A-16 (formerly Exhibit A-15) to an application shall cover the latest full calendar for which data are available. This provision would require N&W and Southern to present a traffic study for calendar year 1978. The prospective applicants request waiver to permit use of calendar year 1977 data in preparing traffic studies, asserting that 1978 data do not accurately reflect normal traffic patterns and would bias the estimated gains and diversions from the proposed consolidation.

The petitioners indicate that two major strikes in 1978 affected N&W's operations, and in turn those of Southern and other connecting carriers. During an 82-day strike by the Brotherhood of Railway and Airline Clerks against N&W, the railroad handled only 43 percent of its normal traffic. A strike by the United Mine Workers against the coal mining industry combined with the clerks' strike to reduce N&W coal traffic

originated and received by 24.3 percent and 22.4 percent, respectively, from 1977 levels.

*We find*, That the petitioners have demonstrated good cause to justify granting the waiver requested. To facilitate valid comparisons, we should require all traffic studies submitted in the proposed proceeding to cover calendar year 1977. We shall notify the public by delivering a copy of this decision for publication in the Federal Register.

This decision will not affect the quality of the human environment or the level of energy consumption.

*It is ordered*, The petition for waiver of 49 CFR § 1111.2(b)(3)(i) is granted to the extent indicated above.

If the petitioners file an application for consolidation, all traffic studies submitted by parties to the proceeding shall cover calendar year 1977.

Public notice shall be given by delivery of a copy of this decision to the Director, Federal Register, for publication. This decision shall be effective on the day it is served.

By the Commission, Chairman O'Neal, vice-Chairman Brown, Commissioners Stafford, Gresham, Clapp, and Christian.

H. G. Homme, Jr.,

Secretary.

[Finance Docket No. 29012]

[FR Doc. 79-12963 Filed 4-25-79; 8:45 am]

BILLING CODE 7035-01-M

**St. Louis-San Francisco Railway Co.; Exemption Under Provision of Rule 19 of the Mandatory Car Service Rules Ordered in Ex Parte No. 241**

April 23, 1979.

Because of flooding conditions at Cantonment, Florida; Green Tree, Alabama; MacMillan, Alabama and Fountain, Alabama, the St. Louis-San Francisco Railway Company is unable to relocate empty cars to the industries at Cantonment, Florida; Green Tree, Alabama; MacMillan, Alabama and Fountain, Alabama, for loading in accordance with Car Service Rules 1 and 2. Consequently, the St. Louis-San Francisco Railway Company is unable to furnish cars of suitable ownership to shippers in order that the cars can be loaded in accordance with Car Service Rules 1 and 2.

*It is ordered*, That pursuant to the authority vested in me by Car Service Rule 19:

(a) The St. Louis-San Francisco Railway Company, is authorized to accept from shippers at Cantonment, Florida; Green Tree, Alabama; MacMillan, Alabama and Fountain, Alabama, General service freight cars described in paragraph (b) owned by

other railroads regardless of the provisions of Car Service Rules 1 and 2.

(b) This exemption is applicable to general service freight cars bearing reporting marks assigned to railroads listed in the Official Railway Equipment Register, I.C.C.-R.E.R. No. 410, issued by W. J. Trezise, or successive issues thereof, as having the following mechanical designations:

Plain boxcars: "XM", "XMI"

*It is further ordered*, (c) This exemption shall not apply to cars of Mexican or Canadian ownership or to cars subject to Interstate Commerce Commission or Association of American Railroads' Orders requiring return of cars to owners.

*Effective 10:00 a.m., April 16, 1979.*

*Expires 11:59 p.m., April 20, 1979.*

Issued at Washington, D.C., April 16, 1979.

Interstate Commerce Commission.

Joel E. Burns,

Agent.

[Exemption No. 102]

[FR Doc. 79-12961 Filed 4-25-79; 8:45 am]

BILLING CODE 7035-01-M

# Sunshine Act Meetings

Federal Register

Vol. 44, No. 82

Thursday, April 26, 1979

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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### CIVIL AERONAUTICS BOARD.

Notice of deletion of item from the April 19, 1979, meeting agenda.

**TIME AND DATE:** 10 a.m., April 19, 1979.

**PLACE:** Room 1027, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

**SUBJECT:** 18. Dockets 31213, 31529, 33222, 34678, 34699, 34701, 34702, and 34703; Fort Myers-Atlanta/Tampa authority portion (memo 8233-B, 8233-C, 8233-D and 8233-E, BPDA, BLJ, OGC).

**STATUS:** Open.

**PERSON TO CONTACT:** Phyllis T. Kaylor, the Secretary, 202-673-5068.

**SUPPLEMENTARY INFORMATION:** Item 18 is being deleted from the April 19, agenda so that the Chairman may be provided with additional information. Accordingly, the following Members have voted that agency business requires that Item 18 be deleted from the agenda and that no earlier announcement of this deletion was possible:

Chairman Marvin S. Cohen,  
Member Richard J. O'Melia, Member  
Elizabeth E. Bailey, Member Gloria Schaffer.  
[S-795-79 Filed 4-26-79; 10:11 am]  
BILLING CODE 6320-01-M

2

### FEDERAL ELECTION COMMISSION.

**DATE AND TIME:** Wednesday, April 25, 1979.

**PLACE:** 1325 K Street NW., Washington, D.C.

**STATUS:** This meeting will be open to the public.

Due to extraordinary circumstances, the Commission will meet in special session following the executive session to discuss administrative cost estimates for S. 623.

#### PERSON TO CONTACT FOR INFORMATION:

Fred S. Riland, Public Information Officer, telephone: 202-523-4065.

Marjorie W. Emmons,

Secretary to the Commission.

[FR Doc. S-793-79 Filed 4-24-79; 12:11 pm]

BILLING CODE 6715-01-M

3

### FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 44 FR 24244, Apr. 24, 1979.

**PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING:** 10 a.m., April 25, 1979.

**CHANGE IN MEETING:** The following item has been added:

#### Item No., Docket No., and Company

ER-1(A). Investigation of practices under automatic adjustment clauses.

ER-1(B). Investigation of automatic clauses in public utility rate schedules.

Lois Cashell,

Acting Secretary.

[S-800-79 Filed 4-24-79; 1:13 pm]

BILLING CODE 6740-02-M

4

### FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 44 FR 24244, April 24, 1979.

**PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING:** 10 a.m., April 25, 1979.

**CHANGE IN THE MEETING:** The following item has been added:

#### Item No., Docket No., and Company

M-6(A). Notice of well category determination by the Office of Conservation of Louisiana.

M-6(B). Proration units and their applicability to section 103 of the NGPA.

Lois Cashell,

Acting Secretary.

[S-801-79 Filed 4-24-79; 1:13 pm]

BILLING CODE 6740-02-M

5

### FEDERAL HOME LOAN BANK BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. 44, No. 79, page 23975, April 23, 1979.

**PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING:** 2:30 p.m., April 26, 1979.

**PLACE:** 1700 G Street NW., Sixth Floor, Washington, D.C.

**STATUS:** Open meeting.

**CONTACT PERSON FOR MORE INFORMATION:** Franklin O. Bolling, 202-377-6877.

#### CHANGES IN THE MEETING:

The following item has been added to the agenda for the open meeting:

Application to acquire control of Benjamin Franklin Savings Association, Houston, Tex., by Mischer Corp., Houston, Tex.

No. 233, April 23, 1979.

[S-794-79 Filed 4-24-79; 10:11 am]

BILLING CODE 6720-01-M

6

### FEDERAL HOME LOAN MORTGAGE CORPORATION.

**TIME AND DATE:** 9:30 a.m., April 27, 1979.

**PLACE:** 1700 G Street NW., Sixth Floor, Washington, D.C.

**STATUS:** Closed meeting.

**CONTACT PERSON FOR MORE INFORMATION:** Henry Judy, 202-789-4734.

#### MATTERS TO BE CONSIDERED:

Appointment of Chief Financial Officer.  
Consideration of Salary Resolution on Deputy General Counsel.

Announcement is being made at the earliest practicable time.

No. 231, April 24, 1979.

J. J. Finn,

Secretary.

[S-796-79 Filed 4-24-79; 10:55 am]

BILLING CODE 6720-02-M

7

### INTER-AMERICAN FOUNDATION.

**TIME AND DATE:** 8 p.m. May 11, 1979; 6 p.m. May 12 1979.

**PLACE:** Hotel Crillon Lima, Peru.

**STATUS:** Open.

**MATTERS TO BE CONSIDERED:** Onsite review of Inter-American Foundation funded projects.

**CONTACT PERSON FOR MORE INFORMATION:** Lawrence E. Bruce, Jr., 703-841-3812.  
[S-804-79 Filed 4-24-79; 2:28 pm]  
BILLING CODE 7025-01-M

8

**INTERNATIONAL TRADE COMMISSION.**  
**TIME AND DATE:** 10 a.m., Thursday, May 3, 1979.

**PLACE:** Room 117, 701 E Street NW., Washington, D.C. 20436.

**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:**  
Portions open to the public.

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints (if necessary);  
a. Injection blow molding apparatus (Docket No. 568).
5. Any items left over from previous agenda.

**PORTIONS CLOSED TO THE PUBLIC:**

6. Status report on Investigation 332-101 (MTN Study), if necessary.

**CONTACT PERSON FOR MORE INFORMATION:** Kenneth R. Mason, Secretary, 202-523-0161.

[USITC SE-79-18]  
[S-790-79 Filed 4-24-79; 10:11 am]  
BILLING CODE 7020-02-M

9

**NATIONAL TRANSPORTATION SAFETY BOARD.**

**TIME AND DATE:** 9 a.m., Thursday, May 3, 1979 [NM-79-15]

**PLACE:** NTSB Board Room, National Transportation Safety Board, 800 Independence Avenue, SW., Washington, D.C. 20594.

**STATUS:** Open.

**MATTERS TO BE CONSIDERED:**

1. *Aircraft Accident Report*—Rocky Mountain Airways, Inc., DeHavilland DHC-6 Twin Otter, N25RM, near Steamboat Springs, Colo., December 4, 1978.
2. *Highway Accident Report*—Ross Ambulance Service, ambulance high-speed overturn, State Route 116, Littleton, N.H., Aug. 22, 1978.
3. *Pipeline Accident Report*—Mid-America Pipeline System, ruptured 8-inch liquefied petroleum gas pipeline, Donnellson, Iowa, August 4, 1978.
4. *Special Investigation Report on the Safe Transportation of Hazardous Materials—Hazardous Materials Accident Mapping Standards.*
5. *Letters to attorneys for pilot of Santa Cruz II and Empress Lineas Maritimas re Cuyahoga/Santa Cruz II marine accident report.*

**CONTACT PERSON FOR MORE INFORMATION:** Sharon Flemming, 202-472-6022.

April 24, 1979.  
[S-805-79 Filed 4-24-79; 3:05 pm]  
BILLING CODE 4910-58-M

**10**  
**NUCLEAR REGULATORY COMMISSION.**

**TIME AND DATE:** Week of April 23, 1979 (Revised).

**PLACE:** Commissioners' Conference Room, 1717 H Street NW., Washington, D.C.

**STATUS:** Open and closed.

**MATTERS TO BE CONSIDERED:**

*Tuesday, April 24, 2 p.m.*

1. Discussion of personnel matter [Tentative, approx. 1 hour—closed—exemption 6—postponed from April 23].

*Wednesday, April 25, 9:30 a.m.*

1. Staff briefing on emergency planning (Approx. 2 hours—public meeting—rescheduled from April 26).

*Wednesday, April 25, 1:30 p.m.*

1. Interim briefing by study group on construction during review (Approx. 1 hour—public meeting—postponed from April 18).
2. Continuation of briefing on principal factors related to current status of operating plants (including B & W) (Approx. 1½ hours—public meeting—continued from April 23).

*Thursday, April 26, 9:30 a.m.*

1. Discussion of legislative matters (including siting and licensing) (Approx. 2 hours—public meeting—rescheduled from April 25).

*Thursday, April 26, 1:30 p.m.*

1. Staff briefing on five-plant shutdown (Seismic design) (Approx. 1½ hours—public meeting—postponed from April 20).
2. Affirmation Session (Approx. 10 minutes—public meeting). (Items as announced).
3. Discussion of petition for institution of proceedings regarding proposal to use shorter pilings for the foundation of the Bailly Generating Facility, nuclear-1 (Approx. 1½ hours—closed—Exemption 10).

**ADDITIONAL INFORMATION:** The "Briefing on the Resident Inspector Program" scheduled for April 26 is postponed.

**CONTACT PERSON FOR MORE INFORMATION:** Walter Magee, 202-634-1410.

Walter Magee,  
Office of the Secretary.  
[S-802-79 Filed 4-24-79; 1:26 pm]  
BILLING CODE 7590-01-M

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**SECURITIES AND EXCHANGE COMMISSION.**

Notice is hereby given, pursuant to the provisions of the Government in the

Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meetings during the week of April 30, 1979, in Room 825, 500 North Capitol Street, Washington, D.C.

A closed meeting will be held on Wednesday, May 2, 1979, at 10 a.m. An open meeting will be held on Thursday, May 3, 1979, at 10 a.m.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meeting. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meeting may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4)(B)(9)(A) and (10) and 17 CFR 200.402 (a)(8)(9)(i) and (10).

Chairman Williams and Commissioners Loomis, Evans and Pollack determined to hold the aforesaid meeting in closed session.

The subject matter of the closed meeting scheduled for Wednesday, May 2, 1979, at 10 a.m., will be:

- Litigation matter.
- Formal orders of investigation.
- Access to investigative files by Federal, State, or Self-Regulatory Authorities.
- Settlement of administrative proceedings of an enforcement nature.
- Institution of administrative proceedings of an enforcement nature.
- Institution and settlement of administrative proceedings of an enforcement nature.
- Regulatory matters bearing enforcement implications.
- Freedom of information act appeal.

The subject matter of the open meeting scheduled for Thursday, May 3, 1979, at 10 a.m., will be:

1. Consideration of a release announcing the adoption of a new rule 3a40-1 (17 CFR 240.3a40-1) under the Securities Exchange Act designating "financial responsibility rules" for purposes of the Securities Investor Protection Act of 1970. For further information, please contact Gregory N. Smith at (202) 755-7484.
2. Consideration of proposed amendments to plans filed under Rules 17a-5(a)(4) and 17a-10(b) of the Exchange Act to implement the FOCUS reporting system and delegation of authority to the Division of Market Regulation to approve future proposed amendments to the plans. For further information, please contact Elizabeth S. York at (202) 376-8137.

3. Consideration of (1) a request for leave to withdraw an application by The First National Bank of Chicago and the Midwest Association of Credit Unions, which sought

an exemption from all provisions of the Investment Company Act of 1940 for a common trust fund to be offered to credit unions, and (2) the discontinuation of a related administrated proceeding. For further information, please contact H. R. Hallock, Jr. at (202) 755-1648 or Suzanne Brannan at (202) 376-3228.

4. Consideration of whether to adopt new Rule 14a-3 and amend Rules 19b-1 and 22c-1 under the Investment Company Act of 1940 ("Act"). This rulemaking would provide certain unit investment trusts with "start-up" exemptions pertaining to the Act's minimum net worth requirements, limitation on the frequency of distributing capital gains, and forward pricing requirements. For further information, please contact Mark B. Goldfus at (202) 755-0230 or Mark J. Mackey at (202) 755-1547.

5. Consideration of whether to propose for public comment an amendment to Rule 22c-1(b) under the Investment Company Act of 1940 ("Act"). This rulemaking would provide that (1) the board of directors of an investment company determine the time that the investment company prices its redeemable securities; and (2) an investment company compute the current net asset value of its redeemable securities on each day in which there is a sufficient degree of trading in its portfolio securities such that the current net asset value of its redeemable securities might be materially affected by changes in the value of its portfolio securities. For further information, please contact Mark B. Goldfus at (202) 755-0230 or Mark J. Mackey at (202) 755-1547.

6. Consideration of whether to propose for public comment an amendment to Rule 17d-1 under the Investment Company Act of 1940 ("Act"). New paragraph (d)(6) would exempt from the prohibitions of Section 17(d) of the Act, and Rule 17d-1 thereunder, the joint participation by investment companies and certain affiliated persons in the reorganization of a portfolio company, provided that certain conditions were satisfied. For further information, please contact Mark B. Goldfus at (202) 755-0230 or Cathy G. Douglas at (202) 755-6972.

7. Consideration of whether to propose for public comment an amendment to Rule 17d-1 under the Investment Company Act of 1940 ("Act"). New paragraph (d)(7) would exempt joint liability insurance policies covering an investment company and an affiliated person thereof from the prohibitions of Section 17(d) of that Act, and Rule 17d-1 thereunder, provided that certain conditions were satisfied. For further information, please contact Mark B. Goldfus at (202) 755-0230 or Cathy G. Douglas at (202) 755-6972.

8. Consideration of an application by Temporary Investment Fund, Inc. ("Fund"), a registered open-end, diversified, management investment company, for an order, pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act"), exempting the Fund from certain provisions of the Act. The requested exemptions would enable the Fund to issue two classes of shares with differing record dates for the purpose of dividend declarations in order that investors may elect to receive their first dividend either on the

day shares of the Fund are purchased or on the day subsequent to the purchase of Fund shares. For further information, please contact Chris Townsend at (202) 755-1734.

9. Consideration of whether to propose for public comment an amendment to Rule 17a-6 under the Investment Company Act of 1940 ("Act"). The amendment would expand the existing exemptions from the prohibitions of Section 17(a) of the Act, which are provided by Rule 17a-6, to transactions between any investment company and a company that is an affiliated person thereof solely because 5 percent or more of its outstanding voting securities are owned by the investment company. For further information, please contact Mark B. Goldfus (202) 755-0230 or Cathy G. Douglas at (202) 755-6972.

**FOR FURTHER INFORMATION, CONTACT:**  
George Yearsich at (202) 755-1100.

April 23, 1979.

[S-797-79 Filed 4-24-79; 10:26 am]

**BILLING CODE 8010-01-M**

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### **UNITED STATES RAILWAY ASSOCIATION.**

**TIME AND DATE:** 9 a.m., May 3, 1979.

**PLACE:** 955 L'Enfant Plaza North SW., Board Room, Room 2-500, Fifth Floor, 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 BY THE BOARD OF DIRECTORS:**

##### *Portions closed to the public (9 a.m.)*

1. Consideration of internal personnel matters.
2. Review of Conrail proprietary and financial information for monitoring and investment purposes.
3. Review of Delaware and Hudson Railway Company proprietary and financial information for monitoring and investment purposes.
4. Litigation report.

##### *Portions open to the public (1:30 p.m.)*

5. Approval of minutes of the April 4, 1979, Board of Directors meeting.
6. May 31 Conrail Performance Report.
7. Report on Conrail monitoring.
8. Consideration of Financing Agreement amendments.
9. Report on Supplemental Transaction Proposal.
10. Consideration of 211(h) loan program.
11. Consideration of Conrail May drawdown request.
12. Contract actions (extensions and approvals).

[S-803-79 Filed 4-24-79; 1:55 pm]

**BILLING CODE 8240-01-M**





## DEPARTMENT OF ENERGY

## 10 CFR Parts 203, 735, 1010

## Conduct of Employees

AGENCY: Department of Energy.

ACTION: Final Regulations.

**SUMMARY:** These regulations prescribe standards of conduct for all employees of the Department of Energy (DOE) except employees of the Federal Energy Regulatory Commission (FERC). DOE intends these regulations to incorporate those prohibitions, restrictions, and requirements, statutory and otherwise, designed to assure the ethical conduct of employees. All DOE employees except employees of FERC are subject to these regulations, which are intended to supersede other regulations applicable to employees prior to their commencement of DOE service. FERC employees are subject to only those provisions implementing the requirements of sections 601 through 608 of the Department of Energy Organization Act (Pub. L. 95-91). Those provisions are specifically listed and identified in the regulations.

EFFECTIVE DATE: April 26, 1979.

**FOR FURTHER INFORMATION CONTACT:** Ralph D. Goldenberg, Acting Assistant General Counsel for Standards of Conduct (301-353-5285).

## SUPPLEMENTARY INFORMATION:

## I. Background

These regulations prescribe standards of conduct for all employees of the Department of Energy (DOE) except employees of the Federal Energy Regulatory Commission (FERC). Only those provisions specifically designated are applied to employees of FERC. Incorporated in these regulations are the requirements of sections 601 through 608 of the Department of Energy Organization Act (Pub. L. 95-91), section 522 of the Energy Policy and Conservation Act (Pub. L. 94-163), section 308 of the Energy Research and Development Administration Appropriation Authorization Act (Pub. L. 95-39), and section 201(f) of the Surface Mining Control and Reclamation Act of 1977 (Pub. L. 95-87). These regulations also reflect requirements of 18 U.S.C. 201-209, Executive Order 11222 and applicable regulations of the Office of Personnel Management (5 CFR Part 735). These regulations do not incorporate requirements of the Ethics in Government Act of 1978 (Pub. L. 95-521). After issuance by the Office of

Personnel Management of Government-wide regulations implementing that Act, these regulations will be amended as required. These regulations supersede conduct of employee regulations for the Energy Research and Development Administration (10 CFR Part 735), and the Federal Energy Administration (10 CFR Part 203).

On October 19, 1978, the Department of Energy published proposed regulations (43 FR 48922) to govern the conduct of DOE employees. The preamble to that document contained a detailed explanation of the provisions of the proposed regulations. The discussion below addresses the significant differences between the proposed and the final regulations.

## II. Discussion

*Gifts, Entertainment, and Favors*  
(§ 1010.205)

One comment pointed out that the exceptions to the general prohibition against an employee's acceptance of any gift, entertainment or favor from an interested party did not include an exception for specialty advertising materials of nominal value. The Department has concluded that such an exception would be appropriate and therefore has added an exception at § 1010.205(b)(12) to allow for acceptance of "unsolicited advertising or promotional material, such as pens, pencils, note pads, calendars, and other items of nominal intrinsic value." This exception is consistent with regulations of the Office of Personnel Management (5 CFR 735.202(b)(4)).

It is Department policy that, except in certain limited circumstances, official travel by employees of the Department will be paid for by the Government. Section 1010.205(b)(11) has been expanded to define the circumstances under which acceptance of transportation, lodging, or subsistence from educational institutions, or from certain associations or similar groups, is permissible. Also, the Department's policy prohibiting employee acceptance of transportation, lodging, or subsistence, while on official travel, from any source outside DOE that is not an interested party, unless such acceptance is consistent with the rules for acceptance from interested parties, has been added at § 1010.205(c). Finally, guidelines concerning the mechanics of acceptance of transportation, lodging, or subsistence have been added at § 1010.205(d).

*Procedures*

The proposed regulations at § 1010.402(f) would have required that the Counselor maintain a record of persons requesting access to copies of any particular employee's reports filed pursuant to sections 603, 604, or 605 of Pub. L. 95-91. The Department has concluded that, in addition, the employee should be notified by the Counselor whenever such a request is received, and § 1010.402(f) has been modified accordingly.

It was discovered during the comment period that the designation of reviewing officials in § 1010.407(h) did not adequately cover field organizations. To correct that deficiency, a new § 1010.407(i) has been added to identify reviewing officials for field organizations.

*Delegation of Authorities to the Federal Energy Regulatory Commission*

The Department has concluded that certain authorities vested in the Secretary by the conflict of interest provisions of Pub. L. 95-91 may appropriately be delegated to the Chairman, FERC, for actions involving FERC employees. Such delegation appears consistent with the spirit of section 401(d) of Pub. L. 95-91, which provides that, in the performance of their functions, FERC employees "shall not be responsible to or subject to the supervision or direction of any officer, employee, or agent of any other part of the Department." In an effort to give FERC the widest possible latitude in dealing with its own employees, while retaining in the Secretary the primary responsibility for implementation of the conflict of interest provisions of Pub. L. 95-91, five authorities have been delegated in these final regulations to the Chairman, FERC.

Section 601(a)(4) of Pub. L. 95-91 permits the Secretary to designate as "supervisory" those employees (other than employees covered by sections 601(a)(1), (2), or (3)) who, in the judgment of the Secretary, exercise "sufficient decisionmaking or regulatory authority" so that the conflict of interest provisions of Pub. L. 95-91 should apply to them. In § 1010.103(t)(4) of these regulations, the Chairman, FERC, is delegated the authority to designate supervisory employees of FERC pursuant to this provision.

Section 602(c) of Pub. L. 95-91 permits the Secretary to waive the divestiture requirements of section 602 in cases where exceptional hardship would result or where the interest in question is a pension, insurance, or other

similarly vested interest. The chairman, FERC, is delegated the authority to grant such waivers in § 1010.501(a)(1) of these regulations.

Section 603(c) of Pub. L. 95-91 requires that the Secretary identify specific positions, or classes thereof, within the Department which are of a nonregulatory or nonpolicymaking nature at or below GS-12 of the General Schedule and exempt such positions from the reporting requirements of section 603. In § 1010.403(a) of these regulations, the Chairman, FERC, is delegated the authority to identify and exempt such positions within FERC.

Section 606(c) of Pub. L. 95-91 permits the Secretary to waive the participation prohibitions of section 606 in cases where application of the prohibitions would work an exceptional hardship upon the employee involved or would be contrary to the national interest. A delegation of this authority to the Chairman, FERC, for FERC employees is reflected in § 1010.304(c) and § 1010.501(a)(2) of these regulations.

Section 608(b) of Pub. L. 95-91 authorizes the Secretary to impose a civil penalty of up to \$10,000 for violation of any of sections 602 through 606. That authority is delegated in § 1010.502(b)(2) of these regulations to the Chairman, FERC, for violations by FERC employees.

*Positions Exempt From the Reporting Requirements of Section 603 of Pub. L. 95-91*

Section 603(c) of Pub. L. 95-91 requires that the Secretary identify specific positions, or classes thereof, within the Department which are of a nonregulatory or nonpolicymaking nature at or below GS-12 of the General Schedule and exempt such positions from the reporting requirements of section 603 of Pub. L. 95-91. On January 27, 1978, a list of positions so identified and exempted was published (43 FR 3746). That list of exempt positions has been updated and now appears as Appendix I to these regulations.

### III. Revocations

These regulations supersede conduct of employee regulations for the Energy Research and Development Administration (10 CFR Part 735), and the Federal Energy Administration (10 CFR Part 203).

(Department of Energy-Organization Act, sections 601-608, 42 U.S.C. 7211-7218; Energy Policy and Conservation Act, section 522, 42 U.S.C. 6392; Energy Research and Development Administration Appropriation Authorization Act, section 308, 42 U.S.C. 5816a; and 5 CFR Part 735.)

Issued in Washington, D.C., April 13, 1979.

Lynn R. Coleman,  
General Counsel.

## PART 203 [REVOKED]

## PART 735 [REVOKED]

In consideration of the foregoing, 10 CFR Parts 203 and 735 are revoked, and title 10 CFR, is amended to add a new Part 1010 to read as set forth below.

## PART 1010—CONDUCT OF EMPLOYEES

### Subpart A—General

#### Sec.

- 1010.101 Purpose and scope.
- 1010.102 Applicability.
- 1010.103 Definitions.
- 1010.104 Responsibilities and authorities.
- 1010.105 Counseling and interpretations.

### Subpart B—Standards of Conduct

- 1010.201 General.
- 1010.202 Additional statutory provisions.
- 1010.203 Salary of an employee payable only by the United States.
- 1010.204 Outside employment and other outside activity.
- 1010.205 Gifts, entertainment, and favors.
- 1010.206 Political activity.
- 1010.207 Use of Government property.
- 1010.208 Nondiscrimination.
- 1010.209 Misuse of information.
- 1010.210 Indebtness.
- 1010.211 Gambling, betting, and lotteries.
- 1010.212 Handling of funds entrusted by fellow employees.
- 1010.213 Endorsements.
- 1010.214 Use of credentials.
- 1010.215 General conduct prejudicial to the Government.
- 1010.216 Guidelines for Economic Regulatory Administration Employees in Conduct of Audits.

### Subpart C—Restrictions on Financial, Employment, and Similar Interests

- 1010.301 General.
- 1010.302 Restrictions concerning private financial interests.
- 1010.303 Postemployment restrictions.
- 1010.304 Participation prohibitions.
- 1010.305 Assignees pursuant to the Intergovernmental Personnel Act and the President's Executive Interchange Program.
- 1010.306 Exceptions and waivers.

### Subpart D—Reports

- 1010.401 General.
- 1010.402 Availability of reports.
- 1010.403 Statements of employment and financial interests, and interests in energy concerns.
- 1010.404 Statement of interests in coal mining operations.
- 1010.405 Prior employment report—supervisory employees.
- 1010.406 Postemployment report—supervisory employees.

1010.407 Filing of forms DOE-459, DOE-460, and DOE-461.

### Subpart E—Procedures and Sanctions

- 1010.501 Waivers.
- 1010.502 Sanctions.
- 1010.503 Appeals and grievances.
- 1010.504 Cancellation of contracts.

### Subpart F—Special Government Employees

- 1010.601 Use of Government employment.
- 1010.602 Use of inside information.
- 1010.603 Coercion.
- 1010.604 Gifts, entertainment, and favors.
- 1010.605 Other provisions.

Appendix I List of DOE Positions Exempt from the Disclosure Requirements of Section 603 of the DOE Organization Act.

Appendix II [Reserved]

Appendix III A Form DOE-459.

Appendix III B Form DOE-460.

Appendix III C Form DOE-461.

Appendix IV [Reserved]

Authority: Pub. L. 95-91, section 644, 91 Stat. 599 (42 U.S.C. 7254); Pub. L. 95-91, Title VI, Part A, 91 Stat. 591-596 (42 U.S.C. 7211-7218); Pub. L. 94-163, section 522, 89 Stat. 961 (42 U.S.C. 6392); Pub. L. 95-39, section 308 (42 U.S.C. 5816a).

### Subpart A—General

#### § 1010.101 Purpose and scope.

(a) The following regulations are designed to assure that the business of the Department of Energy (DOE) is conducted effectively, objectively and without improper influence or the appearance thereof. Further, DOE expects that its employees will observe courtesy, consideration, and promptness in dealings with the public and other governmental agencies, and will avoid any action, whether or not specifically prohibited by the regulations, which might result in, or create the appearance of:

- (1) Using public office for private gain;
- (2) Giving preferential treatment to any person;
- (3) Impeding Government efficiency or economy;
- (4) Losing complete independence or impartiality;
- (5) Making a Government decision outside official channels; or
- (6) Affecting adversely the confidence of the public in the integrity of the Government.

(b) The following regulations are issued in compliance with Executive Order 11222, 5 CFR Part 735, and:

- (1) 18 U.S.C. 201-209.
- (2) Pub. L. 95-91, sections 601-608 (42 U.S.C. 7211-7218).
- (3) Pub. L. 94-163, section 522 (42 U.S.C. 6392).
- (4) Pub. L. 95-39, section 308 (42 U.S.C. 5816a).
- (5) Pub. L. 95-87, section 201(f) (30 U.S.C. 1211(f)).

**(6) 30 U.S.C. 6.**

In addition to the foregoing, the regulations implement other statutes cited elsewhere herein.

(c) The following regulations, among other things, reflect prohibitions and requirements imposed by the criminal and civil laws of the United States. The regulations do not purport to reflect or enumerate all restrictions or requirements imposed by statutes, Executive Orders, regulations or otherwise upon Federal employees and former Federal employees. The omission of a restatement of or a reference to any such restriction or requirement in no way alters the legal effect of that restriction or requirement and any such restriction or requirement, as the case may be, continues to be applicable to employees in accordance with its own terms.

(d) It is expected that the provisions of the following regulations will be observed and administered in a manner which is consistent with both their spirit and their letter.

**§ 1010.102 Applicability.**

(a) Except where specifically provided otherwise, these regulations apply to all officers, employees, and special Government employees of DOE, excluding officers, employees, or special Government employees of the Federal Energy Regulatory Commission (FERC).

(b) Those provisions hereinafter that are applicable to officers, employees, and special Government employees of FERC in addition to DOE employees are designated by "(APPLICABLE TO FERC)" and include: §§ 1010.103, 1010.104(g), 1010.302(b), 1010.303(b); 1010.303(c), 1010.304(b), 1010.304(c), 1010.305(a), 1010.306(d), 1010.401, 1010.402, 1010.403(a), 1010.403(b), 1010.403(c), 1010.403(d), 1010.405, 1010.406, 1010.407, 1010.501(a)(1), 1010.501(a)(2), 1010.501(a)(4), 1010.501(c), 1010.501(d), 1010.501(e), 1010.502(b), 1010.502(c), 1010.502(d), 1010.502(e), 1010.503, 1010.605(b), Appendix II, Appendix IIIA, Appendix III B, and Appendix III C.

(c) Special Government employees should also see subpart F of these regulations.

**§ 1010.103 Definitions (applicable to FERC).**

(a) "Secretary" means the Secretary of Energy as provided by the Department of Energy Organization Act, section 201, Pub. L. 95-91 (42 U.S.C. 7131), or his delegate.

(b) "Administrator" means any of the heads of the Energy Information Administration, Economic Regulatory

Administration, Bonneville Power Administration, Southeastern Power Administration, Southwestern Power Administration, Alaska Power Administration, or Western Area Power Administration.

(c) "Appearance or attendance" means, for the purposes of section 605 of Pub. L. 95-91 (42 U.S.C. 7215), a former employee's personal presence before a DOE employee conducting official DOE business involving direct or indirect contact between the former employee and the DOE employee relating to such official business. In person, or other responses to requests from DOE officials for information relating to the former employee's duties in the Department are not encompassed by this definition.

(d) "Chairman" means the Chairman of the Federal Energy Regulatory Commission established by Title IV of the Department of Energy Organization Act, Pub. L. 95-91 (42 U.S.C. 7171-7177), or his delegate.

(e) "Commission" or "FERC" means the Federal Energy Regulatory Commission, or its delegate.

(f) "Counselor" means the General Counsel of the Department or the General Counsel of the Commission or their delegates, as appropriate.

(g) "DOE" or "Department" means the Department of Energy established by the Department of Energy Organization Act, section 201, Pub. L. 95-91 (42 U.S.C. 7131).

(h) "Department proceeding" means, for the purposes of section 606 of Pub. L. 95-91 (42 U.S.C. 7216), any judicial proceeding, Department hearing, application, rulemaking, order, license, contract, grant, award, fund transfer, claim, controversy, charge, accusation, or arrest, in which the Department is directly involved.

(i) "Dependent" means dependent as defined in section 152 of the Internal Revenue Code of 1954, as amended.

(j) "Employee" means a DOE officer or employee (including, except where otherwise indicated, a special Government employee), or a member of the Uniformed Services (other than enlisted members), or an employee of another Government agency assigned or detailed to DOE, or an individual assigned or detailed to DOE pursuant to the Intergovernmental Personnel Act or the President's Executive Interchange Program.

(k) "Energy concern" means:  
(1) Any person listed on the Energy Concern List published by DOE; or  
(2) Any other person:

(i) Holding an interest in property from which coal, natural gas, crude oil, nuclear material or a renewable

resource is commercially produced or obtained;

(ii) Significantly engaged in the business of:

(A) Developing, extracting, producing, refining, transporting by pipeline, converting into synthetic fuel, distributing, or selling minerals for use as an energy source, or in the generation or transmission of energy from such minerals or from wastes or renewable resources;

(B) Producing, generating, transmitting, distributing, or selling electric power;

(C) Development, production, processing, sale, or distribution of nuclear materials, facilities, or technology; or

(D) Conducting research, development, or demonstration related to an activity described in paragraphs (k)(2)(i), (2)(ii)(A), (2)(ii)(B) or (2)(ii)(C) of this section; or

(iii) Significantly engaged, whether or not for profit, in conducting research, development, or demonstration related to an activity described in paragraph (k)(2)(i) or (2)(ii)(A), (2)(ii)(B) or (2)(ii)(C) of this section, with financial assistance under any Act the functions of which are vested in or delegated or transferred to the Secretary or the Department.

(3) For the purposes of reports required by Pub. L. 94-163 and Pub. L. 95-39, "energy concern" includes "energy businesses" and "energy properties" as those terms are used in those Acts.

(4) "Energy concern" does not include religious organizations; mutual funds or regulated investment companies the portfolios of which are widely diversified, or similarly constituted, commercially fungible entities. Membership or ownership in utility cooperatives required to obtain services is not considered an interest in an energy concern.

(l) "Interested party" means any person, firm, corporation, or other entity, or representative thereof, which:

(1) Has, or is seeking to obtain, contractual or other business or financial relations with DOE;

(2) Conducts operations or activities that are regulated by DOE; or

(3) Has interests that may be substantially affected by the performance or nonperformance of the official duty of the DOE employee concerned.

(m) "Known financial interest" means any pecuniary interest of an employee, or which such employee has or should have knowledge.

(n) "Organization" means a university; foundation; nonprofit

research entity or similar nonprofit organization; or State, county or municipality or subdivision thereof; as well as a business organization.

(o) "Participate" means, for the purposes of section 606 of Pub. L. 95-91 (42 U.S.C. 7216), involvement by an employee in a Department proceeding through decision, approval, disapproval, recommendation, the rendering of advice, or investigation.

(p) "Person" means an individual, a corporation, a company, an association, a firm, a partnership, a society, a joint stock company, or any other organization or institution.

(q) "Represent" means, but is not limited to, acting as an agent or attorney.

(r) "Reviewing official" means, for each employee, the individual to whom reports are submitted as set forth in § 1010.407(h) or (i). The functions of a reviewing official may not be delegated.

(s) "Special Government employee" means an officer or employee retained, designated, appointed, or employed with or without compensation for 130 days or fewer during any 365 consecutive days, to perform temporary duties either on a full-time or part-time or intermittent basis. The term includes experts and consultants, but does not include enlisted members of the Uniformed Services.

(t) "Supervisory employee" means:

(1) An individual holding a position in the Department at GS-16, GS-17, or GS-18 of the General Schedule or at level I, II, III, IV, or V of the Executive Schedule, or who is in a position at a comparable or higher level on any other Federal pay scale, or who holds a position pursuant to subsection (b) or (d) of section 621 of the DOE Organization Act (including an employee in the Energy Executive Service) or who is an expert or consultant employed pursuant to section 3109 of Title 5, United States Code, for more than ninety days in any calendar year and receives compensation at an annual rate equal to or in excess of the minimum rate prescribed for individuals at GS-16 of the General Schedule;

(2) The Director and Deputy Director of any State, regional, district, local, or other field office;

(3) An employee or officer who has primary responsibility for the award, review, modification, or termination of any grant, contract, award, or fund transfer within the authority of the Secretary; including:

(i) Contracting officers;

(ii) Any other employees with authority or warrants to commit the

Department to a transfer of appropriated funds to a non-Federal entity;

(iii) Source selection officials; and

(4) Any other employee or officer who, in the judgment of the Secretary or the Chairman, as appropriate, exercises sufficient decisionmaking or regulatory authority so that the provisions of Title VI of the DOE Organization Act should apply to such individual (See Appendix II).

(u) "Uniformed Services" means the Army, Navy, Air Force, Marine Corps, Coast Guard, National Oceanic and Atmospheric Administration, and Public Health Services (37 U.S.C. 101(3)).

(v) "Waiver" means any action by the Secretary or the Chairman, where appropriate, to exempt or exclude an individual from particular restrictions, prohibitions or requirements of these regulations, including but not limited to actions under sections 602(c), 605(a)(3) and 606(c) of the DOE Organization Act, and 18 U.S.C. 205, 207 and 208.

#### § 1010.104 Responsibilities and authorities.

(a) Employees shall:

(1) Read and comply with the statutes and the rules, standards of conduct, and other regulations referred to herein. Each employee shall receive a copy of these regulations and acknowledge, in writing, such receipt prior to assuming duties in the DOE;

(2) Be mindful of the high standards of integrity expected of them in all their activities, personal and official;

(3) Not give favored treatment or competitive advantage to any member of the public, including former employees of DOE;

(4) Recognize that violation of any of the instructions or statutes referred to in these regulations may subject them to disciplinary action in addition to the penalty prescribed by law for such violation (see subpart E); and

(5) Discuss with the reviewing official, or the Counselor, as appropriate, any problem arising out of these regulations.

(b) Reviewing officials shall:

(1) Assure that required reports are promptly filed by employees in each Office;

(2) Personally review all reports submitted to them, make determinations as appropriate, and forward all reports to the Counselor. Failure to fulfill these responsibilities may result in sanctions imposed in accordance with subpart E;

(3) Notify employees at the time of entrance on duty and periodically thereafter of the availability of counseling services and how and where these services are available;

(4) Bring the provisions of these regulations to the attention of each employee at such times as circumstances warrant;

(5) Bring to the attention of contractors dealing with their offices those provisions of these regulations (such as "Gifts, entertainment, and favors"; "Cancellation of contracts"; and others) which may affect the actions of contractors and their employees in dealing with DOE employees; and

(6) Report to the Counselor and the Inspector General all alleged or actual misconduct of DOE employees; in consultation with the Counselor, take action where appropriate as a result of any investigation, and report to the Counselor on any action taken.

(c) The Director of Administration shall:

(1) Provide a copy of these regulations and any subsequent revision to each employee;

(2) Be responsible for transmitting notice to employees of applicable reporting requirements; and

(3) Distribute to reviewing officials those annual report forms required in subpart D no later than May 1 of each year.

(d) The Director of Personnel shall:

(1) Distribute to prospective employees, departing employees and former supervisory employees those forms required to be submitted pursuant to subpart D; and

(2) Distribute copies of these regulations to all prospective employees at the time an offer of employment with the DOE is made or prior to the making of such offer, if possible.

(e) The Deputy Secretary shall assume those responsibilities placed upon the Deputy Secretary by subpart E.

(f) The General Counsel of DOE shall:

(1) Serve as the Counselor for DOE employees other than employees performing functions within the jurisdiction of FERC;

(2) Serve as DOE's designee to the Office of Personnel Management on matters covered by these regulations;

(3) Have available for review by employees copies of pertinent laws, Executive Orders, DOE regulations, and Office of Personnel Management regulations relating to ethical standards and other conduct;

(4) Bring the provisions of these regulations to the attention of all employees annual, and at such other times as circumstances warrant;

(5) Coordinate counseling services, and assure that counseling and interpretations on questions of conflicts of interest and other matters covered by

these regulations are available to employees and reviewing officials;

(6) Be responsible for the review and referral of alleged violations of these regulations to the Department of Justice or the Inspector General of DOE, as appropriate; and

(7) Maintain liaison with the General Counsel of FERC to maximize consistency in application of these regulations.

(g) The General Counsel of FERC shall: (Applicable to FERC)

(1) Serve as Counselor for employees performing functions within the jurisdiction of FERC;

(2) Perform for FERC those duties described in paragraphs (f)(3) through (f)(6) of this section; and

(3) Maintain liaison with the General Counsel of DOE to maximize consistency in application of these regulations.

(h) The Inspector General shall investigate alleged violations of these regulations.

#### § 1010.105 Counseling and Interpretations.

(a) Each employee's reviewing official shall be available to discuss with employees any questions or requests under these regulations.

(b) The Counselor shall be available to render advice or interpretations of these regulations to reviewing officials or to individual employees.

#### Subpart B—Standards of Conduct

##### § 1010.201 General.

(a) It is DOE policy not to interfere in the private lives of DOE employees. However, certain standards of conduct are required by statute. This subpart sets forth DOE's regulations prescribing those and other standards of conduct designed to assure the proper performance of Government business and the maintenance of public confidence in the Government.

(b) Adherence to the regulations in this subpart requires that employees not do indirectly what would be improper to do directly.

##### § 1010.202 Additional statutory provisions.

Attention of employees is directed to the following statutory provisions:

(a) The prohibitions contained in the following sections of the Atomic Energy Act of 1954, as amended: sections 224, 225 and 226, relating to communication, receipt, and tampering with Restricted Data involving potential injury to the United States or potential advantage to a foreign nation; and section 227 relating

to unauthorized disclosure of Restricted Data (42 U.S.C. 2274 through 2277).

(b) The prohibitions against the disclosure of classified information (18 U.S.C. 798, 50 U.S.C. 783).

(c) The prohibitions against the disclosure of confidential information (18 U.S.C. 1905).

(d) The prohibition against lobbying with appropriated funds (18 U.S.C. 1913).

(e) The prohibition against proscribed political activities in subchapter III of chapter 73 of Title 5, United States Code, and 18 U.S.C. 602, 603, 607 and 608.

(f) The prohibition against acceptance or solicitation to obtain appointive public office (18 U.S.C. 211).

(g) The prohibitions against disloyalty and striking (5 U.S.C. 7311, 18 U.S.C. 1918).

(h) The provisions relating to the habitual use of intoxicants to excess (5 U.S.C. 7352).

(i) The prohibition against the misuse of a Government vehicle (31 U.S.C. 638a(c)).

(j) The prohibition against the misuse of the franking privilege (18 U.S.C. 1719).

(k) The prohibition against the use of deceit in an examination or personnel action in connection with Government employment (18 U.S.C. 1917).

(l) The prohibition against fraud or false statements in a Government matter (18 U.S.C. 1001).

(m) The prohibition against mutilating or destroying a public record (18 U.S.C. 2071).

(n) The prohibition against counterfeiting and forging transportation requests (18 U.S.C. 508).

(o) The prohibition against embezzlement of Government money or property (18 U.S.C. 641).

(p) The prohibition against failing to account for public money (18 U.S.C. 643).

(q) The prohibition against an employee's private use of public money (18 U.S.C. 653).

(r) The prohibition against embezzlement of the money or property of another person in the possession of an employee by reason of his employment (18 U.S.C. 654).

(s) The prohibition against unauthorized use of documents relating to claims from or by the Government (18 U.S.C. 285).

(t) The prohibition against making false entries in official records with intent to defraud or making false reports concerning money and securities with such intent (18 U.S.C. 2073).

(u) The prohibition against an employee acting as the agent of a foreign principal registered under the

Foreign Agents Registration Act (18 U.S.C. 219). The criminal penalties of this section do not apply in any case in which the Secretary sends to the Attorney General a certification that the employment of the agent as a special Government employee is in the national interest.

(v) The prohibition relating to the denial of the right to petition Congress (5 U.S.C. 7102).

(w) The prohibition against a public official appointing or promoting a relative, or advocating such an appointment or promotion (5 U.S.C. 3110).

(x) The prohibition against the employment of an individual convicted of felonious rioting or related offenses (5 U.S.C. 7313).

(y) The prohibition against arbitrary and capricious withholding of agency records requested under the Freedom of Information Act (5 U.S.C. 552).

(z) The prohibition against knowing disclosure of information the disclosure of which is prohibited; the prohibition against willfully maintaining a system of records without appropriate notice provisions; and the prohibition against knowingly and willfully requesting or obtaining any record concerning an individual under false pretenses (5 U.S.C. 552a).

(aa) House Concurrent Resolution 175, 85th Congress, 2d session, 72 Stat. B12, the "Code of Ethics for Government Service".

(bb) Prohibition against acceptance of an honorarium of more than \$2,000 or honoraria totalling more than \$25,000 in any calendar year (2 U.S.C. 441i).

##### § 1010.203 Salary of an employee payable only by the United States.

(a) No employee, other than a special Government employee or an employee serving without compensation, shall receive any salary, or any contribution to or supplementation of salary, as compensation for services as a Federal employee, from any source other than the Government of the United States, except as may be contributed out of the treasury of any State, county, or municipality (18 U.S.C. 209).

(b) Nothing in this section shall be deemed to prohibit an employee from continuing to participate in a bona fide pension, retirement, group life, health, or accident insurance, profit-sharing, stock bonus, or other employee welfare or benefit plan maintained by a former employer, which does not cause a conflict of interest, nor from accepting contributions, awards, or other expenses under section 4111 ("Acceptance of contributions, awards and other

payments") of Title 5, United States Code.

**§ 1010.204 Outside employment and other outside activity.**

(a) Employees shall not engage in outside employment or other outside activity not compatible with the full and proper discharge of the duties and responsibilities of their Government employment. Incompatible activities include, but are not limited to:

(1) Acceptance of a fee, compensation, gift, payment of expense, or any other thing of monetary value in circumstances in which acceptance may result in, or create the appearance of, a conflict of interest;

(2) Outside employment which tends to impair the employee's mental or physical capacity to perform assigned Government duties and responsibilities in an acceptable manner;

(3) Outside work or activity that takes the employee's time or attention during the employee's official work hours. Examples of the type of work or activity that often can require the employee's time or attention during the employee's official work hours, and which would be prohibited under such circumstances, include:

(i) Lawyers conducting private practice;

(ii) Auditors doing income tax forms for fellow employees or private persons;

(iii) Real estate agents handling home or land buying/selling activities.

(b) An employee who intends to engage in outside employment shall inform the employee's reviewing official and the Counselor in advance of undertaking such activity. In addition, supervisory employees shall obtain advance approval of the employee's reviewing official and the Counselor. A record of each approval under this paragraph shall be filed in the employee's official personnel folder. In addition, a record of each approval shall be retained in the Office of the General Counsel.

(c) Within the limitations imposed by this section, employees are encouraged to engage in teaching, lecturing, and writing. However, an employee shall not, either for or without compensation, engage in teaching, lecturing, or writing that is dependent on information obtained as a result of the employee's Government employment, except when that information has been made available to the general public or will be made available on request, or when the Secretary gives written authorization for the use of non-public information on the basis that the use is in the public interest. In addition, DOE employees,

including Presidential appointees, shall not receive compensation or anything of monetary value (such as an honorarium) for any consultation, lecture, discussion, writing, or appearance the subject matter of which is devoted substantially to the responsibilities, programs, or operations of DOE, or which draws substantially on official data or ideas which have not become part of the body of public information, or where the sponsor is an interested party.

(d) Though not necessarily outside employment, an employee may accept a fee or other compensation for a private activity which is not prohibited by law or these regulations, after providing notice or receiving advance approval pursuant to paragraph (b) of this section. The amounts of honoraria are limited by 2 U.S.C. 441i.

(e) Except as allowed for training or to attend meetings under section 4111 ("Acceptance of contributions, awards and other payments") of Title 5, United States Code, and Executive Order 10800 ("Implementing the Government Employees Training Act"), no employee shall accept a fee from an outside source on account of a public appearance, a speech, or lecture, if the public appearance or the preparation or delivery of the speech or lecture was a part of the official duties of the employee; if the public appearance, speech, or lecture was made during official working hours; or if travel for the purpose of the public appearance, speech, or lecture was made at Government expense. In addition, no employee shall accept a fee for the preparation, publication, or review of an article, story, or book if it was prepared during official working hours and/or was a part of the official duties of the employee.

(f) An employee shall not engage in outside employment with a State or local government, except in accordance with applicable regulations of the Office of Personnel Management.

(g) This section does not preclude an employee from:

(1) Participation in the activities of national or State political parties not proscribed by law or § 1010.206 of these regulations.

(2) Participation in the affairs of or acceptance of an award for meritorious public contribution or achievement given by a charitable, religious, professional, social, fraternal, nonprofit educational or recreational, public service, or civic organization.

(h) This section does not apply to special Government employees, who are subject to the provisions of subpart F.

**§ 1010.205 Gifts, entertainment, and favors.**

(a) Acceptance of gifts, entertainment, or favors, no matter how innocently tendered and received, from those who have or seek business with DOE may be a source of embarrassment to DOE and the employee involved, may affect the objective judgment of the recipient and may impair public confidence in the integrity of the business relations between DOE and industry. Therefore, except as provided in paragraph (b) of this section, DOE employees shall not knowingly solicit or accept any gift, entertainment, or favor (including complimentary meals and beverages), either directly or indirectly from any interested party. For the purpose of this section, gifts, entertainment, and favors include, but are not limited to any benefits, gratuities, loans, discounts, tickets, passes, transportation, accommodations, or hospitality given or extended to or on behalf of the recipient. This prohibition, of course, does not preclude an employee from such actions as purchasing his or her own ticket to a function sponsored by an interested party, or sitting at the same table with a representative of an interested party so long as the employee pays for his or her own meal.

(b) The following are generally exceptions to the rule set forth in paragraph (a) of this section; however, employees are cautioned to avoid any situation (even if it might be viewed as one of the stated exceptions) which might raise questions of conflict of interest or reflect discredit upon the Department.

(1) Trophies, entertainment, prizes, or awards given for public service or achievement, or given in contests which are clearly open to the public generally or which are officially approved by the Secretary for DOE employee participation.

(2) Things available impersonally to the general public or classes of the general public, such as a free exhibition at a fair.

(3) Participation in civic and community activities by DOE employees when the relationship with the interested party can reasonably be characterized as remote; for example, participation in a little league Combined Federal Campaign luncheon which is subsidized by an interested party.

(4) The acceptance of loans from banks or other financial institutions on customary terms to finance proper and usual activities of employees, such as home mortgage loans.

(5) Acceptance of gifts, entertainment, or favors where there is an obvious

family or personal relationship between the employee and the other party, where the circumstances make it clear that it is that relationship rather than the business of the persons concerned which is the motivating factor for the gift, entertainment, or favor.

(6) Acceptance of food and refreshment of insubstantial value or acceptance of local transportation, while on official business when no provision for individual payment can be made and alternative arrangements are clearly impracticable. This exception would allow a DOE employee attending an informal business meeting at the place of business of an interested party to accept a lunch provided by the interested party where arrangements for the DOE employee to pay for the lunch are clearly impracticable. Also local transportation may be provided where alternative arrangements are impracticable, such as transportation to and from an offshore drilling rig on official business, or contractor-provided transportation from an airport to a remote site for business purposes.

(7) Exchanges of food, refreshments, and social amenities with representatives of foreign governments or international organizations, where such exchanges are in accordance with diplomatic custom and are clearly incident to the conduct of official business.

(8) Consistent with the guidelines set forth in paragraph (d) of this section, acceptance of transportation, lodging, or subsistence from foreign governments or international organizations where the offer of such services is pursuant to the performance of functions under a treaty or United States Statute (e.g., Statute of the International Atomic Energy Agency).

(9) Consistent with the guidelines set forth in paragraph (d) below, acceptance of transportation, lodging, or subsistence from an entity providing training pursuant to a contract with a Federal Department of Agency, by a DOE employee serving as an instructor or lecturer at such training.

(10) Acceptance of gifts from foreign governments, under limited circumstances, in accordance with 5 U.S.C. 7342, as amended by Pub. L. 95-105, § 515 (August 15, 1977), and implementing regulations. Any such gift or thing which cannot appropriately be refused will be brought to the attention of the Counselor for advice concerning appropriate disposition.

(11) Acceptance of food and refreshment, or, consistent with the guidelines set forth in paragraph (d) of this section, acceptance of

transportation, lodging, or subsistence, from a university or other educational institution, or from a consumer, environmental, industrial, technical, trade, professional, or other association or similar group, in connection with a DOE employee's participation in a widely attended luncheon, dinner, seminar, conference, or similar gathering sponsored by the donor. Such acceptance will be permitted only when the employee's reviewing official has determined it to be in the Government's interest and the Counselor has granted prior approval. Acceptance of transportation, lodging, or subsistence will not be permitted under this exception when the donor is an energy concern or an association or similar group composed mostly of energy concerns.

(12) Acceptance of unsolicited advertising or promotional material, such as pens, pencils, note pads, calendars, and other items of nominal intrinsic value.

(13) Situations not specifically covered by paragraphs (b)(1)-(12) of this section where, in the judgment of the individual concerned, the Government's interest will be served and where the Counselor has granted prior approval.

(c) An employee shall not accept transportation, lodging, or subsistence while on official travel from any source outside DOE that is not an interested party, unless such acceptance is consistent with the rules for acceptance from interested parties set forth in paragraph (b) of this section.

(d) When transportation, lodging, or subsistence, in kind, is furnished to an employee by any source outside DOE in connection with official travel, appropriate deductions shall be made in the travel, per diem, and other allowances otherwise payable to the employee. An employee may not accept personal reimbursement from a source outside DOE for expenses incident to official travel, unless authorized pursuant to 5 U.S.C. 4111 or other express statutory authority; rather, any reimbursement must be made to the Government by check payable to the Department of Energy; personnel will be reimbursed by the Government in accordance with travel regulations. In no case shall an employee accept benefits which are under prudent standards extravagant or excessive in nature.

#### § 1010.206 Political activity.

(a) All employees in the Executive Branch of the Federal Government are subject to basic political activity restrictions in subchapter III of Chapter

73 of Title 5, U.S.C. (commonly known as the Hatch Act) and Civil Service Rule IV (5 CFR Part 4). Employees are individually responsible for refraining from prohibited political activity. Ignorance of a prohibition does not excuse a violation. This section summarizes provisions of law and regulation concerning political activity of employees.

(b) Employees on leave, on leave without pay, or on furlough or terminal leave, even though the employee's resignations have been accepted, are subject to the restrictions. A separated employee who has received a lump-sum payment for annual leave, however, is not subject to the restriction during the period covered by the lump-sum payment or thereafter, provided the employee does not return to Federal employment during that period. An employee is not permitted to take leave of absence to work with a political candidate, committee, or organization or become a candidate for office with the understanding that the employee will resign his position if nominated or elected.

(c) An employee is accountable for political activity by another person acting as the employee's agent or under the employee's direction or control if the employee is thus accomplishing indirectly what may not lawfully be done directly and openly.

(d) Section 7324 of Title 5, U.S.C., provides that employees have the right to vote as they please and the right to express their opinions on political subjects and candidates. Generally, however, they are prohibited from taking an active part in political management or political campaigns or using official authority of influence to interfere with an election or affect its results. The following are exemptions from the restrictions of the statute:

(1) Employees may engage in political activity in connection with any question not specifically identified with any National or State political party. They also may engage in political activity in connection with an election if none of the candidates represent a party any of whose candidates for presidential elector received votes at the last preceding election at which presidential electors were selected.

(2) An exception relates to political campaigns in communities adjacent to the District of Columbia or in communities the majority of whose voters are employees of the Federal Government. Communities in which the exception applies are specifically designated by the Office of Personnel Management. Information regarding the

localities and the conditions under which the exceptions are granted may be obtained from the personnel office or the Counselor.

(3) Employees who work on an irregular or occasional basis are exempt on those days during which they are at no time in active duty status.

(4) The Secretary as well as other officials appointed by the President by and with the advice and consent of the Senate, who determine policies to be pursued by the United States in its relations with foreign powers or in the nationwide administration of Federal laws are exempt from the prohibitions concerning active participation in political management and political campaigns.

(e) There are restrictions other than those imposed by subchapter III of Chapter 73 of Title 5, U.S.C. (the Hatch Act), and Civil Service Rule IV which relate to:

(1) Political contributions and assessments;

(2) Circulars of solicitation;

(3) Solicitation in Federal buildings;

(4) Solicitation by letter;

(5) Payment by one employee to another;

(6) Discrimination because of political contributions;

(7) Purchase and sale of public office;

(8) Political recommendations and discrimination; and

(9) Other criminal offenses set forth in 18 U.S.C., Chapter 29.

Further information concerning these restrictions may be obtained from the Counselor.

#### § 1010.207 Use of Government property.

An employee shall not directly or indirectly use, or allow the use of, Government property of any kind, including property leased to the Government, for other than officially approved activities. An employee has a positive duty to protect and conserve Government property including equipment, supplies, and other property entrusted or issued to the employee.

#### § 1010.208 Nondiscrimination.

An employee shall not be discriminated against because of race, color, religion, national origin, sex, age, politics, marital status, or on the basis of a physical handicap with respect to any position the duties of which may be efficiently performed by a person with a physical handicap. This prohibition applies to both employment and utilization of DOE employees.

#### § 1010.209 Misuse of Information.

(a) For the purpose of furthering a private interest, an employee shall not, except as provided in paragraph (c) of § 1010.204, directly or indirectly use, or allow the use of, official information obtained through or in connection with the employee's Government employment which has not been made available to the general public.

(b) An employee of DOE shall not improperly divulge or disclose any trade secrets, processes, financial data, or other business information which is submitted to or filed with DOE on a confidential basis.

(c) In addition to the prohibitions specified in paragraphs (a) and (b) of this section, employees are subject to the prohibition imposed by section 68a of the Atomic Energy Act of 1954, 42 U.S.C. 2098(a), "Public and Acquired Lands":

No individual, corporation, partnership, or association, which had any part, directly or indirectly, in the development of the atomic energy program, may benefit by any location, entry, or settlement upon the public domain made after such individual, corporation, partnership, or association took part in such project, if such individual, corporation, partnership, or association, by reason of having had such part in the development of the atomic energy program, acquired confidential official information as to the existence of deposits of uranium, thorium, or other materials in the specific lands upon which such location, entry, or settlement is made and subsequent to August 30, 1954, made such location, entry, or settlement, or, caused the same to be made for his, or its, or their benefit.

#### § 1010.210 Indebtedness.

An employee shall pay each just financial obligation in a proper and timely manner, especially one imposed by law such as a Federal, State, or local tax. For the purpose of this section, "in a proper and timely manner" means in a manner which DOE determines does not, under the circumstances, reflect adversely on the Government. Also, for the purpose of this section, a "just financial obligation" means one acknowledged by the employee, or reduced to judgment by a court, or one imposed by law such as Federal, State, or local taxes; any other debt contested in good faith by an employee is not subject to this section. In the event of dispute between an employee and an alleged creditor, this section does not require DOE to determine the validity or amount of the disputed debt.

#### § 1010.211 Gambling, betting, and lotteries.

(a) An employee shall not participate, while on Government-owned or leased property or while on duty for the Government, in any gambling activity including the operation of a gambling device, in conducting a lottery or pool, in a game for money or property, or in selling or purchasing a numbers slip or ticket.

(b) This section does not preclude activities:

(1) Necessitated by an employee's law enforcement duties; or

(2) Under section 3 of Executive Order 10927 (on Conduct of Fund Raising Activities) and similar Department-approved activities.

#### § 1010.212 Handling of funds entrusted by fellow employees.

No employee shall receive, retain, or disburse funds entrusted to the employee by fellow employees (e.g., credit union deposits or donations to charitable organizations) except with the utmost care in the safeguarding of such funds and the maintenance of full and complete records with regard to the receipt, custody, and disbursement of such funds. Such records shall be made available to appropriate authorities upon proper request.

#### § 1010.213 Endorsements.

(a) Employees are prohibited from endorsing in an official capacity the proprietary products or processes of manufacturers or the services of commercial firms for advertising, publicity, or sales purposes. Use of materials, products, or services by the Department does not constitute official endorsement.

(b) Employees are prohibited from engaging in outside employment or other outside activity which identifies DOE or any employee in an official capacity with any organization commercializing products relating to work conducted by DOE or with any commercial advertising matter.

#### § 1010.214 Use of credentials.

Credentials and other Department of Energy identification devices are for use only in establishing identity or authority in connection with official business. Such credentials and identification devices or an employee's official position, status, or designation are not to be used by employees to exert influence or obtain—either directly or indirectly—privileges or rewards for themselves or others.

**§ 1010.215 General conduct prejudicial to the Government.**

An employee shall not engage in criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct or other conduct prejudicial to the Government.

**§ 1010.216 Guidelines for Economic Regulatory Administration employees in conduct of audits.**

(a) When an employee of the Economic Regulatory Administration receives an assignment involving a person acting as either principal, or agent, with whom the employee has had a prior social or business association or any relationship which might impair or give the appearance of impairing the employee's impartiality or independence, the employee will discuss with his supervisor the possible need to have the assignment transferred to another employee.

(b) During the execution of the assignment, an employee should not enter into a social or business association with any person who is a principal or agent of the firm being audited, or into any relationship which might impair, or give the appearance of impairing his impartiality or independence. Should such a relationship develop, the employee will discuss with his supervisor the possible need to have the assignment transferred to another employee.

**Subpart C—Restrictions on Financial, Employment, and Similar Interests****§ 1010.301 General.**

(a) The maintenance of public confidence in the Government clearly demands that a DOE employee take no action which would constitute the use of official position to advance personal or private interests.

(b) All employees must read carefully this subpart to ascertain those restrictions applicable only to certain classes of DOE employees. Any question concerning the class in which an individual belongs should be directed to the reviewing official concerned.

(c) An employee shall not:

(1) Have a direct or indirect financial interest that conflicts substantially, or appears to conflict substantially, with the employee's Government duties and responsibilities; or

(2) Engage in, directly or indirectly, a financial transaction as a result of, or primarily relying on, information obtained through Government employment which has not been made available to the general public.

**§ 1010.302. Restrictions concerning private financial interests.**

(a) *All employees (18 U.S.C. 208).* Unless authorized to do so as provided hereafter in this section, no employee shall participate personally and substantially as a Government employee in a particular matter in which the employee knowingly has a financial interest.

(1) For purposes of this section—

(i) An employee "participates" in a particular matter through decision, approval, disapproval, recommendations, the rendering of advice, investigation or otherwise.

(ii) A "particular matter" is a judicial or other proceeding, application, request for ruling or other determination, contract, claim, controversy, charge, accusation, arrest or other such matter.

(iii) A "financial interest" includes the interest of the employee or the employee's spouse, minor child, partner, organization in which the employee is serving as officer, director, trustee, partner, or employee, or any person or organization with whom the employee is negotiating or has an arrangement concerning prospective employment. An employee shall be deemed to be negotiating for prospective employment upon an expression of interest in response to a solicitation for future employment by either the employee or the person or organization.

(2) *Administrative waiver.* The employee's reviewing official may waive the restrictions of paragraph (a) in a particular matter for an individual if the employee's reviewing official determines in writing that the interest is not so substantial as to be deemed likely to affect the integrity of the services which the Government may expect of the individual. See subpart E, § 1010.501(b) for procedures applicable to this waiver. Where it appears that the conflict of interest would arise in other matters in which the employee would be involved in the performance of normal duties, remedial action shall be taken.

(3) *Waiver by rule or regulations.* The Secretary may by rule or regulation waive the restrictions of paragraph (a) of this section for classes of financial interest which the Secretary determines are too remote or too inconsequential to affect the integrity of an employee's services. (See § 1010.501.) The restrictions on the following financial interests are waived pursuant to this paragraph:

(i) Financial interests in mutual funds or regulated investment companies the portfolios of which are widely diversified, and similarly constituted, commercially fungible entities.

(ii) [Reserved]

(b) *Supervisory employees (42 U.S.C. 7212)* (Applicable to FERC). In addition to the above restrictions, no supervisory employee shall knowingly receive compensation from, or hold any official relation with, any energy concern, or own stocks or bonds of any energy concern, or have any pecuniary interest therein.

(1) All supervisory employees shall comply with the provisions of paragraph (b) prior to assuming their duties in the DOE.

(2) Waivers of the restrictions of paragraph (b) may be requested in accordance with § 1010.501.

(c) *Employees holding positions listed in Appendix IV (30 U.S.C. 1211(f)).* No employee holding a position listed in Appendix IV shall have a direct or indirect financial interest in underground or surface coal mining operations. Such covered employees shall comply with the provisions of this paragraph prior to assuming their duties in DOE.

(d) Notwithstanding the reporting requirements of subpart D, any employee who has a financial interest (other than a financial interest waived under paragraph (a)(3) of this section) in a particular matter which is within the scope of the employee's official duties shall make a full disclosure of that interest in writing to both the employee's reviewing official and the Counselor at such time as the employee acquires the financial interest or begins participating in the particular matter.

**§ 1010.303 Postemployment restrictions.**

(a) *All employees (18 U.S.C. 207).* After Government employment has ceased, no former employee may:

(1) Knowingly act as agent or attorney for anyone other than the United States in connection with any judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter involving a specific party or parties in which the United States is a party or has an interest and in which the former employee participated personally and substantially for the Government through decision, approval, disapproval, recommendation, rendering of advice, investigation, or otherwise; and

(2) Appear personally before any Government court, department or agency as agent or attorney for anyone other than the United States in connection with any proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest,

or other particular matter involving a specific party or parties in which the United States is a party or has an interest and which was within the boundaries of the former employee's official responsibilities during the last year of that employee's Government service, for a period of one year after termination of the employee's official responsibility for that matter.

(b) *Supervisory employees (42 U.S.C. 7215)*. (Applicable to FERC) In addition to the above, for one year after employment with DOE ceases, except as provided in paragraph (b)(2), no supervisory employee shall knowingly make any appearance or attendance (see § 1010.103(c)) before the Department, or make any written or oral communication to, with the intent to influence the action of, the Department, if such appearance or communication relates to any particular matter which is pending before the DOE.

(1) The prohibition in paragraph (b) does not prevent a former supervisory employee from responding to requests from DOE officials for information relating to the former employee's duties in the Department.

(2) The prohibition in (b) shall not apply to:

(i) Any appearance, attendance or communication by a former supervisory employee who is employed by and acting on behalf of, the United States; or

(ii) Any appearance or communication by the individual where such appearance or communication is made in response to a subpoena, or concerns any matter of an exclusively personal and individual nature such as pension benefits.

(c) *Scientific and technological waiver*. (Applicable to FERC) The Secretary or the Chairman may waive the provisions of this section for a former DOE employee in connection with a particular matter in a scientific or technological field, if the Secretary or the Chairman, as appropriate, determines that the national interest would be served by such waiver because the former employee possesses outstanding scientific or technological qualifications. (See § 1010.501.)

(d) A limited exception from the restrictions contained in paragraph (a) is available, pursuant to the Indian Self-Determination Act (25 U.S.C. 450i(f)), to former employees who are employed by Indian tribes.

#### § 1010.304 Participation prohibitions.

(a) *All employees (18 U.S.C. 203 and 205)*. No employee except in the proper discharge of official duties shall represent anyone before a court or

Government agency in a matter in which the United States is a party or has an interest. This prohibition applies both to paid and unpaid representation of another.

(1) A special Government employee is subject to this restriction only if it is a matter in which that employee participated personally and substantially for the Government.

(2) Notwithstanding (a)(1), no special Government employee who has served more than 60 days during the preceding 365 days may represent anyone else in a matter pending before DOE.

(3) Waivers from the prohibitions of this paragraph are permitted in accordance with § 1010.501.

(b) *Supervisory employees (42 U.S.C. 7216)*. (Applicable to FERC) No supervisory employee shall knowingly participate:

(1) For a period of one year after terminating any employment with any energy concern, in any Department proceeding in which the supervisory employee's former employer is substantially, directly, or materially involved, other than in a rulemaking proceeding which has a substantial effect on numerous energy concerns; or

(2) For a period of one year after commencing service in the DOE, in any Department proceeding for which, within the previous 5 years, the supervisory employee had direct responsibility, or in which the supervisory employee participated substantially or personally, while in the employment of any energy concern.

(c) (Applicable to FERC) The Secretary or the Chairman, as appropriate, may waive the restrictions of paragraph (b) in accordance with § 1010.501.

(d) A limited exception from the restrictions contained in paragraph (a) of this section is available, pursuant to the Indian Self-Determination Act (25 U.S.C. 450i(f)), to employees who are assigned to Indian tribes.

§ 1010.305 Assignees pursuant to the Intergovernmental Personnel Act and the President's Executive Interchange Program.

(a) (Applicable to FERC) The DOE may utilize individuals assigned under the Intergovernmental Personnel Act and the President's Executive Interchange Program. However, no individual will be invited by the DOE to participate in such programs if such individual would be a supervisory employee in the DOE and the business, government or institution by whom such individual is employed is an energy concern, unless the Secretary or the

Chairman, as the case may be, grants an appropriate waiver pursuant to § 1010.501.

(b) Reviewing officials proposing to utilize an individual under the Intergovernmental Personnel Act or the President's Executive Interchange Program shall, prior to commencing negotiations with such individual, or the individual's current employer, submit to the Counselor, the individual's name, proposed position, salary, and current employer. The Counselor shall then determine whether it is appropriate to utilize such individual.

#### § 1010.306 Exceptions and waivers.

(a) Nothing in this subpart shall be deemed to prohibit employees, if it is not otherwise inconsistent with the faithful performance of their duties, from representing without compensation any person in a disciplinary, loyalty, or other Federal personnel administrative proceeding involving such person.

(b) Provided that an employee obtains prior approval, or provides advance notification in accordance with the provisions of § 1010.204 regarding outside employment, nothing in these regulations shall be deemed to prohibit employees from representing, with or without compensation, their parents, spouse, child, or any person for whom, or for any estate for which, they are serving as guardian, executor, administrator, trustee, or other personal fiduciary, *except* in those matters in which they have participated personally and substantially as Government employees, or which are the subject of their official responsibilities.

(c) Nothing in these regulations shall be deemed to prohibit employees from giving testimony under oath or from making statements required to be made under penalty for perjury or contempt.

(d) (Applicable to FERC) Nothing in this subpart shall prevent employees from requesting a waiver pursuant to subpart E.

#### Subpart D—Reports

##### § 1010.401 General (applicable to FERC).

(a) The Director of Personnel shall provide appropriate forms to new employees prior to their assumption of duties in the Department, and to a DOE employee assigned new duties prior to the employee's assumption of such new duties. The Director of Administration shall provide Form DOE-459 to DOE employees annually prior to May 1.

(b) Forms DOE-459 and DOE-460 shall be filed no later than the times stated in §§ 1010.403, and 1010.405 with the employee's reviewing official who

shall make a determination regarding financial interests therein revealed. The reviewing official shall complete this review and forward each form with the relevant determination to the Counselor within 15 days of receipt of the form.

(c) The Counselor shall review Form DOE-461 pursuant to § 1010.406 and other forms and determinations following receipt from the reviewing officials.

(1) The Counselor or the reviewing official in coordination with the Counselor may require divestiture of certain financial interests pursuant to § 1010.302. Any required divestiture action shall be taken within the time required by the Counselor or reviewing official and confirmed in writing.

(2) A required divestiture action may be appealed pursuant to § 1010.503, or a waiver may be requested pursuant to § 1010.501 within 30 days of receipt of such advice.

(d) An employee may request from the Counselor an extension(s) of time for filing Form DOE-459. The Counselor may grant such extensions for periods up to a total of 90 days.

(e) Persons aggrieved by application of this subpart may proceed in accordance with § 1010.503.

**§ 1010.402 Availability of reports (applicable to FERC).**

(a) Reports under the provisions of §§ 1010.403(b), 1010.405(a)(1) and 1010.406(a)(1) will be made available to the public. Reports under the provisions of §§ 1010.403(c), 1010.405(a)(2) and 1010.406(a)(2) will be held in confidence.

(b) Reports required by law to be publicly available shall be made available at a location specified by the Counselor within 30 days after receipt of the reports by the reviewing official, or in the case of Form DOE-461, within 30 days after receipt by the Counselor.

(c) Written requests for copies of publicly available reports should be addressed to:

The General Counsel, Department of Energy or Federal Energy Regulatory Commission, (as appropriate) Washington, D.C. 20585 (20428 for FERC).

(1) Persons requesting copies of reports may be required to pay a reasonable fee which may be necessary to recover the cost of reproduction and mailing of such reports.

(d) Publicly available reports will be retained by the Counselor for six years.

(e) A file of the waivers granted pursuant to § 1010.501, shall be available from the Counselor for inspection and copying during regular working hours.

(f) A record of persons requesting access pursuant to this section to any particular employee's reports shall be maintained by the Counselor and shall be available to that employee. The Counselor shall notify an employee whenever access to the employee's reports has been requested pursuant to this section.

**§ 1010.403 Statements of employment and financial interests and interests in energy concerns.**

(a) (Applicable to FERC) The Secretary or the Chairman, as appropriate, shall identify specific positions, or classes thereof, within the Department which are of a nonregulatory or nonpolicymaking nature at or below GS-12 of the General Schedule and shall exempt such positions and the individuals occupying those positions from the reporting requirements of section 603 of the Department of Energy Organization Act. Such exempted positions are listed in Appendix I. The requirements of this section are applicable to all employees, except those whose positions are specifically listed in Appendix I.

(b) Form DOE-459, Part A. (Applicable to FERC) This report of interests in energy concerns:

(1) Shall be publicly available;

(2) Shall include information as requested in the sample form in Appendix III A;

(3) Shall be completed by employees within 30 days of commencement of service in the Department and on every May 15 thereafter. Notwithstanding the allowable 30 day period, prospective supervisory employees and prospective special Government employees and their appointing officials are urged to assure the filing of such reports and their appropriate review by the Counselor to identify and avoid potential violations of section 602 of the DOE Organization Act (§ 1010.302(b) of these regulations) prior to entry on duty; and

(4) Shall satisfy the requirements of section 522 of the Energy Policy and Conservation Act (EPCA), Pub. L. 94-163, section 601 *et seq.* of the DOE Organization Act, Pub. L. 95-91, and section 308 of Pub. L. 95-39.

(c) Form DOE-459, Part B. (Applicable to FERC) This confidential statement of employment and financial interests:

(1) Shall be held in confidence;

(2) Shall include that information requested on the sample form in Appendix III A; and

(3) Shall be filed by employees within 30 days of commencement of service in the DOE and on each May 15 thereafter.

Notwithstanding the allowable 30 day period, prospective supervisory employees and prospective special Government employees and their appointing officials are urged to assure the filing of such reports and their appropriate review by the Counselor to identify and avoid potential violations of 18 U.S.C. 208 (§ 1010.302(a) of these regulations) prior to entry on duty.

(d) (Applicable to FERC) Employees required to file Form DOE-459 who cease to be DOE employees during any calendar year shall file the report within 30 days of the date of termination concerning that portion of such year beginning on January 1 and ending on the date employment terminates.

(e) Special Government employees shall keep the Form DOE-459 current throughout their employment with the Department by submission of supplementary statements, as needed, in addition to the annual report.

**§ 1010.404 Statement of interests in coal mining operations.**

(a) All employees occupying positions listed in Appendix IV as involving functions under the Surface Mining Control and Reclamation Act (Pub. L. 95-87) must so indicate on Part C of Form DOE-459.

(b) Each employee occupying a position listed in Appendix IV must certify in Part C of Form DOE-459 that none of the listed financial interests represent a direct or indirect financial interest in an underground or surface coal mining operation except as specifically identified and described.

**§ 1010.405 Prior employment report—Supervisory employees (applicable to FERC).**

(a) Each supervisory employee shall file Form DOE-460 identifying any entity which paid that employee compensation in excess of \$2,500 in the calendar year in which he is reporting or in any of the five preceding calendar years.

(1) Those entities which the supervisory employee believes to be energy concerns shall be listed in part A of the report.

(2) Other entities shall be listed in part B.

(b) Such report shall include information as requested on the sample form in Appendix III B.

(c) Such report need not include:

(1) Any information considered confidential as a result of a privileged relationship, recognized by law, between such supervisory employee and any person; or

(2) Any information with respect to any person for whom services were

provided by any firm or association of which such supervisory employee was a member, partner, or employee unless such supervisory employee was directly involved in the provision of such services.

(d) Part A of the report listing energy concerns shall be available to the public.

(e) Such report shall be filed within 60 days of becoming a supervisory employee in the DOE. Notwithstanding the allowable 60 day period, prospective supervisory employees and their appointing officials are urged to assure the filing of such reports and their appropriate review by the Counselor to identify and avoid potential violations of section 606 of the DOE Organization Act (§ 1010.304 of these regulations) prior to commencement of supervisory employee functions.

**§ 1010.406 Postemployment report—Supervisory employees (applicable to FERC).**

(a) Each former supervisory employee shall file with the Counselor a report, Form DOE-461, describing any employment with any entity during the period to which such report relates, including any employment as a consultant, agent, attorney, or otherwise.

(1) Those entities which the former supervisory employee believes are energy concerns shall be listed in part A of the report.

(2) The other entities shall be listed in part B.

(b) Such report shall include that information requested on the sample form in Appendix III C:

(c) Part A of this report listing energy concerns shall be available to the public.

(d) This requirement shall not apply to an individual who, at the time employment with DOE ceases, has any contract, promise, or other agreement with respect to future employment with an energy concern, provided:

(1) The individual describes such agreement in any publicly available report filed within 30 days after the individual ceases to be an employee of the DOE (including Form DOE-459); and

(2) The individual amends such report by May 15 of either of the next 2 years during which the individual has accepted any other employment.

(e) Reports under paragraph (a) of this section shall be filed in the first and second calendar years (no later than May 15 of each such year) following December 31 of the calendar year in which the reporting individual ceased to be an officer or employee of the DOE.

**§ 1010.407 Filing of Forms DOE-459, DOE-460, and DOE-461 (applicable to FERC).**

(a) Form DOE-459:

(1) Form DOE-459 shall be submitted by all employees whose positions are not listed in Appendix I.

(2) Form DOE-459 shall be submitted in accordance with § 1010.403.

(b) (1) Reviewing officials shall, as of April 15 of each year, review the positions under their jurisdiction and determine, in accordance with Appendix I, the positions which require the submission of reports from their incumbents. The affected employees shall be notified of that fact and shall be furnished with copies of the report form by their reviewing officials. By copy of the notification (or a list of the names, grades and positions of employees required to file reports), the Counselor shall be informed by the reviewing officials of those employees required to submit forms.

(2) Whenever a new position is established, the reviewing official shall determine whether the position calls for the submission of a form in accordance with Appendix I. If it is determined that a report is a requirement, the individual to be assigned to that position shall be notified (with copy to the Counselor) of the requirement (see § 1010.403 for filing procedures).

(c) Notwithstanding the filing of the annual reports required by these regulations, each employee shall at all times avoid acquiring a financial interest that could result in a violation of the conflicts of interest provisions of these regulations.

(d) Form DOE-460 (*Report on prior employment*).

(1) Form DOE-460 shall be submitted in accordance with § 1010.405.

(2) Form DOE-460 shall be submitted by all supervisory employees.

(e) Form DOE-461 (*Postemployment report*).

(1) Form DOE-461 shall be submitted in accordance with § 1010.406.

(2) Form DOE-461 shall be submitted by all former supervisory employees.

(3) Form DOE-461 shall be filed with the Counselor not later than May 15 of the first and second calendar years following the first full year such former employee ceased to be an employee of the DOE.

(f) Upon completion of processing, copies of reports shall be filed in the office of the Counselor.

(g) The reports required of employees by this subpart are in addition to, not in substitution for or in derogation of, any similar requirement imposed by law, order, or regulation. The submission of a

report by an employee or the absence of any requirement that an employee submit such a report does not permit the employee or any other person to participate in a matter in which the employee's or the other person's participation is prohibited by law, order, or regulation.

(h) To whom reports are to be submitted (Headquarters). Submission of required reports shall be to the reviewing official as indicated below:

(1) To the Director, Office of Government Ethics, (Government-wide Forms) and to the appropriate Counselor (Forms DOE-459, 460, and 461):

(i) The Secretary.

(ii) The Commissioners of FERC.

(2) To the Secretary:

(i) Members of the Secretary's immediate staff.

(ii) The Deputy Secretary.

(iii) The Under Secretary.

(iv) Special Government employees reporting directly to the Secretary.

(3) To the Deputy Secretary:

(i) Members of the Deputy Secretary's immediate staff.

(ii) Special Government employees reporting directly to the Deputy Secretary.

(iii) Heads of DOE organizational components who report directly to the Deputy Secretary.

(iv) Level 2 personnel (Assistant Secretary, Administrator EIA, Administrator ERA, Inspector General, Director ER, Director AD, Controller, General Counsel, Director PR, or equivalent) except those who report directly to the Under Secretary.

(4) To the Under Secretary:

(i) Members of the Under Secretary's immediate staff.

(ii) Special Government employees reporting directly to the Under Secretary.

(iii) Heads of DOE organizational components who report directly to the Under Secretary.

(5) To the Chairman of the Commission:

(i) Members of the Chairman's immediate staff.

(ii) Special Government employees reporting directly to the Chairman.

(iii) Heads of FERC organizational components who report directly to the Commission.

(6) To appropriate level 2 supervisor (Assistant Secretary, Administrator EIA, Administrator ERA, Inspector General, Director ER, Director AD, Controller, General Counsel, Director PR, or equivalent):

(i) Members of the level 2 supervisor's immediate staff.

(ii) Special Government employees reporting directly to the level 2 supervisor.

(iii) Level 3 personnel (Office Directors or equivalent) under the jurisdiction of such level 2 supervisor.

(7) To appropriate level 3 supervisor (Office Director or equivalent):

(i) Members of the level 3 supervisor's immediate staff.

(ii) Special Government employees reporting directly to the level 3 supervisor.

(iii) Level 4 personnel (Division Director or equivalent) under the jurisdiction of such level 3 supervisor.

(8) To appropriate level 4 supervisor (Division Director or equivalent):

All other employees or special Government employees required by these regulations to submit a report.

(9) In special situations, the Counselor may arrange for submission of reports to other than the employee's normal reviewing official.

(i) To whom reports are to be submitted (Field Organizations). Submission of required reports shall be to the reviewing official as indicated below.

(1) To Regional Representative, Administrator of Power Administration, Manager of Operations Office, Director of Energy Technology Center, or equivalent.

(i) Members of that official's immediate staff.

(ii) Special Government employees reporting directly to that official.

(iii) Assistant Managers, Assistant Administrators, Area Managers, heads of other field organizational components who report directly to that official, or equivalent.

(2) To Assistant Managers, Assistant Administrators, Area Managers, heads of other field organizational components who report directly to officials listed in paragraph (i)(1) hereof, or equivalent.

(i) Members of that official's immediate staff.

(ii) Special Government employees reporting directly to that official.

(iii) Office Directors, Division Directors, heads of other field organizational components who report directly to that official, or equivalent.

(3) To Office Directors, Division Directors, heads of other field organizational components who report directly to officials listed in paragraph (i)(2) hereof, or equivalent:

All other employees or special Government employees required by these regulations to submit a report.

(4) In special situations, the Counselor may arrange for submission of reports to

other than the employee's normal reviewing official.

#### Subpart E—Procedures and Sanctions

##### § 1010.501 Waivers.

(a) (Paragraphs (a)(1), (a)(2) and (a)(4) are Applicable to FERC.) Waivers may be granted of the requirements and restrictions in:

(1) Section 1010.302(b) (prohibited interests for supervisory employees) if the Secretary or the Chairman, as appropriate, finds that application of the restrictions would work an exceptional hardship on the supervisory employee or that the prohibited interest is a pension, insurance, or other similarly vested interest;

(2) Section 1010.304(b) (participation prohibitions for supervisory employees) if the Secretary or the Chairman, as appropriate, finds that application of the restrictions would work an exceptional hardship on the supervisory employee or would be contrary to the national interest;

(3) Section 1010.302(a) (participation restrictions in particular matters for all employees) if the Secretary by rule or regulation finds that a particular interest is too remote or too inconsequential to be one which can be expected to cause a conflict of interest for any employee who may hold that interest; (see also § 1010.501(b))

(4) Section 1010.303 (a) and (b) (postemployment restrictions for all former employees and former supervisory employees, respectively) if the Secretary or the Chairman, as the case may be, finds that the national interest would be served if a former employee with outstanding scientific or technological qualifications were permitted to appear, attend, or communicate with the DOE, in connection with a particular matter in a scientific or technological field; and

(5) Section 1010.304 (a)(1) and (2) (participation prohibitions for special Government employees) if the Secretary finds that the national interest would be served if a special Government employee were permitted to represent another person in the performance of work under a grant, by, or a contract with or for the benefit of, the United States.

(b) The employee's reviewing official in consultation with the Counselor may waive the provisions of § 1010.302(a) if he finds that the individual employee's financial interest is not so substantial as to be likely to affect the integrity of the services which the Government may expect of that employee.

(c) (Applicable to FERC) An employee requesting a waiver under paragraph (a) or (b) of this section shall submit a written request for waiver to the employee's reviewing official. The request shall explain the employee's duties, the nature of the conflict of interest, potential conflict of interest, or appearance of conflict of interest, the effect on the employee of the restriction or prohibition for which the employee seeks the waiver, and the reasons why the waiver should be granted.

(1) In the case of requests under paragraph (a) of this section, the reviewing official shall review the request and forward the request with the reviewing official's recommended action to the Counselor. The Counselor will review the request and the reviewing official's recommendation and, where appropriate, forward a waiver statement to the Secretary or the Chairman, as appropriate, for approval and signature.

(2) In the case of requests under paragraph (b) of this section, the employee's reviewing official, in consultation with the Counselor, shall review and determine in writing whether to grant the request.

(d) (Applicable to FERC) Waivers under paragraphs (a)(1), (a)(3), or (a)(4) of this section shall be published in the Federal Register.

(e) (Applicable to FERC) Waivers under paragraph (a)(2) of this section shall be filed with any record of the Department proceeding as to which the waiver, for purposes of participation, is granted.

(f) Waivers under paragraphs (a)(5) or (b) of this section shall be filed in the employee's conflicts of interest file maintained by the Counselor.

##### § 1010.502 Sanctions.

(a) *General criminal sanctions.* (1) Violations of 18 U.S.C. 203, 205, or 208 (§§ 1010.302 or 1010.304 of these regulations) may result in a fine of \$10,000 or imprisonment for 2 years, or both.

(2) Violations of 18 U.S.C. 207 or 209 (§§ 1010.203, or 1010.303 of these regulations) may result in a fine of \$5,000 or imprisonment for 1 year, or both.

(b) (Applicable to FERC) Criminal and civil sanctions under the DOE Organization Act.

(1) Any individual who is subject to, and knowingly violates, section 603 of the DOE Organization Act (§ 1010.403(b) of these regulations) shall be fined not more than \$2,500 or imprisoned not more than one year, or both.

(2) Any individual who violates any of sections 602 through 606 of the DOE Organization Act (§§ 1010.302(b), 1010.303(b), 1010.304(b), 1010.403, 1010.405, or 1010.406 of these regulations) shall be subject to a civil penalty, assessed by the Secretary or the Chairman, as appropriate, in accordance with applicable law or by any district court of the United States, not to exceed \$10,000 for each violation.

(3) Notwithstanding any penalty imposed under paragraph (b)(1) of this section, any violation of section 605(a) of the DOE Organization Act (§ 1010.303(b) of these regulations) shall be taken into consideration in deciding the outcome of any Department proceeding in connection with which the prohibited appearance, attendance, communication, or submission was made.

(c) (Applicable to FERC) All alleged violations of these regulations shall be referred to the Counselor and the Inspector General. The Counselor shall review the allegations and determine whether the matter should be referred to the Department of Justice for investigation, or is appropriate for investigation by the Inspector General.

(d) (Applicable to FERC) General administrative sanctions.

(1) The Secretary or the Chairman may impose administrative sanctions for violations of these regulations to the fullest extent provided by law and DOE regulations.

(2) Such administrative sanctions may be imposed for violations which include, but are not limited to:

(i) Late submission by employees of required reports; and

(ii) Failure by reviewing officials to perform counseling or review functions.

(e) (Applicable to FERC) (1) An individual shall be deemed to have known of or knowingly committed a described act or to have known of or knowingly held a described status or position if the employee knew or should have known of such act, interest, status, or position.

(2) An employee shall be deemed to have known of or knowingly held an interest in an energy concern if such interest is sold or otherwise transferred to the employee's spouse or dependent while such employee is, or within 6 months prior to the date on which such employee becomes, an employee of DOE.

(3) Placing of an interest under a trust by an individual shall not satisfy the requirement of § 1010.302(b) of these regulations unless none of the interests placed under such trust by such individual consists of known financial

interests in any energy concern. Further information concerning trusts may be obtained from the Counselor.

#### § 1010.503 Appeals and grievances (applicable to FERC).

(a) An employee may request review by the Counselor of an action or decision by a reviewing official, under these regulations, which adversely affects that employee. Any action or decision by the Counselor pursuant to these regulations may be appealed in writing to the Deputy Secretary, or the Chairman, as appropriate.

(b) The DOE grievance procedure shall be available for review of the following actions and decisions:

(1) Failure to include an employee's position on the list of employees exempt from reporting requirements (Appendix I);

(2) Inclusion of an employee on the list of employees identified as supervisory employees (Appendix II);

(3) Inclusion of employees on the list of employees covered under the Surface Mining Control and Reclamation Act of 1977 (Appendix IV); and

(4) Inclusion of a person or organization on the list of energy concerns.

#### § 1010.504 Cancellation of contracts.

The Secretary reserves the right to declare void, in accordance with law, any Department award, contract, decision or other Department action or proceeding in connection with which provisions of statutes or DOE regulations are violated.

#### Subpart F—Special Government Employees

##### § 1010.601 Use of Government employment.

Special Government employees shall not use Government employment for a purpose that is, or gives the appearance of being, motivated by the desire for private gain for themselves or other persons, particularly those with whom they have family, business, or financial ties.

##### § 1010.602 Use of inside information.

(a) Special Government employees shall not use inside information obtained as a result of Government employment for private gain for themselves or other persons either by direct action on their part or by counsel, recommendation or suggestion to other persons, particularly ones with whom they have family, business, or financial ties. For the purpose of this section, "inside information" means information obtained under Government authority

which has not become part of the body of public information.

(b) A special Government employee may teach, lecture, or write in a manner not inconsistent with § 1010.204(c).

##### § 1010.603 Coercion.

Special Government employees shall not use their Government employment to coerce, or give the appearance of coercing, a person to provide financial benefit to themselves or other persons, particularly those with whom they have family, business or financial ties.

##### § 1010.604 Gifts, entertainment, and favors.

(a) Except as provided in paragraph (b) of this section, special Government employees, while so employed or in connection with their employment, shall not knowingly receive or solicit from a person having business with the DOE anything of value as a gift, gratuity, loan, entertainment, or favor for themselves or other persons, particularly one with whom they have family, business, or financial ties.

(b) The exceptions and limitations set forth in §§ 1010.205 (b), (c) and (d) shall be applicable to special Government employees.

##### § 1010.605 Other provisions.

(a) In addition to the requirements of this subpart, special Government employees shall be responsible for knowing the restrictions contained in subparts B, C, and D.

(b) (Applicable to FERC) Any special Government employee who is compensated at an annual rate equal to or greater than a GS-16 of the General Schedule, and who serves for more than 90 days in a calendar year, is considered to be a supervisory employee under these regulations and is subject to the restrictions contained in §§ 1010.302(b), 1010.303(b), and 1010.304(b).

Editorial Note.—The following appendices will not appear in the Code of Federal Regulations.

##### Appendix I.—List of DOE Positions Exempt From the Disclosure Requirements of Section 603 of the DOE Organization Act

The following is a list of specific positions and classes thereof within the Department of Energy other than the Federal Energy Regulatory Commission, which are of a nonregulatory and nonpolicymaking nature at or below GS-12 of the General Schedule or the equivalent. The individuals occupying these listed positions have been exempted from the disclosure requirements of section 603 of the Department of Energy Organization Act (Pub. L. 95-91).

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## Executive Secretariat

Office of the Secretary  
(Including the Offices of the Deputy Secretary,  
Under Secretary, The Special Assistant, and  
the Office of the Director, Office of the Secretary)

Position Title	Series	Grade	Position Title	Series	Grade
Correspondence Management Technician	301	GS 12 or below	Historical Analyst	170	GS 12 or below
Correspondence Management Assistant	301	"	Chief, Administrative Correspondence Control Section	301	"
Correspondence Control Assistant	301	"	Survey Correspondence Management Specialist	301	"
Correspondence Control Clerk	301	"	Correspondence Management Specialist	301	"
Staff Assistant	301	"	Administrative Technician	301	"
Aide, Cables	301	"	Correspondence Control Assistant	301	"
Chief, Cables	301	"	Staff Assistant	301	"
Correspondence Management Analyst	301	"	Correspondence Management Technician	301	"
Administrative Technician	301	"	Correspondence Control Clerk	301	"
Correspondence Management Specialist	301	"	Confidential Assistant/Secretary	301	"
Secretary	301	"	Document Coordination Analyst	301	"
Staff Assistant to the Deputy Secretary	301	"	Assistant Document Coordination Analyst	301	"
Receptionist	301	"	Document Control Officer	301	"
Confidential Assistant	301	"	Document Control Clerk	301	"
Clerk	301	"	Secretary	301	"
Aide to Assistant Administrative Services Specialist, Reproduction and Printing	301	"	Historical Analyst	301	"
Staff Assistant for Correspondence	301	"	Assistant Archivist	301	"
			Assistant Historian	301	"
Messenger	302	"	Staff Historian	301	"
File Clerk	305	"	Research Assistant	301	"
Correspondence Control Assistant	305	"	Records Analyst	301	"
Clerk-Stenographer	312	"	Correspondence Control Assistant	305	"
Secretary	318	"	Records Assistant	305	"
Secretary-Travel Aide	318	"	Correspondence Technician	309	"
Staff Analysis and Documentation Specialist	342	GS 10 or below	Clerk-Stenographer	312	"
Records Specialist	342	GS 10 or below	Secretary/Administrative Aide	318	"
Word Processor	350	GS 12 or below	Clerk-Typist	322	"
Word Processing Specialist	350	"	Staff Assistant	341	"
Word Processing Technician	350	"	Records Specialist	342	"
Steward	1667	"	Archivist	1420	"
Specialist, Office Supplies and Equipment Supply Clerk	2005	"			
Courier and Transportation Aide	2101	"			

All hourly paid employees in the Office of the Secretary

Position Title	Series	Grade	Position Title	Series	Grade
Contracts Management Information Specialist	301	GS 11 or below	Statistician	1530	GS 12 or below
Confidential Secretary	301	GS 12 or below	Statistical Assistant	1531	"
Research Assistant	301	GS 11 or below	Student Aide	YW 3506	Hourly
Communications Technician	301	GS 12 or below			
Correspondence Management Specialist	301	GS 12 "			
Staff Assistant	301	GS 12 or below			
Program Assistant	301	GS 9 or below			
Program Support Analyst	301	GS 12 or below			
Energy Policy Analyst	301	"			
Administrative Services Assistant	301	GS 12 or below			
Administrative Assistant	301	"			
Clerk (Typing)	301	"			
Office Services Assistant	301	"			
Mail & Records Clerk	301	"			
Energy Conservation Specialist	301	GS 9 or below			
Energy Program Assistant	301	GS 12 or below			
Management Information Specialist	301	"			
Program Support Assistant	301	"			
Statistical Program Assistant	301	"			
Solar Energy Program Assistant	301	"			
Mail & Records Officer	305	"			
Mail & Records Clerk	305	"			
Clerk-Stenographer	312	"			
Secretary (Typing/Steno)	318	"			
Secretary (Typist)	322	"			
Clerk-Typist	322	"			
Administrative Officer	341	"			
Management Analyst	343	"			
Management Specialist	344	"			
Program Analyst	345	GS 9 or below			
Budget Analyst	560	GS 12 or below			
Public Information Specialist	1081	"			
Information Specialist	1082	"			

Assistant Secretary for Defense Programs  
(Including all Divisions and Offices thereunder)

<u>Position Title</u>	<u>Series</u>	<u>Grade</u>	<u>Position Title</u>	<u>Series</u>	<u>Grade</u>
International Safeguards Specialist	080	GS 12 or below	Mail and Records Analyst	305	GS 12 or below
Screening Analyst	080	"	Mail and Records Clerk	305	"
Screening Officer	080	"	Mail/Records Supervisor	305	"
Physical Security Specialist	080	"	Mail/Records Assistant	305	"
Assessments Reports Specialist	080	"	Clerk, CPCI	305	"
Systems Specialist	080	"	Mail and File Clerk	312	"
Security Specialist	080	"	Clerk Stenographer	312	"
Technical Reviewer	080	"	Secretary	318	"
Special Security Officer	080	"	Secretary Typist	322	"
Personnel Security Analyst	080	"	Clerk Stenographer	322	"
Intelligence Reference Aide	080	"	Clerk Typist	322	"
Staff Assistant	131	"	Administrative Officer	341	"
Intelligence Research Specialist	132	"	Chief, Administrative Branch	341	"
Staff Assistant	132	"	Management Specialist	343	"
Administrative Clerk	301	"	Budget Assistant	501	"
Administrative Assistant	301	"	Budget and Accounting Analyst	560	"
Clerk, CPCI	301	"	Program Analyst	560	"
Chief, CPCI	301	"	Nuclear Engineer	840	GS 9 or below
Clerk-Typist	301	"	Visual Aid Specialist	1001	GS 12 or below
H Q. File Supervisor	301	"	Classification Analyst	1301	"
T.S. Control Clerk	301	"	Classification Analyst	1310	"
File Clerk	301	"	Foreign Affairs Specialist	1320	"
Pre-Screening and Reviewing Clerk	301	"	Weapon Data Clearance Specialist	1412	"
Intelligence Reference Aide	301	"	Safeguards Reference and Research Assistant	1412	"
Budgetary and Reports Analyst	301	"	Nuclear Materials Statistician	1530	"
Management Analyst	301	"	Staff Assistant to the Director of	Military	E-9 or below
Project Control Analyst	301	"	Military Applications		
Emergency Operations Coordinator	301	"			
Data Base Maintenance and Retrieval Assistant	301	"			
Staff Assistant	301	"			
Mail Clerk	301	"			
Chief, Records Section	305	"			
Assistant Chief, Records Section	305	"			
Records Assistant	305	"			
Code and Reference Clerk	305	"			

Position Title	Series	Grade	Position Title	Series	Grade
Mineral Economist	110	GS 12 or below	Secretary-Typing	322	GS 12 or below
Research Assistant	170	"	Secretary	322	"
Staff Assistant	301	"	Clerk-Typist	322	"
Program Assistant	301	"	Clerk-Stenographer Trainee	341	"
Program Resource Assistant	301	"	Administrative Officer	341	"
Research Assistant	301	"	Administrative Assistant	343	"
Program Coordination Assistant	301	"	Management Specialist	343	"
Correspondence Control Specialist	301	"	Management Analyst	343	"
Correspondence Control Assistant	301	"	Records Management Analyst	343	"
Senior Proposal Specialist	301	"	Management Assistant	343	"
Management Specialist	301	"	Management Intern	344	"
Administrative Aide	301	"	Management Specialist (Intern)	345	"
Administrative Assistant	301	"	Program Analyst	345	GS 11 or below
Research Analyst	301	"	Policy & Systems Analyst	345	GS 12 or below
Committee Management Assistant	301	"	Program Analyst Trainee	350	"
Administrative Management Assistant	301	"	Senior Word Processing Operator	350	"
Correspondence Aide	301	"	Word Processing Operator	501	"
Management Intern	301	"	Fiscal Liaison Officer	501	"
Office Services Assistant	301	"	Budget Assistant	501	"
Proposal Specialist	301	"	Fiscal Liaison Assistant	504	"
Reports Technician	301	"	Budget Analyst	510	"
Acquisition Management Clerk	301	"	Accountant	560	"
Technical Assistant (Typing)	301	"	Budget Analyst	560	"
Clerk	301	"	Financial Analyst	560	"
Clerk-Typing	301	"	Budget & Statistical Analyst	560	"
Hallroom Supervisor	305	"	Budget Assistant	801	GS 9 or below
Mail & File Supervisor	305	"	General Engineer	802	GS 12 or below
Records & Mail Control Clerk	305	"	Research Technician	830	GS 9 or below
Correspondence Control Clerk	305	"	Mechanical Engineer	840	"
Control Clerk	305	"	Reactor Engineer	840	GS 11 or below
Mail & File Clerk	305	"	Reactor Engineer (Intern)	840	"
Action Control Clerk	305	"	Nuclear Engineer	840	GS 9 or below
File Clerk	305	"	Nuclear Engineer (Intern)		
Secretary	312	"			
Clerk-Stenographer	312	"			
Word Processing Operator	316	"			
Secretary	318	"			

Position Title	Series	Grade	Position Title	Series	Grade
Chemical Engineer (Intern)	893	GS 11 or below	Information Systems Analyst	301	GS 12 or below
Chemical Engineer	893	GS 9 or below	Records Management Analyst	301	"
Program Communications Specialist	1082	GS 12 or below	Research Contract Analyst	301	"
Information Specialist	1082		Staff Assistant	301	"
Presentation Coordinator	1084		Management Assistant (Economics)	301	"
Communications Analyst	1084		Reports Analyst	301	"
Editorial Assistant	1087		Information Systems Coordinator	301	"
Business and Industrial Analyst	1101	"	Travel Coordinator	301	"
Physical Scientist	1301	GS 9 or below	Travel and Administrative Clerk	301	"
Management Assistant	1601	GS 12 or below	Environmental Assistant (Secretary)	301	"
			Planning Aide	301	"
			Clerical Assistant (Typing)	301	"
			Clerk (DMT)	301	"
			Mail and Records Specialist	305	"
			Mail and File Clerk	305	"
			Mail Clerk (Typing)	305	"
			Clerk-Stenographer	312	"
			Secretary	318	"
			Administrative Secretary	318	"
			Secretary Typist	322	"
			Management Assistant	340	"
			Administrative Officer	341	"
			Policy Analyst Social Science	343	"
			Budget Analyst	560	"
			Staff Assistant	601	"
			Fire Protection Engineer	803	GS 9 or below
			Systems Analyst	1520	GS 12 or below

Assistant Secretary for Intergovernmental  
and Institutional Relations  
(Including all Divisions & Offices thereunder)

Position Title	Series	Grade	Position Title	Series	Grade
Social Science Analyst	101	GS 12 or below	Management Analyst	343	GS 12 or below
Staff Analyst	301	"	Intergovernmental Relations Analyst	345	"
Special Assistant	301	"	Policy and Planning Analyst	345	"
Staff Assistant	301	"	Senior Legislative Research Analyst	345	"
Adv Committee Program Specialist	301	"	Research Analyst	345	"
Cons. Aff./Spec Impact Program Specialist	301	"	Program Analyst	504	"
Confidential Assistant	301	"	Budget-Accounting Assistant	560	"
Legislative Staff Assistant	301	"	Budget Analyst	1071	"
Administrative Assistant	301	"	Radio Production Specialist	1071	"
Administrative Service Specialist	301	"	Radio Production Assistant	1081	GS 9 or below
Intergovernmental Relations Specialist	301	GS 9 or below	Public Information Officer	1081	"
Legislative Research Specialist	301	GS 12 or below	Public Information Specialist	1081	"
Exhibits Assistant	301	"	Public Programs Assistant	1082	"
Publications Assistant	301	"	Writer	1082	"
Legislative Affairs Specialist	301	GS 9 or below	Writer	1083	"
Correspondence Management Specialist	301	GS 12 or below	Publications Assistant	1083	"
Conferences Coordinator	301	"	Information Publications Officer	1084	GS 12 or below
Publications Clerk	301	"	Publications Assistant	1087	"
Legislative Information Specialist	301	"	Visual Information Specialist	1410	"
Clerk	301	"	Editorial Assistant	1412	"
Clerk-Typing	301	"	Legislative Librarian	1412	"
Supervisor, Correspondence Control Branch	305	"	Information Specialist		
Records Management Aide	305	"	Technical Information Officer		
Mail & File Clerk	305	"			
Correspondence Control Specialist	309	"			
Correspondence Assistant	309	"			
Clerk Stenographer	312	"			
Secretary	318	"			
Secretary-Stenographer	318	"			
Secretary-Typist	318	"			
Secretary	322	"			
Secretary-Typist	322	"			
Clerk Typist	322	"			
Administrative Officer	341	"			
Administrative Assistant	341	"			

Assistant Secretary for International Affairs

Assistant Secretary for Policy & Evaluation  
(Includes all Divisions and Offices Thereunder)

<u>Position Title</u>	<u>Series</u>	<u>Grade</u>	<u>Position Title</u>	<u>Series</u>	<u>Grade</u>
International Economist	110	GS 9 or below	Economist (Division of Advanced Energy Systems and Office of Analytical Services only)	110	GS 12 or below
Foreign Affairs Specialist	130	"	Special Assistant	301	"
Foreign Affairs Officer	130	"	Policy Program Specialist	301	"
International Relations Officer	131	"	Policy Coordinator	301	"
Intelligence Operations Specialist	132	GS 12 or below	Competition Assistant	301	"
Staff Assistant (Intern)	132	"	Clerical Assistant	301	"
Intelligence Reference Assistant	134	"	Administrative Services Specialist	301	"
Staff Assistant	301	"	Management Services Specialist	301	"
Confidential Assistant	301	"	Administrative Assistant	301	"
Visits Coordinator	301	"	Management Services Analyst	301	"
Foreign Affairs Assistant	301	GS 9 or below	Technical Assistant	301	"
Research Assistant	301	GS 12 or below	Clerk	301	"
Administrative Services Assistant	301	"	Confidential Assistant	301	"
Clerk (Typing)	301	"	Secretary (Steno)	301	"
Top Secret Control and Reference Clerk	301	"	Program Staff Assistant	301	"
Clerk Stenographer	312	"	Program Assistant	301	"
Secretary	318	"	Administrative Technician	301	"
Secretary (Typing)	318	"	Office Clerk	301	"
Secretary (Typing)	322	"	Policy Analyst (Office of Coal & Electrical Systems Policy, Office of Oil & Gas Policy and Office of Conservation & Advanced Energy Systems Policy only)	301	"
Records Management Officer	340	"	Systems Program Assistant	301	"
Special Assistant	343	"	Conservation Program Specialist	301	"
Budget Analyst	560	GS 9 or below	Project Coordination Specialist	301	"
			Project Assistant	301	"
			Clerk-Steno	312	"
			Secretary (Typing)	318	"
			Secretary (Steno)	318	"
			Clerk-Typist	322	"
			Program Analyst (Office of Conservation & Advanced Energy Systems Policy only)	345	"
			Operations Research Analyst (Office of Coal & Electrical Systems Policy, Office of Oil & Gas Policy, and Office of Analytical Services only)	1515	"
			Operations Research Analyst (Office of DAS for Planning & Evaluation only)	1515	GS 7 or below
			Student Aide (SIS)		Hourly

Assistant Secretary for Resource Applications  
(All Headquarters Offices except Naval Petroleum Reserves)

<u>Position Title</u>	<u>Series</u>	<u>Grade</u>	<u>Position Title</u>	<u>Series</u>	<u>Grade</u>
Economist (SPRO and URE only)	110	GS 12 or below	Assistant Administrative Officer	341	GS 12 or below
Administrative Services Specialist	301	"	Office Services Supervisor	342	"
Administrative Services Assistant	301	"	Program Analyst	345	"
Environmental Specialist	301	"	Communications Aide	394	"
Paralegal Specialist	301	"	Supervisory Staff Accountant	510	"
Program Assistant	301	"	Accounting Technician	525	"
Clerk (Typing)	301	"	Voucher Examiner	540	"
Correspondence Management Specialist	301	"	Budget Analyst	560	"
Staff Assistant	301	"	General Engineer	801	GS 9 or below
Administrative Assistant	301	"	Civil Engineer	810	"
Administrative Aide	301	"	Engineering Draftsman	818	GS 12 or below
Clerical Assistant (Steno)	301	"	Mechanical Engineer	830	GS 9 or below
Research Analyst	301	"	Petroleum Engineer	881	"
Facility Siting Program Specialist	301	"	Chemical Engineer	893	"
Materials Analyst	301	"	Production Systems Analyst	893	"
Program Specialist	301	"	Petroleum Distribution Analyst	1101	"
Legislative Assistant	301	"	Contract Specialist	1102	"
Mail and File Clerk	301	"	Industrial Specialist	1150	GS 11 or below
Mail and File Clerk	301	"	Chemist	1320	GS 9 or below
Clerk (Stenographer)	301	"	Hydrologist	1320	"
Clerical Assistant (Typing)	301	"	Geologist	1350	"
Research Assistant	301	"	Operations Research Analyst	1515	GS 11 or below
Management Services Specialist	301	"	General Supply Specialist	2001	GS 12 or below
Energy Program Specialist (Loan Guarantee)	301	"	Transportation Specialist	2101	"
Energy Resources Specialist	301	"	Traffic Management Specialist	2130	"
Research Assistant (Steno)	301	"	Travel Coordinator	2132	"
Presidential Management Intern	301	"	Student Aide	YU-3506	Hourly
Chief, Mail and Records Section	305	"			
Mail Analyst	305	"			
File Clerk	305	"			
Records Clerk	305	"			
Clerk-Stenographer	312	"			
Secretary (Steno)	312	"			
Secretary (Typing)	318	"			
Secretary	318	"			
Secretary (DMT)	318	"			
Clerk-Typist	322	"			
Computer Specialist	334	"			

Directorate of Administration  
(Includes all Offices thereunder)

Committees & Boards

Position Title	Series	Grade	Position Title	Series	Grade
Secretary	318	GS 12 or below	Facility Planning and Utilization Specialist	020	GS 12 or below
Administrative Assistant	341	"	Personnel Management Specialist	201	"
			Personnel Assistant	203	"
			Employee Relations & Development Assistant	203	"
			Staffing Assistant (Typing)	203	"
			Personnel Clerk	203	"
			Personnel Assistant (Typing)	203	"
			Staffing Clerk (Typing)	203	"
			Personnel Staffing Specialist	212	"
			Position Classification Specialist	221	"
			Employee Relations Specialist	230	"
			Employee Relations Assistant	230	"
			Labor Relations Specialist	233	"
			Employee Development Specialist	235	"
			Employee Development Assistant	235	"
			Employee Relations & Development Specialist	235	"
			Clerk	301	"
			Alcohol & Drug Abuse Program Specialist	301	"
			Staff Assistant	301	"
			Chief, Mail & Distribution Section	301	"
			Staff Assistant (Legal Affairs)	301	"
			Asst. Chief, Mail & Distribution Section	301	"
			Supervisory FOI Specialist	301	"
			Executive Services Specialist	301	"

Position Title	Series	Grade	Position Title	Series	Grade
Correspondence Management Specialist	301	GS 12 or below	Clerk Stenographer	312	GS 12 or below
Supervisory Management Information Specialist	301	"	Secretary (Typing)	318	"
Freedom of Information Specialist	301	"	Secretary (Stenography)	318	"
Executive Assistant	301	GS 9 or below	Clerk-Typist	322	"
Industrial Relations Assistant	301	GS 12 or below	Composition Specialist	324	"
Management Technician	301	"	Senior Composer/Proofreader	324	"
Audio Visual Assistant	301	"	Computer Operations Analyst	332	"
Services Assistant	301	"	Computer Operations Shift Supervisor	332	"
Data Control Specialist	301	"	Computer Operator	332	"
Management Information Technician	301	"	RJE Operator	332	"
Automotive Maintenance Aide	301	"	ADP Management Analyst	334	"
Administrative Clerk	301	"	Computer Programmer	334	"
Building Services Assistant	301	"	Computer Systems Analyst	334	"
Technical Program Analyst	301	"	Computer Specialist	334	"
Administrative Aide	301	"	Computer Operator	334	"
Research Assistant	301	"	Chief, Data Management Unit	335	"
Office Services Assistant	301	"	Chief, Data Control Unit	335	"
Clerk (Stenography)	301	"	Computer Technician	335	"
Mail & Distribution Coordinator	301	"	Computer Aide	335	"
Clerk (Typing)	301	"	Computer Services Technician	335	"
Office Services Clerk	301	"	Data Processing Technician	335	"
Data Control Clerk	301	"	Administrative Officer	341	"
Correspondence Analyst	301	"	Administrative Assistant	341	"
Clerical Assistant (Typing)	301	"	Records Specialist	342	"
Services Aide	301	"	Management Analyst	343	"
Mail Analyst	301	"	Records Management Analyst	343	"
Senior Receptionist	304	"	Management Assistant	343	"
Receptionist	304	"	Management Analysis Assistant	344	"
Mail & File Supervisor	305	"	Reports Analyst	344	"
Mail Supervisor	305	"	Management Assistant	344	"
Mail & Records Clerk	305	"	Records Management Technician	344	"
Mail & Postal Clerk	305	"	Program Analyst	345	"
Mail Clerk	305	"			

Position Title	Series	Grade	Position Title	Series	Grade
Word Processing Specialist	350	GS 12 or below	Budget Officer	560	GS 12 or below
Word Processor	350	"	Budget & Funds Control Analyst	560	"
Composition/Word Processing Operator	350	"	Space Management & Designer	1001	"
Reprographic Operator	350	"	Illustrator	1020	"
Office Machine Operator	350	"	Photographic Specialist	1060	"
Printing Assistant	351	"	Photographer	1060	"
Printing Clerk	351	"	Photographic Technician	1060	"
Chief, Input/Output Support Unit	356	"	Equipment & Program Specialist	1071	"
Supervisory Data Transcriber	356	"	Video Production Specialist	1071	"
Data Transcriber	356	"	Console & Equipment Specialist	1071	"
Card Punch Operator	356	"	Visual Information Specialist	1084	"
Auxiliary Equipment Operator	359	"	Graphics Specialist	1084	"
Chief Telephone Operator	382	"	Building Management Specialist	1176	"
Telephone Operator	382	"	Space Management Assistant	1176	"
Supervisory Communications Equipment Operator	390	"	Supervisory Cartographer	1370	"
Supervisory Communications Relay Operator	390	"	Cartographic Technician	1371	"
Communications Relay Operator	390	"	Senior Cataloger	1410	"
SACNET Operations Shift Supervisor	392	"	Senior Acquisition Librarian	1410	"
SACNET Center Senior Operator	392	"	Reference Librarian	1410	"
Communications Equipment Operator	392	"	Librarian	1410	"
SACNET Operations Analyst	393	"	Library Technician	1411	"
Communications Specialist	393	"	Information Specialist	1412	"
Communications Services Coordinator	394	"	Pension & Insurance Trainee	1510	"
Radio Frequency Management Assistant	394	"	Mathematician	1520	"
Communications Assistant	394	"	Space Management Specialist	1640	"
Funds Control Assistant	501	"	Printing Management Assistant	1654	GS 11 or below
Fiscal Assistant	501	"	Printing Procurement Assistant	1654	GS 9 or below
Budget & Fiscal Assistant	501	"			
Accounting Technician	525	"			
Voucher Examiner	540	"			

Position Title	Series	Grade	Position Title	Series	Grade	Economic Regulatory Administration
Supply Management Officer	2003	GS 12 or below	Environmental Protection Specialist	028	GS 12 or below	
Supply Management Assistant	2003	"	Economist (Crude Oil Supply and Allocation Division and Coal Utilization Division only)	110	"	
Property Management Assistant	2003	"	Clerk Typing	300	"	
Supply Technician	2005	"	Research Assistant	301	"	
Supply Clerk	2005	"	Staff Assistant	301	"	
Property & Supply Clerk	2005	"	Supervisory Correspondence Management Specialist	301	"	
Supply Assistant	2005	"	Correspondence Control Clerk	301	"	
Chief, Transportation Section	2101	"	Clerk	301	"	
Transportation Specialist	2101	"	Reproduction Machine Operator	301	"	
Asst Chief, Transportation Section	2101	"	Clerk (Typing)	301	"	
Transportation Aide	2101	"	Information Assistant	301	"	
Courier & Transportation Aide	2101	"	Compliance Specialist (Training)	301	"	
Chief, Travel Unit	2132	"	Project Coordinator	301	GS 11 or below	
Travel Specialist	2132	"	Program Assistant	301	GS 12 or below	
Travel Assistant	2132	"	Compliance Technician	301	GS 9 or below	
Travel Clerk	2132	"	Compliance Analyst (Office of Enforcement Administration)	301	GS 12 or below	
Hourly Paid Employees Occupational Code			Clerk/Microfiche Operator	301	"	
2648			Clerical Assistant	301	"	
3506			Administrative Assistant	301	"	
4401			Clerk (Steno)	301	"	
4402			Project Assistant	301	"	
4405			Industrial Assistant	301	"	
4414			Program Specialist	301	"	
4417			Management Information Specialist	301	"	
5703			License Control Clerk	301	"	
5704			Statistical Technician	301	"	
6907			Applications Examiner	301	GS 9 or below	
			Document Control Clerk	301	GS 12 or below	
			Examiner	301	"	
			Freedom of Information Specialist	301	"	
			Environmental Assistant	301	GS 9 or below	
			Energy Conservation Specialist	301	"	
			Mail Clerk	302	GS 12 or below	
			Messenger	302	"	
			Correspondence Clerk	309	"	
			Clerk-Steno	312	"	

Position Title	Series	Grade	Position Title	Series	Grade
Secretary	318	GS 12 or below	Program Analyst (Crude Oil Price Branch, Crude Oil Supply & Allocation Division, Fuels Regulation)	345	GS 7 or below
Program Analyst (Trainee)	318	GS 9 or below	Oil Supply & Allocation Division, Fuels Regulation)		
Clerk-Steno	318	GS 12 or below	Program Analyst (Petroleum Products Branch, Fuel Supply & Allocation Division, Fuels Regulation)	345	GS 9 or below
Clerk Typist	318	"	Program Analyst (Coal Utilization Division, Fuels Regulation)	345	"
Clerk-Typist	322	"			
Peripheral Equipment Operator	322	"	Commo Operator	392	GS 12 or below
Computer Specialist	334	"	Commo Center Supervisor	393	"
Computer Programmer	334	"	Budget and Accounting Analyst	504	"
Computer Terminal Operator	335	"	General Engineer	840	"
Computer Technician	335	"	Legal Technician	986	"
Computer Aide	335	"	Public Information Specialist	1081	"
Administrative Assistant	341	"	Writer/Editor	1081	"
Administrative Officer	341	"	Financial Analyst	1160	"
Office Services Specialist	342	"	Statistical Assistant	1531	"
Administrative Services Specialist	342	"	Supervisory Statistical Assistant	1531	"
Management Analyst	343	"	Energy Compliance Training Officer	1701	"
Management Assistant	344	"	Supply Clerk	2005	"
Natural Gas Analyst (Office of Short Term Emergency Planning)	345	"	Supply/Repro Machine Specialist	WG-5	Hourly
Natural Gas Technical Assistant (Office of Short Term Emergency Planning)	345	"			
Emergency Center Program Analyst (Office of Short Term Emergency Planning)	345	"			
Research Assistant (All Offices)	345	GS 11 or below			
Program Analyst (Office of Petroleum Allocation Regulations R&EP)	345	GS 9 or below			
Program Analyst (Economic Data & Analysis Division, R&EP)	345	GS 11 or below			
Program Analyst (Office of Operations, Planning & Evaluation)	345	"			
Analyst (Office of Field Liaison)	345	"			
Program Analyst (Office of Resource Management, Special Counsel)	345	GS 12 or below			
Program Analyst (Industry and Regional Operations Division, Fuels Regulations)	345	"			
Program Analyst (Crude Oil Allocation Branch, Crude Oil Supply & Allocation Division, Fuels Regulation)	345	GS 9 or below			

Energy Information Administration

<u>Position Title</u>	<u>Series</u>	<u>Grade</u>	<u>Position Title</u>	<u>Series</u>	<u>Grade</u>
Social Science Analyst	101	GS 12 or below	File Clerk	305	GS 12 or below
Economist	110	"	Correspondence Clerk	309	"
Industry Economist	110	"	Clerk-Steno	312	"
Economic Assistant	119	"	Confidential Assistant (Secretary to Adm )	318	"
Management Services Officer	301	"	Secretary (Steno)	318	"
Data Collection Program Specialist	301	"	Secretary (Typing)	318	"
Research Analyst	301	"	Secretary	322	"
Project Manager	301	"	Clerk-Typist	330	"
Oil & Gas Program Specialist	301	"	Digital Computer Operator Supervisory	332	"
Data Validation Program Specialist	301	"	Supervisory Computer Operator	332	"
Program Analyst	301	"	Computer Operator	332	"
Program Specialist	301	"	Peripheral Equipment Operator	332	"
Management Information Sys Program Specialist	301	"	Supervisory Peripheral Equipment Operator	332	"
Program Assistant	301	"	Data Transcriber	334	"
Administrative Services Assistant	301	"	Computer Systems Analyst	334	"
Research Assistant	301	"	Computer Specialist	334	"
Special Projects Assistant	301	"	Computer Programmer	335	"
Fuel Management & Data Analyst	301	"	Supervisory Computer Technician	335	"
Correspondence Management Specialist	301	"	Computer Technician	335	"
Confidential Assistant (Sec )	301	"	Computer Aide	343	"
Management Services Assistant	301	"	Management Analyst	344	"
Data Management Specialist	301	"	Computer Specialist	344	"
Energy Program Assistant	301	"	Management Assistant	345	"
Staff Assistant (Steno)	301	"	Program Analyst	356	"
REC Program Assistant	301	"	Data Transcriber	510	"
Data Research Program Assistant	301	"	Staff Accountant	510	"
Administrative Technician	301	"	Accountant	525	"
Energy Data Reports Coordinator	301	"	Accounting Technician	801	"
Staff Program Assistant (Typing)	301	"	General Engineer	801	"
Data Validation Program Assistant	301	"	Engineer	802	"
Correspondence Management Technician	301	"	Engineering Technician		
Administrative Clerk	301	"			
APP Training Coordinator	301	"			
Oversight/Access Program Assistant (Typing)	301	"			
Data Processing Technician	301	"			
Reports Control Technician	301	"			
Clerical Assistant (Typing)	301	"			
Office Services Assistant	301	"			
Inquiry Clerk	301	"			
Clerk-Typist	301	"			
General Clerk (Typing)	301	"			
Contract Program Assistant	301	"			
Clerk (Typing)	301	"			
Administrative Services Technician	301	"			
Administrative Clerk (Typing)	301	"			
Clerk	301	"			

<u>Position Title</u>	<u>Series</u>	<u>Grade</u>	<u>Position Title</u>	<u>Series</u>	<u>Grade</u>
Electrical Engineer	850	GS 12 or below	Supervisory Statistical Assistant	1531	GS 12 or below
Mining Engineer	880		Statistical Assistant	1531	"
Petroleum Engineer	881		Statistical Assistant (Typing)	1531	"
Chemical Engineer	893	"	Statistical Clerk	1810	
Paralegal Specialist	950	"	Investigator		
Writer Editor	1082	"			
Writer	1082	"			
Supervisory Technical Publications Editor	1083	"			
Technical Publications Writer (Engineering)	1083	"			
Technical Publications Writer/Editor	1083	"			
Technical Publications Writer (Public Utilities)	1083	"			
Mineral Specialist (Coal)	1101	"			
Mineral Specialist (Energy)	1101	"			
Electric Utilities Program Specialist	1101	"			
Industry Reports Analyst	1101	"			
Mineral Specialist	1101	"			
Mineral Specialist (Natural Gas)	1101	"			
Mineral Specialist (Solid Fuels)	1101	"			
Physical Scientist	1301	"			
Geologist	1350	"			
Geologist (Student Assistant)	1350	"			
Cartographic Technician (DFTG)	1371	"			
Librarian	1410	"			
Technical Information Specialist	1412	"			
Operations Research Analyst	1515	"			
Mathematician	1520	"			
Mathematics Aide	1521	"			
Mathematical Statistician	1529	"			
Statistician	1530	"			
Survey Statistician	1530	"			
Statistician (General)	1530	"			

## Office of the Controller (Headquarters)

<u>Position Title</u>	<u>Series</u>	<u>Grade</u>	<u>Position Title</u>	<u>Series</u>	<u>Grade</u>
Administrative Technician	301	GS 12 or below	Budget and Accounting Analyst	504	GS 12 or below
Administrative Aide	301	"	Staff Accountant	510	GS 9 or below
Program Control Center Coordinator	301	"	Accountant	510	"
Management Systems Design Control Officer	301	"	Systems Accountant	510	"
Clerk (SIS)	301	"	Accounting Clerk	520	GS 12 or below
Clerk (Typing)	301	"	Accounting Technician	520	"
Scheduling Clerk (Typing)	301	"	Senior Accounting Clerk	520	"
Confidential Assistant (Secretary)	301	"	Accounting Technician	525	"
Correspondence Assistant (Typing)	301	"	Supervisory Accounting Technician	525	"
Policy and Procedures Specialist	301	"	Voucher Examiner	540	"
Mail Analyst	305	"	Unit Chief (Miscellaneous Payments)	540	"
Clerk Stenographer	312	"	Payroll Technician	544	"
Secretary	318	"	Payroll Clerk	544	"
Clerk Typist	322	"	Payroll Supervisor	544	"
Secretary (Typist)	322	"	Budget Analyst	560	GS 9 or below
Systems Analyst	334	"	Assistant Project Engineer	801	"
Computer Systems Analyst	334	"	Financial Systems Analyst	1160	GS 12 or below
Administrative Assistant	341	"	Statistical Assistant	1531	"
Management Analyst	343	"			
Project Management Analyst	343	"			
Management Assistant (Typing)	344	"			
Program Analyst	345	"			
Accounting Reports Analyst	501	"			
Accounting Clerk	501	"			
Senior Accounting Clerk	501	"			
Section Chief (Commercial Payments)	501	"			
Cashier	501	"			
Section Chief (Commercial Payments)	501	"			
Unit Chief (Contract Payments)	501	"			
Budget Assistant	501	"			
Budget Analyst Technician	501	"			
Budget Technician	501	"			
Fiscal Specialist	501	"			
Supervisory Fiscal Specialist	501	"			

Office of Energy Research

Office of the General Counsel (Headquarters)

Position Title	Series	Grade	Position Title	Series	Grade
Budget Analyst	140	GS 9 or below	Litigation Aide (Secretary)	301	GS 12 and below
Staff Assistant	301	GS 12 or below	Administrative Assistant	301	"
Administrative Assistant	301	"	Administrative Aide	301	"
Research Assistant	301	"	Legislative Assistant	301	"
Administrative Aide	301	"	Patent Clerk	301	"
Committee Staff Assistant	301	"	Mail Clerk (Typist)	301	"
Foreign Travel and Proposal Analyst	301	"	Docket Clerk (Secretary)	301	"
Field & Laboratory Coordination Specialist	301	"	Clerk (Patents)	301	"
Mail & Records Supervisor	305	"	Clerical Assistant	301	"
Mail & File Clerk	305	"	Admin Services Technician	301	"
Clerk-Stenographer	312	"	Admin Technician	301	"
Secretary	318	"	Clerical Assistant (Typing)	301	"
Administrative Officer	341	"	Clerk (Typing)	301	"
Data Management Assistant	394	"	Contract Analyst	301	"
Contracts and Proposal Analyst	1102	GS 9 or below	Freedom of Information Technical Specialist	301	"
			Legal Services Program Assistant	301	"
			Staff Assistant	301	"
			Chief Mail & Records Section (Germantown)	305	"
			Mail and Records Assistant	305	"
			Clerk (Patents)	310	"
			Clerk-Stenographer	312	"
			Secretary	318	"
			Foreign Patent Clerk	318	"
			Secretary	322	"
			Administrative Officer	341	"
			Budget and Fiscal Assistant	501	"
			Paralegal Specialist	950	"
			Miscellaneous Documents Examiner	963	"
			Legal Technician (excluding Standards of Conduct)	986	"
			Librarian (Law)	1410	"
			Library Technician	1411	"

Office of Inspector General

Procurement and Contracts Management

<u>Position Title</u>	<u>Series</u>	<u>Grade</u>	<u>Position Title</u>	<u>Series</u>	<u>Grade</u>
Correspondence Technician File Clerk	301 301	GS 12 " or below	Business Liaison Specialist	301	GS 12 " or below
Confidential Assistant	318	"	Supervisory Clerical Assistant	301	"
Secretary	318	"	Reports Technician	301	"
Secretary (Steno)	318	"	Administrative Assistant	301	"
Clerk Typist	322	"	Administrative Technician	301	"
Office Services Manager	341	"	Clerk (Typing)	301	"
Administrative Assistant	341	"	Proposal Control Clerk	301	"
Management Analyst	343	"	Contract Control Specialist	301	"
			Mail & File Clerk	305	"
			File Clerk	305	"
			Secretary	318	"
			Clerk (Steno)	318	"
			Secretary-Typist	322	"
			Clerk-Typist	322	"
			Administrative Officer	341	"
			Property Management Assistant	342	"
			Procurement Analyst	344	"
			Contract Administration Technician	1101	GS 7 or below
			Procurement Analyst	1102	GS 9 or below
			Contract Specialist	1102	GS 7 or below
			Minority Business Specialist	1102	"
			Purchasing Agent	1105	"
			Procurement Assistant	1106	GS 12 " or below
			Procurement Clerk	1106	"

## Region II - New York

<u>Position Title</u>	<u>Series</u>	<u>Grade</u>	<u>Position Title</u>	<u>Series</u>	<u>Grade</u>
Personnel Management Specialist	201	GS 12 or below	Personnel Management Specialist	201	GS 12 or below
Personnel Assistant	203	"	Personnel Clerk - Typing	203	"
Word Processing Supervisor	203	"	Energy Conservation Clerk	301	"
General Clerk	301	"	Office Services Clerk	301	"
Records Control Clerk	301	"	Mail and File Clerk	305	"
Federal Regional Council Liaison Officer	301	"	Steno and Typing Supervisor	313	"
Intergovernmental Relations Officer	301	"	Secretary-Steno	318	"
Consumer Affairs Officer	301	"	Secretary-Typing	318	"
Utilities and Power Plant Specialist	301	"	Secretary	318	"
Receptionist	304	"	Clerk-Typist	322	"
Secretary	312	"	Accounts Maintenance Clerk	520	"
Secretary	318	"	Accounting Technician	525	"
Clerk-Typist	322	"	Supply Clerk	2005	"
Computer Systems Specialist	334	"	Travel Clerk	2132	"
Computer Aide	335	"			
Energy Research Program Analyst	345	"			
Budget and Accounting Technician	501	"			
Public Information Officer	1081	"			

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## Region I - Boston, Mass

## Region IV - Atlanta

<u>Position Title</u>	<u>Series</u>	<u>Grade</u>	<u>Position Title</u>	<u>Series</u>	<u>Grade</u>
Personnel Management Specialist	201	GS 12 or below	Personnel Management Specialist	201	GS 12 or below
Personnel Clerk	203	"	Personnel Clerk	203	"
Consumer Affairs/Special Impact Officer	301	"	Support Services Officer	301	"
Intergovernmental Program Specialist	301	"	Consumer Affairs Officer	301	"
Energy Conservation Specialist	301	"	Energy Conservation Specialist	301	"
Energy Resource Specialist	301	"	Clerk (Typing)	301	"
Clerk (Typing)	301	"	File Clerk	305	"
Administrative Clerk	301	"	Clerk/Steno	312	"
Clerk (Stenography)	301	"	Secretary	318	"
Mail Clerk	305	"	Clerk/Typist	322	"
Secretary (Stenography)	318	"	Coding Clerk	357	"
Clerk Typist	322	"	Accounts Maintenance Clerk	520	"
Office Services Supervisor	342	"	Voucher Examiner	540	"
Management Analyst	343	"	Public Information Officer	1081	"
Fiscal and Budget Assistant	501	"	Procurement Clerk	1106	GS 5 or below
Voucher Examiner	540 <sup>4</sup>	"	Statistical Assistant	1531	GS 12 or below
General Engineer	801	"	Supply Clerk	2005	"

## Region III - Philadelphia

<u>Position Title</u>	<u>Series</u>	<u>Grade</u>
Personnel Management Specialist	201	GS 12 or below
Personnel Clerk	203	"
Consumer Affairs/Special Impact Officer	301	"
Intergovernmental Program Specialist	301	"
Energy Conservation Specialist	301	"
Energy Resource Specialist	301	"
Clerk (Typing)	301	"
Administrative Clerk	301	"
Clerk (Stenography)	301	"
Mail Clerk	305	"
Secretary (Stenography)	318	"
Clerk Typist	322	"
Office Services Supervisor	342	"
Management Analyst	343	"
Fiscal and Budget Assistant	501	"
Voucher Examiner	540 <sup>4</sup>	"
General Engineer	801	"

Region VI - Dallas

Position Title	Series	Grade	Series	Grade
Equal Employment Officer	160	GS 12 or below	160	GS 12 or below
Personnel Officer	201	"	201	"
Personnel Management Specialist	201	"	201	"
Personnel Clerk (typing)	203	"	203	"
Position Classification Specialist	221	"	221	"
Employee Relations Specialist	230	"	230	"
General Clerk	301	"	301	"
Data Specialist	301	"	301	"
Energy Conservation Specialist	301	"	301	"
Log Control Clerk	301	"	301	"
Clerk (typing)	301	"	301	"
Staff Assistant (typing)	301	"	301	"
Consumer Affairs/Special Impact Specialist	301	"	301	"
Staff Assistant	301	"	301	"
Case Tracking Specialist	301	"	301	"
Data Review Clerk	301	"	301	"
Government Relations Specialist	301	"	301	"
Clerk (Steno)	301	"	301	"
Receptionist (typist)	301	"	301	"
Clerk (steno)	312	"	312	"
Secretary	318	"	318	"
Clerk-Typist	322	"	322	"
Program Analyst	345	GS 11 or below	345	GS 11 or below
Communications Technician	392	GS 12 or below	392	GS 12 or below
Accounting Clerk	520	"	520	"
Accounting Technician	525	"	525	"
Voucher Examiner	540	"	540	"
Payroll Clerk	544	"	544	"
General Engineer	801	"	801	"
Petroleum Engineer (Energy Resource Development only)	881	"	881	"

Region V - Chicago

Position Title	Series	Grade
Social Science Analyst	101	GS 12 or below
Personnel Assistant	203	"
Staff Assistant (Stenography)	301	"
Support Services Specialist	301	"
Clerk Typist	301	"
Log Control Clerk	301	"
Clerk General	301	"
Clerk Typing	301	"
Administrative Technician	301	"
Mail Clerk	305	"
Clerk Stenographer	312	"
Secretary - Typing	318	"
Secretary (Stenographer)	318	"
Secretary Stenography	318	"
Secretary	318	"
Clerk Typist	322	"
Office Services Supervisor	342	"
Communications Relay Operator	390	"
Payroll and Accounting Technician	501	"
Budget and Accounting Officer	504	"
Budget and Accounting Analyst	504	"
Legal Technician (Typing)	986	"

<u>Position Title</u>	<u>Series</u>	<u>Grade</u>	<u>Position Title</u>	<u>Series</u>	<u>Grade</u>
Purchasing Agent	1105	GS 6 or below	Supervisory Personnel Management Specialist	201	GS 12 or below
Physical Scientist	1301	GS 12 or below	Personnel Management Specialist	201	"
Supply Clerk	2005	"	Personnel Clerk (Typing)	203	"
Inventory Management Specialist	2010	"	Personnel Staffing Specialist	212	"
			Position Classification Specialist	221	"
			Clerk (Typing)	301	"
			Energy Resource Development Specialist	301	"
			Energy Conservation Specialist	301	"
			Clerk (Steno)	301	"
			Staff Assistant	301	"
			Congressional & Consumer Affairs Specialist	301	"
			Intergovernmental Relations Specialist	301	"
			Mail and File Clerk	305	"
			Clerk-Stenographer	312	"
			Secretary	318	"
			Management Analyst	343	"
			Management Assistant (Typing)	344	"
			Program Analyst	345	GS 11 or below
			Operating Accountant	510	GS 12 or below
			Accounting Technician	525	"
			Voucher Examiner	540	"
			Applications Clerk (Steno)	963	"
			Public Information Specialist	1081	"

## Region VIII - Denver

<u>Position Title</u>	<u>Series</u>	<u>Grade</u>
Social Service Analyst	101	GS 12 or below
Equal Opportunity Specialist	160	"
Personnel Management Specialist	201	"
Personnel Assistant	203	"
Personnel Clerk	203	"
Clerk (Typing)	301	"
Clerk	301	"
Administrative Services Specialist	301	"
Mail Clerk	305	"
Clerk-Stenographer	312	"
Secretary	318	"
Clerk-Typist	322	"
Computer Systems Analyst	334	"
Computer Technician	335	"
Teletypist	385	"
Voucher Examiner	540	"
General Engineer	801	"
Physical Scientist	1301	"
Student Aide	YM-3506	Hourly

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## Region IX - San Francisco

<u>Position Title</u>	<u>Series</u>	<u>Grade</u>
Personnel Management Specialist	201	GS 12 or below
Personnel Clerk	203	"
Personnel Staffing Specialist	212	"
Office Services Clerk	301	"
Clerk (Typing)	301	"
Energy Conservation Specialist	301	"
Secretary (Steno)	318	"
Clerk Typist	322	"
Office Services Supervisor	342	"
Teletypist	385	"
Accounting Technician	525	"
Voucher Examiner	540	"
Application Clerk	963	"
Public Information Specialist	1081	"
Technical Information Specialist	1412	"
Statistical Assistant (Steno)	1531	"
Program Training Specialist	1701	"

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Alaska Power Administration

Region X - Seattle

<u>Position Title</u>	<u>Series</u>	<u>Grade</u>	<u>Position Title</u>	<u>Series</u>	<u>Grade</u>
Environmental Specialist	028	GS 12 or below	Personnel Specialist	201	GS 12 or below
Economist	110	"	Clerk (Division Assistant)	301	"
Personnel Officer	201	"	Energy Program Specialist	301	"
Personnel Management Specialist	201	"	Assistant to the Administrator	318	"
Personnel Clerk	203	"	Secretary (Division Assistant)	318	"
Clerk (Typing)	301	"	Clerk Typist	322	"
Energy Program Specialist	301	"	Administrative Assistant	341	"
Clerk (Public Information)	301	"	Management Assistant	344	"
Clerk	301	"	Fiscal Accounting Specialist	501	"
Conservation Program Specialist	301	"	Accounting Technician	525	"
Information Receptionist (Typing)	304	"	Civil Engineer	810	GS 9 or below
Clerk-Stenographer	312	"	Electronics Technician	856	GS 12 or below
Secretary (Typing)	318	"	Office Draftsman	1021	"
Clerk-Typist	322	"	Property Management Officer	2001	"
Computer Technician	335	"			
Office Service Manager	342	"			
Budget and Accounting Officer	504	"			
Voucher Examiner	504	"			
General Engineer	801	"			
Applications Clerk (Typing)	963	"			
Public Information Specialist	1081	"			
Physical Scientist (Student Trainee)	1399	"			
Technical Information Specialist	1412	"			

Hourly Employees Occupational Codes

- HG 2806
- HG 2843
- HG 4742
- HG 5349
- HG 5407
- HG 5803
- HS 5803

Albuquerque Operations Office

<u>Position Title</u>	<u>Series</u>	<u>Grade</u>
Safety Specialist	018	GS 12 or below
Security Officer	080	"
Security Assistant	080	"
Security Specialist	080	"
Logistics Officer	080	"
Logistics Specialist	080	"
Safeguards Specialist	080	"
Training Specialist	080	"
Chief, Albuquerque Courier Section	080	"
Clearance Processing Supervisor	080	"
Chief, Western Courier Section	080	"
Asst. Chief, Southeastern Courier Section	080	"
Personnel and Security Specialist	080	"
Personnel Security Specialist	080	"
Fire Chief	081	"
Deputy Fire Chief	081	"
Fire Protection Specialist (Training)	081	"
Platoon Chief	081	"
Firefighter (Structural)	081	"
Courier (Trainee)	085	"
Convoy Commander	085	"
Training Officer	085	"
Chief, Protective Force Section	085	"
Operations Officer	085	"
Captains	085	"
Lieutenant	085	"
Area Sergeant	085	"
Security Inspector	085	"
Junior Security Inspector	085	"
Shift Sergeant	085	"
Chief Protective Force	085	"
Security Specialist (Shipment)	085	"
Teacher-Demonstrator	090	"

<u>Position Title</u>	<u>Series</u>	<u>Grade</u>
Personnel Officer	201	GS 12 or below
Personnel Intern	201	"
Personnel Management Specialist	201	"
Personnel Assistant	203	"
Training Assistant	203	"
Personnel Assistant	203	"
Personnel Clerk	203	"
Chief, Personnel Records Section	203	"
Position Classification Specialist	221	"
Industrial Relations Analyst	246	"
Statistical Assistant	301	"
Processing and Reports Supervisor	301	"
Industrial Relations Assistant	301	GS 6 or below
Administrative Aide	301	GS 12 or below
Administrative Records Specialist	301	"
Program Information Coordinator	301	"
Program Coordination Assistant	301	"
Reports Analyst	301	"
Word Processing Center Supervisor	301	"
Equipment Assistant	301	"
Clerk (Typing)	301	"
Clerk (Steno)	301	"
Administrative Assistant	301	"
Word Processing Operator	301	"
E.O. C. Specialist	301	"
Clerk (General)	301	"
Office Engineering Technician	301	"
Records and Accounting Clerk	301	"
Administrative Clerk	301	"
Quality Assurance Technical Aide	301	"
Technical Clerk	301	"
Security Clerk	301	"
Clerk (Administrative)	301	"
Procurement Clerk	301	"
Clerk	301	"
Technical Analyst	301	"
Records Control Clerk	305	"
Mail and Records Clerk	305	"
Mail and File Assistant	305	"

<u>Position Title</u>	<u>Series</u>	<u>Grade</u>	<u>Position Title</u>	<u>Series</u>	<u>Grade</u>
Coding and Filing Clerk	305	GS 12 or below	Chief, Office Services Section	342	GS 12 or below
Mail Clerk	305	"	Chief, PS&C Section	342	"
Chief, M.R. and T. Section	305	"	Top Secret Control Officer	342	"
Records Specialist	305	"	Management Analyst (Intern)	343	GS 11 or below
Chief, Mail Distribution and Travel Unit	305	"	Management Assistant	344	GS 12 or below
Chief, Records and Document Control Unit	305	"	Systems Analyst	345	"
Document Control Clerk	305	"	Special Projects Coordinator	345	"
Sr. File Reference Clerk	305	"	Key Punch Operator	356	"
Sr. Document Control Clerk	305	"	Processing Reports Records Clerk	356	"
File Reference Clerk	305	"	Chief, Data Prep and Control Unit	359	"
Clerk Stenographer	312	"	Data Control Clerk	359	"
Secretary	318	"	Data Preparation Clerk	359	"
Secretary (Steno)	318	"	Chief, Telecommunications Section	391	"
Secretary (Typing)	322	"	Chief, Communication Controller (Computer)	392	"
Clerk Typist	322	"	Communications and Fire Alarm Operator	392	"
Contract Clerk Typist	322	"	Communications Equipment Operator	392	"
General Clerk	322	"	Sr. Communication Controller (Computer)	392	"
Word Processing Operator	322	"	Communication Controller	392	"
Computer Operator	332	"	Communications Clerk	394	"
Chief, Computer Unit	334	"	Financial Management Assistant	501	"
Computer Software Specialist	334	"	Chief, Administrative Support Section	501	"
Programmer	334	"	Chief, Accounts Payable Section	501	"
Data Base Administrator	334	"	Chief, Commercial Accounts	501	"
Weapons Information Coordinator	334	"	Budget Clerk	501	"
Transportation Analyst	334	"	Accountant	510	GS 11 or below
Systems Software Programmer	334	"	Chief, General Accounting Unit	510	"
ADP Systems Librarian	334	"	Accountant Auditor (SS Material)	510	"
Computer Aide Scheduler	335	"	Accounts Maintenance Clerk	520	GS 12 or below
ADP Systems Librarian	335	"	Accounting Clerk	520	"
Project Control Officer	341	"	Accounting Technician	525	"
Administrative Assistant	341	"	Financial Analyst	525	"
Administrative Aide	341	"	Materials Control Assistant	525	"
Chief, Administrative Support Section LA00	341	"			
Administrative Officer (Except LA00)	341	"			
Administrative Analyst	341	"			

<u>Position Title</u>	<u>Series</u>	<u>Grade</u>	<u>Position Title</u>	<u>Series</u>	<u>Grade</u>
Voucher Examiner	540	GS 12 or below	Administrative Assistant	986	GS 12 or below
Voucher Clerk	540	"	Museum Director	1015	"
Chief Travel	540	"	Museum Tech/Historian	1016	"
Travel Clerk	540	"	Museum Technician	1016	"
Chief, Payroll	544	"	Museum Aide	1016	"
Payroll Clerk	544	"	Chief, Graphic Arts Section	1020	"
Financial Management Specialist	560	"	Illustrator	1020	"
Budget Analyst	560	"	Public Affairs Assistant	1081	"
Budget Examiner	560	"	Writer	1082	"
Budget Assistant	560	"	Contract Specialist	1102	GS 9 or below
Industrial Health Nurse	610	"	Contract and Property Mgt Specialist	1102	"
Project Engineer	801	GS 9 or below	Procurement Assistant	1102	GS 6 or below
General Engineer	801	"	Property Management Technician	1103	GS 12 or below
Weapons Engineer	801	"	Property Management Specialist	1103	"
Facilities Engineer	801	"	Procurement Assistant	1105	"
Technical Assistant	802	GS 12 or below	Contracts Assistant	1106	"
Health and Safety Engineer Intern	803	GS 9 or below	Solar Project Coordinator	1150	GS 9 or below
Operational Safety Specialist	803	"	Program Coordinator	1150	"
Operational Safety Engineer	804	"	Production Analyst	1150	"
Fire Prevention Engineer	804	"	Production Assistant	1150	"
Administrative Assistant	809	"	Industrial Specialist	1150	"
Mechanical Engineer	830	"	Weapons Engineer (Intern)	1301	"
Electrical Engineer	850	"	Program Coordinator	1301	"
Chief C&M Branch	856	GS 12 or below	Health Physicist	1306	GS 12 or below
Electronics Technician	856	"	Safeguards Chemist	1320	GS 9 or below
Communications Specialist	856	"	Registrar-Librarian (Typing)	1410	GS 12 or below
Chief, Electronics Section	856	"	Operations Research Analyst	1515	GS 9 or below
Industrial Engineer (Intern)	896	GS 9 or below			
Engineer Trainee	896	"			
Assistant Program Engineer	896	"			

Bartlesville Energy Technology Center

<u>Position Title</u>	<u>Series</u>	<u>Grade</u>	<u>Position Title</u>	<u>Series</u>	<u>Grade</u>
Statistical Clerk	1531	GS 12 or below	Personnel Officer	201	GS 12 or below
Training Specialist	1712	"	Personnel Management Specialist	201	"
Supervisory Supply Clerk	2005	"	Personnel Clerk	203	"
Distribution Clerk	2005	"	File Clerk (Typing)	305	"
Supply Clerk	2005	"	Clerk Stenographer	312	"
Equipment Controller	2005	"	Clerk Dict Machine Transcriber	316	"
Stores Equipment Specialist	2005	"	Secretary	318	"
Fleet Maintenance & Document Disposal Coordinator	2101	"	Engineering Draftsman	318	"
Equipment Maintenance Specialist	2101	"	Clerk Typist	322	"
Travel Clerk	2132	"	Computer Specialist	334	"
Shipment Planning Assistant	2151	"	Computer Programmer	334	"
			Computer Technician	335	"
			Administrative Officer	341	"
			Telephone Operator (Typing)	382	"
			Accounting Technician	525	"
			Budget Officer	560	"
			Supervisory Engineering Technician	802	"
			Engineering Technician	802	"
			Supervisory Mechanical Engineering Tech	802	"
			Mechanical Engineering Technician	802	"
			Petroleum Engineering Technician	802	"
			Engineering Aide	802	"
			Safety Engineer	803	"
			Mechanical Engineer	830	"
			Electronics Engineer	855	"
			Electronics Technician	856	"
			Petroleum Engineer	881	"
			Chemical Engineer	893	"
			Office Draftsman	1021	"

Hourly Employees

Occupational Code

- 3502
- 3566
- 4401
- 4474
- 4417
- 4742
- 4749

## Bonneville Power Administration

<u>Position Title</u>	<u>Series</u>	<u>Grade</u>	<u>Position Title</u>	<u>Series</u>	<u>Grade</u>
Photographer	1060	GS 12 or below	Safety Specialist	018	GS 12 or below
Visual Information Specialist	1084	"	Safety Manager	018	"
Procurement Clerk (Typing)	1106	"	Environmental Specialist	028	"
Research Physicist	1310	"	Fire Protection	081	"
Physical Science Technician	1311	"	Guard	085	"
Physical Science Aide	1311	"	Economist	110	"
Research Chemist	1320	"	Industry Economist	110	"
Research Chemist (Project Leader)	1320	"	Regional Economist	110	"
Supervisory Research Chemist	1320	"	Economics Assistant	119	"
Chemist	1320	"	Geographer	150	"
Geologist	1350	"	Equal Opportunity Specialist	160	"
Administrative Librarian	1410	"	Counseling Psychologist	180	"
Librarian (Assistant Librarian)	1410	"	Sociologist	184	"
Library Technician (Typing)	1411	"	Counseling Assistant	186	"
Library Aide (Typing)	1411	"	Archeologist	193	"
Library Aide	1411	"	Personnel Management Specialist	201	"
Statistical Assistant	1531	"	Labor-Management Relations and Wages	201	"
Supply Technician	2005	"	Personnel Clerk	203	"
Travel Clerk (Typing)	2132	"	Staffing Clerk	203	"
			Classification Clerk	203	"
<u>Hourly Employees Occupational Code</u>			Employee Development Clerk	203	"
2805			Employee Relations Clerk	203	"
3359			Personnel Assistant	203	"
3414			Staffing Assistant	203	"
3506			Employee Relations Assistant	203	"
3566			Classification Assistant	203	"
4605			Personnel Staffing Specialist	212	"
4607			Position Classification Specialist	221	"
4749			Employee Relations Specialist	230	"
5306			Labor Relations Specialist	233	"
5406			Employee Development Specialist	235	"
6907					

<u>Position Title</u>	<u>Series</u>	<u>Grade</u>	<u>Position Title</u>	<u>Series</u>	<u>Grade</u>
Executive Assistant	301	GS 12 or below	Secretary	318	GS 12 or below
Environmental Specialist	301	"	Clerk-Typist	322	"
Right-of-way Management Specialist	301	"	Computer Operator	332	"
Right-of-way Management Inspector	301	"	Peripheral Equipment Operator	332	"
Confidential Assistant to the Administrator	301	"	Computer Systems Analyst	334	"
Personnel Assistant	301	"	Computer Programmer	334	"
Right-of-way Maintenance Specialist	301	"	Computer Specialist	334	"
Office Services Specialist	301	"	Computer Aide	335	"
Property Management Clerk	301	"	Computer Technician	335	"
Property Management Officer	301	"	Administrative Officer	341	"
Property Management Assistant	301	"	Administrative Assistant	341	"
Power Marketing Information Specialist	301	"	Office Services Supervisor	342	"
Substation Construction Supt	301	"	Management Analyst	343	"
EIS Process Coordinator	301	"	Management Assistant	344	"
Administrative Manager	301	"	Program Analyst	345	GS 11 or below
Administrative Technician	301	"	Print Shop Clerk	351	GS 12 or below
Office Assistant	301	"	Card Punch Operator	356	"
Lead Administrative Technician	301	"	Lead Card Punch	356	"
Administrative Clerk	301	"	Data Transcriber	356	"
General Clerk	301	"	Coding Clerk	357	"
Vouchering Clerk	301	"	Telephone Supervisor	382	"
Engineering Clerk	301	"	Telephone Operator	382	"
Drawing and Blueprint Clerk	301	"	Lead Telephone Operator	382	"
Construction Clerk	301	"	Biological Technician	404	"
Document Control Clerk	301	"	Forester	460	"
Lead Word Processing Clerk	301	"	Forestry Technician	462	"
Student Aide	301	"	Forestry Aide	462	"
Clerk	301	"	Conservation Agronomist	471	"
Realty Clerk	301	"	Fishery Biologist	482	"
Appraisal Assistant	301	"	Wildlife Biologist	486	"
Work Order Clerk	301	"			
Substation Operation Instructor	301	"			
Substation Operation Specialist	301	"			
Maintenance Aide	301	"			
General Aide	301	"			
Information Receptionist	304	"			
Mail and File Clerk	305	"			
Mail Clerk	305	"			
Mail Supervisor	305	"			
Files	305	"			
File Clerk	305	"			
Clerk-Stenographer	312	"			
Word Processing Supervisor	313	"			
Clerk-Dictating Machine Transcriber	316	"			
Lead Clerk-Dictating Machine Transcriber	316	"			

Position Title	Series	Grade	Position Title	Series	Grade
Supervisory Fiscal Specialist	501	GS 12 or below	Civil Engineer	810	GS 12 or below
Budget Technician	501	"	Hydraulic Engineer	810	"
Travel Officer	501	"	Structural Engineer	810	"
Travel Assistant	501	"	Surveying Technician	817	"
Plant Accounting Assistant	501	"	Surveying Aide	817	"
Fiscal Accounting Analyst	501	"	Engineering Draftsman	818	"
Fiscal Specialist	501	"	Sanitary Engineer	819	"
Budget Clerk	501	"	Mechanical Engineer	830	"
Assistant Travel Officer	501	"	Nuclear Engineer	840	"
Operating Accountant	510	"	Electrical Engineer	850	"
Systems Accountant	510	"	Electronics Engineer	855	"
Cost Accountant	510	"	Electronics Technician	856	"
Accountant	510	"	Chemical Engineer	893	"
Staff Accountant	510	"	Industrial Engineer	896	"
Accounts Maintenance Clerk	520	"	Student Trainee (Electrical Engineer)	899	"
Accounting Technician	525	"	Student Trainee (Civil Engineer)	899	"
Voucher Examining Supervisor	540	"	Student Trainee (General Engineer)	899	"
Lead Voucher Examiner	540	"	Student Trainee (Electronic Engineer)	899	"
Voucher Examiner	540	"	Student Trainee (Mechanical Engineer)	899	"
Payroll Supervisor	544	"	Paralegal Specialist	950	"
Lead Payroll Technician	544	"	Legal Assistant (General)	954	"
Payroll Clerk	544	"	Conveyance Examiner	963	"
Budget Analyst	560	"	Paralegal Assistant	986	"
Student Trainee (Accountant)	599	"	Illustration and Exhibits Specialist	1001	"
Nurse	610	"	Graphic Designer	1001	"
Occupational Health Nurse	610	"	Graphics Aide	1001	"
General Engineer	801	"	Exhibits Specialist	1010	"
Engineering Technician	802	"	Illustrator	1020	"
Engineering Aide	802	"	Office Draftsman	1021	"
Civil Engineering Technician	802	"	Photographer	1060	"
Electrical Engineering Technician	802	"			
Mechanical Engineering Technician	802	"			
Architecture Technician	802	"			
Nuclear Energy Technician	802	"			
Materials Engineer	806	"			
Landscape Architect	807	"			
Architect	808	"			
Construction Inspector Trainee	809	GS 7 or below			
Construction Inspector Aide	809	"			

<u>Position Title</u>	<u>Series</u>	<u>Grade</u>	<u>Position Title</u>	<u>Series</u>	<u>Grade</u>
Public Information Specialist	1081	GS 12 or below	Library Technician	1411	GS 12 or below
Writer-Editor	1082	"	Library Aide	1411	"
Writer	1082	"	Technical Information Specialist	1412	"
Technician Publication Writer-Editor	1083	"	Operations Research Analyst	1515	"
Technician Manuals Writer	1083	"	Mathematician	1520	"
Visual Information Specialist	1084	"	Statistical Assistant	1531	"
Editorial Assistant	1087	"	Operations Superintendent	1601	"
Power Billing Clerk	1101	"	Assistant Operations Superintendent	1601	"
Small Business Specialist	1102	GS 9 or below	General Shops Superintendent	1601	"
Procurement Clerk	1106	GS 12 or below	Vehicle Maintenance Superintendent	1601	"
Procurement Assistant	1106	GS 12 or below	Line Vehicle Specialist	1601	"
Public Utilities Assistant	1130	GS 7 or below	Vehicle Records Officer	1601	"
Public Utilities Specialist	1130	GS 7 or below	Plant Maintenance Superintendent	1601	"
Production Controller	1150	GS 12 or below	Line Maintenance Specialist	1601	"
Realty Specialist	1170	GS 9 or below	Assistant Transmission Maintenance Supervisor	1601	"
Realty Officer	1170	GS 9 or below	Vehicle Records Assistant	1601	"
Power Operations Specialist	1301	GS 12 or below	Assistant Substation Maintenance Superintendent	1601	"
Physicist	1310	"	Facility Manager	1640	"
Physical Science Technician	1311	"	Facility Management Specialist	1640	"
Physical Science Aide	1311	"	Printing Officer	1654	"
Hydrologist	1315	"	Equipment Specialist	1670	"
Chemist	1320	"	Training Instructor	1712	"
Meteorologist	1340	"	Supply Control Assistant	2001	"
Meteorological Technician	1341	"	Supply Control Specialist	2001	"
Meteorologist Aide	1341	"	Property Management Officer	2001	"
Geologist	1350	"	Property Management Specialist	2001	"
Supervisory Cartographer	1370	"	Tools and Equipment Officer	2001	"
Cartographer	1370	"	Tools and Equipment Specialist	2001	"
Cartographic Technician	1370	"	Tools and Equipment Assistant	2001	"
Supervisory Librarian	1410	"	Supply Systems Analyst	2003	"
Librarian	1410	"	Supply Management Representative	2003	"
			Supply Clerk	2005	"
			Supply Technician	2005	"
			Inventory Management Specialist	2010	"

<u>Position Title</u>	<u>Series</u>	<u>Grade</u>	<u>Position Title</u>	<u>Series</u>	<u>Grade</u>
Distribution Facilities Officer	2030	GS 12 or below	Personnel Management Specialist	201	GS 12 or below
Supply Distribution Facilities Specialist	2030	"	General Clerk	301	"
Transportation Officer	2101	"	Messenger	302	"
Traffic Manager	2130	"	Secretary	318	"
Traffic Management Specialist	2130	"	Clerk Typist	322	"
Freight Rate Assistant	2131	"	Administrative Officer	341	"
Transportation Operations Officer	2150	"	Telephone Operator	382	"
Aircraft Dispatcher	2151	"	Mining Engineer Technician	802	"
Airplane Pilot	2181	"	Civil Engineer	810	"
Helicopter Pilot	2181	"	Electronics Technician	865	"
Aircraft Pilot	2181	"	Mining Engineer	880	"
All Hourly Paid Employees			Technical Writer	1083	"
			Purchasing Agent	1105	GS 7 or below
			Physical Scientist	1301	GS 12 or below
			Librarian	1410	"
			Mathematical Statistician	1529	"

## Chicago Operations Office

<u>Position Title</u>	<u>Series</u>	<u>Grade</u>	<u>Position Title</u>	<u>Series</u>	<u>Grade</u>
Security Representative	0080	GS 12 or below	Communications Clerk	394	GS 12 or below
Security Officer	0080	"	Accounting Clerk	501	"
Security Assistant	0080	"	Program Coordinator	501	"
Management Assistant	201	"	Accounting Technician	525	"
Personnel Specialist	201	"	Nuclear Materials Rep	525	"
Personnel Clerk	203	"	Payroll Technician	554	"
Data Control Clerk	301	"	Budget Analyst	560	"
Administrative Assistant	301	"	Electronic Engineer	855	"
Administrative Aide	301	"	Public Information Officer	1081	"
Clerk	301	"	Information Assistant	1081	"
Administrative Coordinator	301	"	Contract Management Trainee	1102	GS 7 or below
Junior Accounting Clerk	301	"	Materials Management Specialist	1103	GS 12 or below
Nuclear Materials Information Analyst	301	"	Property Management Specialist	1103	GS 7 or below
Information Receptionist/File Clerk	304	"	Purchasing Assistant	1105	"
Mail Records and Secretary Supervisor	305	"	Procurement Assistant	1106	"
Clerk	305	"	Mass Spectroscopist	1301	GS 12 or below
Mail and File Clerk	305	"	Health Physicist	1306	"
Distribution Clerk	305	"	Scientific Aide	1311	"
Records and Document Control Clerk	305	"	Nuclear Material Control Tech	1311	"
Clerk-Stenographer	312	"	Nuclear Material Technician	1311	"
Secretary	318	"	Laboratory Technician	1311	"
Secretary-Receptionist	318	"	Instrument Technician	1311	"
Secretary and Docket Clerk	318	"	Chemist	1320	"
Clerk-Typist	322	"	Mathematical Statistician	1529	"
Analyst Programmer	334	"	Property Clerk	2010	"
Programs/Systems Analyst	334	"	Travel Services Supervisor	2132	"
Administrative Officer	341	"	Travel Clerk	2132	"
Management Trainee	341	"			
Office Services Specialist	342	"			
Records Management Analyst	343	"			
Personnel Assistant	344	"			
Teletype Operator	385	"			
Communications Specialist	390	"			

Environmental Measurements Lab

Hourly Employees Occupational Code

Position Title	Series	Grade	Hourly Employees Occupational Code
Personnel Specialist	201	GS 12 or below	4443
Administrative Aide	301	"	4712
Clerk	301	"	4749
Clerk-Stenographer	312	"	6907
Secretary	318	"	7002
Clerk-Stenographer	318	"	
Clerk-Typist	322	"	
Computer Operator	332	"	
Accountant	510	"	
Industrial Hygenist	690	"	
Mech Des Tech	802	"	
Mechanical Engineer	830	"	
Electrical Engineer	850	"	
Lab Tech	856	"	
Elec. Dev Tech.	856	"	
Editorial Assistant	1087	"	
Purchasing Agent	1105	GS 7 or below	
Physical Scientist	1301	GS 12 or below	
Lab Tech	1311	"	
Physicist	1310	"	
Chemist	1320	"	
Librarian	1410	"	
Mathematician	1520	"	
Distribution Facilities Specialist	2030	"	

## Grand Junction Office

<u>Position Title</u>	<u>Series</u>	<u>Grade</u>	<u>Series</u>	<u>Grade</u>
Clerk	203	GS 12 or below	203	GS 12 or below
Mail and Records Clerk		"	305	"
Secretary		"	318	"
Administrative Secretary		"	318	"
Clerk Typist		"	322	"
Computer Programmer		"	334	"
Accountant		"	510	GS 9 or below
Payroll Technician		"	544	GS 12 or below
Mining Engineer		"	880	GS 9 or below

## Grand Forks Energy Technology Center

<u>Position Title</u>	<u>Series</u>	<u>Grade</u>
Economist	110	GS 12 or below
Personnel Officer	201	"
Clerk-Typist	322	"
Administrative Officer	341	"
Administrative Assistant	341	"
Engineering Technician	802	"
Mechanical Engineering Technician	802	"
Engineering Draftsman	818	"
Mechanical Engineer	830	"
Chemical Engineer	893	"
Purchasing Clerk	1105	"
Physical Scientist	1301	"
Physicist	1310	"
Physical Science Aide	1311	"
Chemist	1320	"
Research Chemist	1320	"
Geologist	1350	"
Geologist Graduate Student	1350	"

Hourly Paid Employees Occupational Code

3359  
3414  
3506  
4806  
4740  
4749  
5441

Position Title	Series	Grade	Position Title	Series	Grade
Clerk-Stenographer	322	GS 12 or below	Clerk-Typist	322	"
Administrative Officer	341	"	New College Hire-Energy and Techno	343	"
Management Technician	344	"	Reports Analyst	344	"
Planning Analyst	345	"	Text Processing Machine Operator	350	"
Warning Communications Specialist	392	"	Radioecologist	401	"
Budget Clerk-Secretary	501	"	Budget Technician	504	"
Financial Analyst	510	"	Accountant	510	GS 9 or below
Accounting Technician	525	GS 12 or below	Voucher Examiner	540	"
Payroll Technician	544	"	Budget Analyst	560	"
Examining Technician	601	"	Resident Engineer	801	"
New College Hires-Reactor Ops Programs, Engineering Constr Management	810	"	Electronics Engineer	855	"
Sr Personnel Security Officer	080	GS 12 or below	Security Assistant	080	"
Security Representative	080	"	Fire Chief	081	"
Deputy Fire Chief	081	"	Captain	081	"
Lieutenant	081	"	Lieutenant - Inspector	081	"
Pump Operator	081	"	Fire Alarm Operator	081	"
Firefighter	081	"	Captain	085	"
Security Officer	085	"	Lieutenant	085	"
Patrol Sergeant	085	"	Area Sergeant	085	"
Security Inspector	085	"	Security Guide	085	"
Traffic and Shipment Officer	085	"	Personnel Specialist	203	"
Personnel Assistant	203	"	Personnel Clerk	203	"
Security Clerk	301	"	Administrative Assistant	301	"
Administrative and Clerical Assistant	301	"	Administrative Clerk	301	"
Institutional Relations Specialist	301	"	Receptionist	301	"
ADP and Telecommunications Spec	301	"	New College Hire-Plans, Budget, and Eng	301	"
Dosimetry Technician	301	"	Personnel Metering Clerk	301	"
Clerk-Stenographer	312	"	Executive Assistant	318	"
Secretary	318	"	Secretary-Timekeeper	318	"
Secretary (Typing)	318	"	Secretary (Stenography)	318	"

<u>Position Title</u>	<u>Series</u>	<u>Grade</u>	<u>Position Title</u>	<u>Series</u>	<u>Grade</u>
Electronics Development Tech	856	GS 12 or below	Supv Personnel Officer	201	GS 12 or below
Technical Communications Rep	856	"	Personnel Clerk	203	"
Calibration Technicians	856	"	Mail Clerk	305	"
Electronics Technicians	856	"	Secretary	318	"
Project Management Analyst	895	"	Secretary (Steno)	318	"
Information Assistant	1087	"	Clerk-Typist	322	"
Property Management Assistant	1103	"	Computer Systems Analyst	334	"
Dosimetry Systems Specialist	1301	"	Computer Specialist	334	"
Environmental Radiation Specialist	1301	"	Computer Aide	335	"
Health Physicist (Except in Operation Safety Division)	1306	"	Office Services Supervisor	342	"
Physicist	1310	"	Telephone Operator	382	"
Counting Room Technician	1311	"	Time, Leave and Payroll Clerk	544	"
Radiation Spectrometry Technician	1311	"	Environmental Engineer	801	"
Health Physicist Technician	1311	"	Engineering Technician	802	"
Dosimetry Technician	1311	"	Petro Engineering Technician	802	"
Chemist	1320	"	Eng Draftsman	818	"
Radiochemist	1320	"	Mechanical Engineer	830	"
New College Hire-Energy and Technology	1350	"	Res Mechanical Engineer	830	"
Travel Assistant	2132	"	Electronics Engineer	835	"
			Instrumentation Engineer	855	"
			Electronics Technician	856	"
			Petroleum Engineer	881	"
			Chemical Engineer	893	"
			Photographer	1060	"
			Editor	1082	"

<u>Position Title</u>	<u>Series</u>	<u>Grade</u>	<u>Position Title</u>	<u>Series</u>	<u>Grade</u>
Visual Info Specialist	1084	GS 12 or below	Personnel Management Specialist	201	GS 12 or below
Procurement Clerk	1106	"	Personnel Assistant	203	"
Process Analyst	1301	"	Personnel Clerk (Typing)	203	"
Physicist	1310	"	Clerk Stenographer	212	"
Research Physicist	1310	"	Staff Assistant	301	"
Phys Sci Technician	1311	"	Information Receptionist	304	"
Phys Sci Aide	1311	"	Clerk Stenographer	312	"
Chemist	1320	"	Secretary	318	"
Res Chemist	1320	"	Clerk Typist	322	"
Geologist	1350	"	Computer Systems Operator	332	"
Mathematician	1520	"	Computer Specialist	334	"
Supply Technician	2005	"	Computer Programmer	334	"
Supply Clerk	2005	"	Supervisory Program Analyst	345	"
Travel Clerk	2132	"	Program Analyst	345	"
			Office Machine Operator	350	"
<u>Hourly Paid Employees</u>			Budget and Accounting Clerk	501	"
WG 1343			Petro Engineer Tech	802	"
WG 2805			Physical Science Technician	802	"
WG 3413			Engineering Technician	802	"
WG 3502			Electronics Technician	802	"
WG 3566			Supervisory Engineering Technician	802	"
WG 3703			Safety Engineer	803	"
WG 3743			Civil Engineer	810	"
WG 4204			Supervisory Engineering Draftsman	818	"
WG 4712			Engineering Draftsman	818	"
WG 4749			Mechanical Engineer	830	"
WG 5402			Electrical Engineer	850	"
WS 5402					
WG 5441					
WG 5716					
WG 5729					
WG 5803					
WL 5803					
WG 5823					

<u>Position Title</u>	<u>Séries</u>	<u>Grade</u>	<u>Hourly Paid Employees Occupational Code</u>
Electronics Engineer	855	GS 12 or below	2805
Electronics Technician	856	"	3305
Petroleum Engineer	881	"	3359
Chemical Engineer	893	"	3414
Photographer	1060	"	3502
Property Management Assistant	1103	GS 7 or below	3703
Procurement Clerk	1106	GS 12 or below	3806
Purchasing Assistant	1106	"	4204
Research Physicist	1210	"	4607
Supervisory Research Physicist	1310	"	4749
Research Physicist	1310	"	5402
Physicist	1310	"	5823
Physical Science Technician	1311	"	6907
Geochemist	1320	"	
Chemist	1320	"	
Research Chemist	1320	"	
Biochemist	1320	"	
Supervisory Chemist	1320	"	
Geologist	1350	"	
Librarian	1410	"	
Assistant Librarian	1410	"	
Library Aide (Typing)	1411	"	
Library Aide (Student Assistant)	1411	"	
Technical Information Analyst	1412	"	
Mathematician	1520	"	
Statistical Clerk	1530	"	
Shop Manager	1640	"	
Supervisory Supply Specialist	2001	"	
Travel Clerk (Typing)	2132	"	

Nevada Operations Office

<u>Position Title</u>	<u>Series</u>	<u>Grade</u>
Emergency Response Officer	018	GS 12 or below
Security Specialist	080	"
Security Assistant	080	"
Clearance Processing Specialist	080	"
Security Screener	080	"
Visit Control Security Specialist	080	"
Visitor Control Clerk	080	"
Physical Security Specialist	080	"
Personnel Representative	201	"
Personnel Clerk	203	"
Office Services/Travel Assistant	301	"
Administrative Assistant	301	"
Administrative Services Coord.	301	"
Clearance Processing Assistant	301	"
Clearance Processing Clerk	301	"
Management/Training Technician	301	"
Management/Training Analyst	301	"
Test Authorities Administrative Assistant	301	"
Test Authorities Records Clerk	301	"
Clerk-Messenger	302	"
Mail and Records Supervisor	305	"
Mail and Records Clerk	305	"
Administrative Services Clerk	305	"
Clerk-Stenographer	312	"
Administrative Assistant	318	"
Secretary-Stenographer	318	"
Secretary	318	"
Clerk-Typist	322	"
Computer Specialist	334	"
Records Management Assistant	342	"
Operations Officer	345	"
Operations Coordinator	345	"
Air Operations Coordinator	345	"
Operations of A/C Coordinator	345	"
Operations Assistant	345	"
Planning Analyst	345	"

GS 9 or below

Naval Petroleum and Oil Shale Reserve  
Headquarters and Field Organizations

<u>Position Title</u>	<u>Series</u>	<u>Grade</u>
Personnel Assistant	203	GS 12 or below
Clerk	203	"
Clerk (Typing and Steno)	301	"
Head, Administrative Department & Division	301	"
Head, Administrative Section	301	"
Staff Asst. Engineering Department	301	"
Supply/Travel Clerk	301	"
Clerk-Engineering Division	301	"
Mail and File Clerk	305	"
Clerk (Stenography)	312	"
Mail and File Clerk-Typing	312	"
File Clerk	315	"
Clerk-Dictating Machine Transcriber	316	"
Secretary (Stenography)	318	"
Secretary (Typing)	318	"
Clerk-Typist	322	"
Director, Admin. Division	341	"
Administrative Officer	341	"
Accountant	510	"
Accounts Maintenance Clerk	520	"
Accounting Technician	525	"
Budget Analyst	560	"
Engineering Technician	802	"
Petro. Engr. Technician	802	"
Geological Technician	802	"
Procurement Clerk	1106	"

<u>Position Title</u>	<u>Series</u>	<u>Grade</u>	<u>Position Title</u>	<u>Series</u>	<u>Grade</u>
Accounting Clerk	501	GS 12 or below	Security Assistant	080	GS 12 or below
Accountant Trained	510	"	Security Officer	080	"
Accountant (Internal Accounting Only)	510	"	Security Education Officer	080	"
Fiscal Accountant	525	"	Security Screener	080	"
Audit Technician	525	GS 7 or below	Senior Personnel Security Analyst	080	"
Budget Analyst	560	GS 12 or below	Security Clearance Processing Supervisor	080	"
Electronics Engineer	855	GS 9 or below	Security Clerk (Typing)	080	"
Law Librarian	986	GS 12 or below	Chief, Oak Ridge Security Patrol Section	085	"
Information Assistant	1001	"	Security Inspector (Operations Officer)	085	"
Nuclear Materials Officer	1103	"	Security Inspector (Asst Operations Officer)	085	"
Health Physicist	1306	"	Operations Officer Trainee	085	"
Library Technician	1411	"	Security Inspector (Field Supervisor)	085	"
			Security Inspector (Facility)	085	"
			Assistant Shipment Sec Coordinator	085	"
			Shipment Security Coordinator	085	"
			Shipment Crew Chief	085	"
			Security Inspector (Shipment)	085	"
			Chief, Shipment Operations	085	"
			Student Trainee	099	"
			Personnel Officer	201	"
			Personnel Management Specialist	201	"
			Personnel Assistant	203	"
			Personnel Clerk (Typing)	203	"
			Industrial Relations Assistant	246	"
			Industrial Relations Officer	246	"
			Administrative Assistant	301	"
			Student Aide	301	"
			Clerk (Typing)	301	"
			Equal Opportunity Assistant	301	"
			Security Clerk (Typing)	301	"
			Office Services Clerk	301	"
			Document Control Clerk	301	"
			Administrative Officer	301	"
			Contract Control Clerk	301	"
			Clerk (Stenography)	301	"
			Information Receptionist (Typing)	304	"
			Legal Clerk	305	"
			Mail and File Clerk (Typing)	305	"
			Mail and File Clerk	305	"
			Records Clerk (Typing)	305	"

Oak Ridge Operations Office

Position Title	Series	Grade	Position Title	Series	Grade
Mail Clerk	305	GS 12 or below	Assistant Chief, Office Services Branch	342	GS 12 or below
Clerk (Typing)	305	"	Records Officer	342	"
Data Control Clerk	305	"	Records Analyst	342	"
Mail and File Supervisor	305	"	Mail and File Supervisor	342	"
Clerk-Stenographer	312	"	Office Services Supervisor	342	"
Clerk-Steno (Mag Card Typ Operator)	312	"	Assistant Chief, Document Management Br (TIC)	342	"
Clerk (Stenography)	312	"	Administrative Assistant	342	"
Clerk-Dict Mchn Transcriber	316	"	Management Analyst	343	"
Secretary	318	"	Management Analyst	344	"
Clerk-Typist	322	"	Reproduction and Stores Clerk	350	"
File Clerk (Typist)	322	"	Reproduction and Distribution Clerk	350	"
Clerk Typist (Mag Card Typ Operator)	322	"	Publications Clerk	351	"
Clerk (Typing)	322	"	Printing Assistant	351	"
General Clerk (Typing)	322	"	Clerk (Typing)	351	"
Security Clerk (Typing)	322	"	Keypunch Operator	356	"
Mail and File Clerk (Typing)	322	"	Communications Equipment Oper (Supr )	392	"
Chief, Composing Section (TIC)	324	"	Communications Equipment Oper (Comp )	392	"
Assistant Chief, Composing Section (TIC)	324	"	Communications Specialist	393	"
Sr Systems Compositor	324	"	Chief, Accounts Payable, Payroll, and Travel Section	501	"
Systems Compositor	324	"	Accounting Technician	501	"
Journal Compilation Gr Ldr	324	"	Accountant (SS Matls )	501	GS 11 or below
Composing Machine Oper	324	"	Accountant	510	"
Comp Machine Oper (Trainee)	324	"	Systems Accountant	510	"
Cold Type Comp Mach Oper (Data Trans )	324	"	Accountant (SS Matls)	510	"
Remote Station Operator	332	"	Staff Accountant	510	"
Remote Station Operator (Trainee)	332	"	Contract Finance Specialist	510	"
Computer Operator (Supv )	332	"	Accounting Technician	525	GS 12 or below
Computer Operator	332	"	Accounting Technician (SS Matls)	525	"
Computer Operator (Trainee)	332	"	Fiscal Accountant	525	"
Programmer Analyst	334	"	Voucher Examiner	540	"
Operations Analyst	334	"	Payroll-Operations Supv	544	"
ADP Systems Analyst	334	"	Employment Records and Payroll Clerk	544	"
Computer Programmer	334	"	Payroll Technician	544	"
Programmer Aide	335	"	Budget Analyst	560	GS 9 or below
Computer Operations Spec	335	"	Accounting Co-op Student	599	GS 12 or below
Senior Data Control Clerk	335	"	Student Trainee (Accounting)	599	"
Administrative Officer	341	"			
Chief, Administrative Division, CRBRPO	341	"			

<u>Position Title</u>	<u>Series</u>	<u>Grade</u>	<u>Position Title</u>	<u>Series</u>	<u>Grade</u>
Occupational Health Nurse	610	GS 12 or below	Editorial Assistant	1087	GS 12 or below
Industrial Hygienist	690	"	Senior Editorial Assistant	1087	"
General Engineer	801	GS 9 or below	Proofreading Clerk	1087	"
Technical Security Engineer	801	GS 12 or below	FIND Publications Editor		
Engineering Technician	802	"	Property Management Officer	1103	GS 12 or below
Safety and Fire Protection Engineer	804	GS 9 or below	Property Management Assistant	1103	"
Civil Engineer	810	"	Industrial Property Management Specialist	1103	"
Engineering Draftsman (Patent)	818	GS 12 or below	General Clerk (Typing)	1106	"
Environmental Engineer	819	GS 9 or below	Procurement Clerk	1106	"
Mechanical Engineer	830	"	Industrial Participation Assistant	1150	GS 9 or below
Scientific Analyst (Mech Engr ) (TIC)	830	GS 12 or below	Production Specialist	1152	GS 12 or below
Nuclear Engineer	840	GS 9 or below	Production Analyst	1152	"
Operations Analyst	840	"	Physical Scientist	1301	GS 9 or below
Scientific Analyst (Reactor Tech ) (TIC)	840	GS 12 or below	General Physical Scientist (TIC)	1301	GS 12 or below
Facility Safety Engineer	840	GS 9 or below	Scientific Analyst (Gen Phys Sc ) (TIC)	1301	"
Electrical Engineer	850	"	Classification Analyst	1310	"
Electronics Engineer	855	"	Scientific Analyst (Reactor Tech) (TIC)	1310	"
Chemical Engineer	893	"	Scientific Analyst (Physics) (TIC)	1310	"
Operations Analyst	896	"	Chemist	1320	GS 9 or below
Engineer Co-op Student	899	"	Scientific Analyst (Chemistry) (TIC)	1320	GS 12 or below
Student Trainee (Engineer)	899	GS 12 or below	Radiochemist	1320	GS 9 or below
Publications Illustrator	1001	"	Librarian	1410	GS 12 or below
Layout Artist (Publs )	1001	"	Library Assistant	1411	"
Assistant Chief, Publishing Services Section (TIC)	1020	"	Library Technician	1411	"
Scientific Illustrator (Supv )	1020	"	Library Assistant (Typing)	1411	"
Scientific Illustrator	1020	"	Chief Publications Request Section (TIC)	1411	"
Illustrator (Scientific)	1020	"	Library Technician (Research)	1411	"
Photographer	1060	"	Library Technician (Education)	1411	"
Publications Editor	1082	"	Chief, Motion Picture Services Section (TIC)	1411	"
FIND Publications Editor	1082	"	Library Specialist (Motion Picture)	1411	"
			Supervisory Library Technician	1411	"
			Library Technician (Data Trans )	1411	"
			Tech Info Spec (Educ )	1412	"
			Library Assistant (Educ.)	1412	"
			Technical Info Spec (Bio & Phys Sc )	1412	"
			Technical Info Spec (Phys Sc )	1412	"
			Operations Analyst	1515	GS 9 or below
			Statistical Assistant	1531	GS 12 or below

<u>Position Title</u>	<u>Series</u>	<u>Grade</u>	<u>Position Title</u>	<u>Series</u>	<u>Grade</u>
Building Superintendent	1640	GS 12 or below	Safety Specialist	018	GS 12 or below
Assistant Chief, Printing Branch	1654	"	Personnel Management Specialist	201	"
Equip Prior Asst. Spec.	1670	"	Personnel Clerk	203	"
Motor Vehicle Specialist	1670	"	Word Processing Clerk	301	"
Supply Management Assistant	2003	"	Clerical Aide	301	"
Supply Officer	2003	"	Staff Assistant	301	"
Printing and Pubs Clerk	2005	GS 12 or below	Clerk-Stenographer	312	"
Storekeeping Clerk	2005	"	Secretary	318	"
Supervisory Storekeeping Clerk	2005	"	Clerk-Typist	322	"
Receiving Clerk	2005	"	Computer Programmer	334	"
Assistant Chief, Transportation Branch	2130	"	Computer Aide	335	"
Travel Reservation and Disbursement Clerk	2132	"	Chief, Administrative Services Branch	342	"
Shipment Clerk (Steno)	2134	"	Office Machine Operator	350	"
			Budget Analyst	560	"
			Occupational Health Nurse	610	"
			Research Industrial Hygienist	690	"
			Chemical Engineering Tech (non-supv.)	802	"
			Engineering Tech. (non-supv)	802	"
			Electrical Eng Tech (non-supv)	802	"
			Engineering Draftsman	818	"
			Mechanical Engineer (non-supv)	830	"
			Technical Assistant	830	"

Hourly Paid Employees Occupational Code

4402  
4414  
4417  
6908

## Pittsburgh Naval Reactors Office

<u>Position Title</u>	<u>Series</u>	<u>Grade</u>	<u>Position Title</u>	<u>Series</u>	<u>Grade</u>
Electrical Engineer (non-supv )	850	GS 12 or below	Security Assistant	080	GS 12 or below
Electronics Technician (non-supv )	856	"	Visitor Control Clerk	080	"
Chemical Engineer (non-supv )	893	"	Personnel Management Specialist	201	"
Chemical Engineer (Coop Student)	899	"	Personnel Assistant	203	"
Public Information Officer	1081	"	Travel Voucher Clerk (Steno)	301	"
Photographer	1060	"	Clerk Stenographer	312	"
Procurement Clerk	1106	"	Secretary	318	"
Physical Scientist (non-supv )	1301	"	Administrative Officer	341	"
Research Physicist (non-supv )	1310	"	Records Management Technician	344	"
Physicist (non-supv )	1310	"	Teletypist	385	"
Physical Science Tech (non-supv )	1311	"	Accountant	501	"
Physical Science Aide	1311	"	Accounting Technician	525	"
Research Chemist (non-supv )	1320	"	Budget Analyst	560	"
Chemist (non-supv )	1320	"	Nuclear Engineer	840	GS 9 or below
Mathematician	1520	"	Industrial Engineer	896	"
Computer Specialist	1521	"	Industrial Property Management Specialist	1103	GS 12 or below
Supply Technician	2005	"			
Supply Clerk	2005	"			
Travel Clerk	2132	"			

Hourly Paid Employees

HG 3305  
 HG 3359  
 WL 3359  
 HG 3501  
 HG 3703  
 HG 4204  
 HG 4740  
 HS 4740  
 HG 5348  
 HG 5441  
 HL 5441  
 HS 5441  
 HG 6907

Position Title	Series	Grade	Richland Operations Office	Series	Grade	Position Title	Series	Grade
Personnel Security Analyst Inspector/Escort	080	GS 12 or below		393		Telecommunications Assistant	393	GS 12 or below
Security Screener	080	"		393		Telecommunications Specialist	393	"
Escort	080	"		501		Budget Technician	501	"
Security Officer	080	"		501		Budget Clerk	501	"
Security Operations Specialist	080	"		504		Financial Officer	504	"
Personnel Officer	201	"		510		Accountant	510	"
Personnel Management Specialist	201	"		520		Accounting Clerk	520	"
Personnel Technician	203	"		525		Accounting Technician	525	"
Personnel Clerk	203	"		525		Financial Technician	525	"
Labor Relations Specialist	246	"		560		Budget Analyst	560	"
Administrative Assistant Clerk	301	"		1081		Public Information Specialist	1081	"
Public Affairs Clerk	301	"		1081		Public Affairs Specialist	1081	"
Insurance and Processing Clerk	301	"		1081		Technical Assistant	1081	"
Mail and Commitment Control Clerk	301	"		1103		Industrial Property Management Specialist	1103	"
Contract Clerk	301	"		1106		Procurement Assistant	1106	"
Messenger	302	"		1301		Emergency Preparedness Assistant	1301	"
Receptionist	304	"		1306		Health Physicist	1306	"
Supervisor, Mail & File Commitment Control Clerk	305	"		2132		Travel Clerk	2132	"
Mail & File Clerk	305	"		2134		Transportation Assistant	2134	"
Clerk Stenographer	312	"						
Supervisory Clerk - Dict Mach Transcriber	316	"						
Clerk - Dictating Machine Transcriber	316	"						
Secretary	318	"						
Clerk-Typist	322	"						
Administrative Assistant	341	"						
International Programs Specialist	342	"						
Management Assistant	344	"						
Planning Analyst	345	GS 11 or below						
Telecommunications Operator	392	GS 12 or below						

## San Francisco Operations Office

<u>Position Title</u>	<u>Series</u>	<u>Grade</u>	<u>Position Title</u>	<u>Series</u>	<u>Grade</u>
Security Specialist	080	GS 12 or below	Chief Communications Services Branch	342	GS 12 or below
Personnel Security Specialist	080	"	Assistant Program Coordinator	345	GS 9 or below
Security Assistant	080	"	Data Transcriber	356	GS 12 or below
Convoy Commandet	085	"	Communications Equipment Operator	390	"
Convoy Commander-Mail Channels	085	"	Communications Officer	393	"
Security Specialist	085	"	Communications Specialist	393	"
Personnel Relations Officer	201	"	Management Accountant	510	GS 11 or below
Personnel Assistant	201	"	Accounting Technician	525	GS 12 or below
Personnel Assistant	203	"	Nuclear Materials Analyst	525	"
Management Trainee (except Procurement)	301	"	Budget Analyst	560	GS 9 or below
Administrative Assistant	301	"	Assistant Budget Analyst	560	GS 12 or below
Administrative Clerk	301	"	Assistant Project Manager	801	GS 9 or below
Security Clerk	301	"	Project Engineer	801	"
Office Services Assistant	301	"	Assistant Program Coordinator	840	"
Clerk	301	"	Project Engineer	840	"
Engineering Management Staff Assistant	301	"	Assistant Program Coordinator	893	"
Staff Assistant	301	"	Illustrator	1021	GS 12 or below
Proofreader	301	"	Office Services Coordinator	1101	"
Mail and Records Supervisor	305	"	Reports Analyst	1106	"
Records Clerk	305	"	Administrative Clerk	1106	"
Mail and Records Clerk	305	"	Training Consultant	1720	"
Clerk-Stenographer	312	"	Supply Clerk	2005	"
Supervisor, Word Processing Center	313	"	Assistant Supply Clerk	2005	"
Word Processing Technician	316	"	Administrative Travel Clerk	2132	"
Clerk-Transcriber	316	"			
Secretary	318	"			
Administrative Clerk	318	"			
Clerk Typist	322	"			
Clerk Typist Admin Clerk	322	"			
Computer Specialist	334	"			
Computer Programmer/Analyst	334	"			
Programmer Assistant	334	"			
Assistant Program Coordinator	340	GS 9 or below			
Assistant Program Coordinator Trainee	340	"			

Position Title	Series	Grade
Security Representative	080	GS 12 or below
Visitor Control Assistant	080	"
Security Assistant	080	"
Security Couriers	080	"
Processing Clerk	080	"
Student Trainee (General)	099	"
Personnel Officer	201	"
Personnel Assistant	201	"
Personnel Management Specialist	201	"
Administrative Assistant	301	"
Reports Clerk	301	"
Records and Services Clerk	301	"
Technical Services Assistant	301	"
Office Assistant (Stenography)	301	"
Records and Services Clerk	301	"
Office Services Clerk	301	"
Mail Clerk	305	"
Clerk-Stenographer	312	"
Word Processing Center Supervisor	316	"
Clerk-Dictating Machine Transcribers	316	"
Secretary	318	"
Administrative Secretary	318	"
Clerk-Typist	322	"
ADP Analyst	334	"
Administrative Assistant	341	"
Chief, Records & Services Section	342	"
Miscellaneous Duplicating Equipment Operator	350	"
Communications Management Specialist	391	"
SACNET Supervisor	392	"
Communications Equipment Operations	392	"
Accounting Clerk	501	"
Voucher Examining and Payroll Clerk	501	"

Position Title	Series	Grade
Accountant	510	GS 7 or below
Voucher Examiner	540	GS 12 or below
Budget Analyst	560	"
Student Trainee (Accounting)	599	GS 7 or below
Industrial Hygienist	690	GS 12 or below
Technical Assistant	802	"
Nuclear Engineer	840	GS 9 or below
Student Trainee (Engineering)	899	"
Public Affairs Assistant	1081	GS 12 or below
Minority and Small Business Analyst	1101	GS 9 or below
Contracts Clerk	1106	GS 12 or below
Realty Specialist	1170	GS 9 or below
Transportation Assistant	2130	GS 12 or below
Transportation Specialist	2130	"

## Southeastern Power Administration

<u>Position Title</u>	<u>Series</u>	<u>Grade</u>
Personnel Clerk	201	GS 12 or below
Clerk	301	"
Mail and File Clerk	305	"
Clerk-Stenographer	312	"
Secretary	318	"
Clerk-Typist	322	"
Office Services Supervisor	342	"
Accountant	510	GS 11 or below
Accounts Maintenance Clerk	520	GS 12 or below
Electrical Engineering Technician	802	"
Engineering Technician	802	"
Hydraulic Engineer	810	"
Janitor	3566	Wage Grade

## Schenectady Naval Reactors Office

<u>Position Title</u>	<u>Series</u>	<u>Grade</u>
Security Screener	080	GS 12 or below
Security Assistant	080	"
Visitor Control Clerk	080	"
Industrial Relations Assistant	201	"
Personnel Management Specialist	201	"
Clerk Stenographer	312	"
Secretary-Stenography	318	"
Clerk Typist	322	"
Communications Specialist	393	"
Accounting Clerk	510	"
Accountant	510	"
Accounting Technician	525	"
Budget Analyst	560	"
General Engineer	801	"
Nuclear Engineer	840	"
Industrial Property Management Specialist	1103	"
Property Management Specialist	1103	"

## Southwestern Power Administration

<u>Position Title</u>	<u>Series</u>	<u>Grade</u>	<u>Position Title</u>	<u>Series</u>	<u>Grade</u>
EEO Officer	160	GS 12 or below	Accounts Maintenance Clerk (Budget)	520	GS 12 or below
Personnel Management Specialist	201	"	Accounting Technician	525	"
Personnel Clerk	203	"	Budget Analyst	560	"
Area Office Clerk	301	"	Engineer Technician	802	"
Confidential Assistant	301	"	Construction Inspector General	809	GS 9 or below
Executive Assistant	301	"	Structural Engineer	810	GS 12 or below
Management Assistant	301	"	Engineering Draftsman	818	"
Clerk (Office Services)	301	"	Electrical Engineer	850	"
Clerk (Typing)	301	"	Electronics Engineering	855	"
Billing Assistant	301	"	Electronics Technician	856	"
Supervisory System Operator	301	"	Legal Technician (Steno)	986	"
System Operator	301	"	Realty Specialist	1170	GS 9 or below
Clerk-Stenographer	312	"	Statistical Clerk and Assistant	1531	GS 12 or below
Secretary (Stenography)	318	"	Supply Management Representative	2003	"
Clerk-Typist	322	"	Supply Technician/Clerk	2005	"
ADP Systems Manager	330	"	All hourly paid employees at South Western Power Administration		
Computer Operator	332	"			
Peripher Computer Equipment Operator	332	"			
Computer Programmer	334	"			
Computer Specialist	334	"			
Office Services Manager	342	"			
Office Services Supervisor	342	"			
Office Machine Operator	350	"			
Operating Accountant	510	"			

Strategic Petroleum Reserve Management Office  
(New Orleans)

<u>Position Title</u>	<u>Series</u>	<u>Grade</u>
Security Officer	080	GS 12 or below
Administrative Officer	301	"
Special Projects Coordinator	301	"
Administrative Services Specialist	301	"
Correspondence Management Specialist	301	"
Administrative Services Assistant	301	"
Clerical Assistant	301	"
Clerk-Typing	301	"
Administrative Aide	301	"
Secretary-Steno	312	"
Secretary	318	"
Secretary (Typing)	318	"
Secretary-Steno	318	"
Clerk-Typist	322	"
Accounting Technician	525	"
Voucher Examiner	540	"
Procurement Assistant	1106	"

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Western Area Power Administration  
(All Locations)

<u>Position Title</u>	<u>Series</u>	<u>Grade</u>
Safety Manager	018	GS 12 or below
Personnel Staffing and Class Spec	201	GS 11 or below
Personnel Officer	201	GS 12 or below
Supervisory Personnel Assistant	203	"
Personnel Assistant (Typing)	203	"
Staffing Assistant	203	"
Personnel Clerk (Typing)	203	"
Employee Relations Assistant	203	"
Personnel Clerk	203	"
Position Classification Specialist	221	"
Administrative Aid (Steno)	301	"
Office Assistant (Steno)	301	"
Power Billing Clerk	301	"
Power System Dispatcher	301	"
Administrative Clerk	301	"
Power Operations Specialist	301	"
Supervisory Power Systems Dispatcher	301	"
Power Resources Clerk	301	"
Power Contracts Clerk (Steno)	301	"
Clerk	301	"
Clerk (Typing)	301	"
Power Control Scheduling Clerk	301	"
Switching Program Coordinator	301	"
Power Control Billing Clerk	301	"
Mail and File Clerk	305	"
Mail and File Supervisor	305	"
Supervisory Clerk (Typing, Steno)	312	"
Clerk Steno	312	"
Safety Clerk (Steno)	312	"
Secretary	318	"
Clerk-Typist	322	"
Computer Operator	332	"
Computer Programmer	334	"
Supervisory Computer Systems Analyst	334	"
Computer Systems Analyst	334	"
Computer Specialist	334	"

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<u>Position Title</u>	<u>Series</u>	<u>Grade</u>	<u>Position Title</u>	<u>Series</u>	<u>Grade</u>
Administrative Officer	341	GS 12 or below	Civil Engineer	810	GS 12 or below
Administrative Assistant	341	"	Structural Engineer	810	"
Office Services Supervisor	342	"	Head, Location and Survey Section	817	"
Chief, Office Services Section	342	"	Engineering Draftsman	818	"
Program Analyst	345	"	Electrical Engineer	850	"
Data Transcriber	356	"	Chief, Power Control Branch	850	"
Telephone Operator	382	"	Electronic Engineer	855	"
Accounting Assistant	501	"	Chief, Communication Control	856	"
Fiscal Clerk (typing)	501	"	Electronic Technician	856	"
Power Accounts Specialist	501	"	Student Trainee Engineering	899	"
Finance Technician	501	"	Title Procurement Clerk	986	"
Accountant	510	"	Procurement Assistant	1102	GS 7 or below
Chief, Fiscal Services Branch	510	"	Procurement Agent	1102	"
Cost Accountant	510	"	Procurement Assistant	1102	"
Accounting Technician	525	"	Purchasing Agent	1105	"
Voucher Examiner	540	"	Procurement Clerk	1106	GS 12 or below
Payroll Technician	544	"	Public Utilities Technician	1130	"
Budget Analyst	560	"	Public Utilities Specialist	1130	GS 9 or below
General Engineer	801	"	Public Utilities Assistant	1130	"
Architecture Technician (Drafting)	802	"	Public Utilities Clerk	1130	GS 12 or below
Supervisory Materials Engineer	802	"	Realty Specialist	1170	GS 7 or below
Civil Engineering Technician (Drafting)	802	"	Appraiser	1171	"
Civil Engineering Technician	802	"	Power Operations Specialist	1601	GS 12 or below
Electrical Engineering Technician (Drafting)	802	"	Chief, Transmission Lines	1640	"
Materials Engineering Technician	802	"	Facility Manager	1640	"
Electrical Engineering Technician	802	"	General Supply Specialist	2001	"
Head, Reports and Specification Section	802	"	General Supply Supervisor	2001	"
Architect	808	"	Property Management Officer	2001	"
Supervisory Construction Representative	809	"	Supply Management Officer	2003	"
Construction Representative	809	"	Supply Management Specialist	2003	"
Construction Inspector	809	"			

<u>Position Title</u>	<u>Series</u>	<u>Grade</u>	<u>Offices (Headquarters and Field) Not Listed Elsewhere</u>
Supply Clerk	2005	GS 12 or below	
Supply Technician	2005	"	
Inventory Management Specialist	2010	"	All positions GS 12 or below in the following occupational series:
Travel Assistant	2132	"	018 357 1106
Aircraft Pilot	2181	"	080 382 1311
Helicopter Pilot	2181	"	081 393 1341
Chief, Transportation and Shop	2181	"	085 394 1370
		"	099 520 1371
		"	201 525 1374
		"	203 540 1410
		"	212 544 1412
		"	221 590 1531
		"	243 599 1654
		"	302 610 1712
		"	304 644 2005
		"	305 647 2151
		"	312 690 2181
		"	313 802
		"	316 818
		"	318 856
		"	322 899
		"	330 1001
		"	332 1015
		"	334 1060
		"	335 1081
		"	344 1082
		"	350 1083
		"	351 1084
		"	356 1087

The following positions in occupational series 301, GS 12 or below are exempted:

- Correspondence Information Coordinator
- Correspondence Management Specialist
- Correspondence Control Clerk
- Administrative Fiscal Service Assistant (Typing) Clerk (Typing)
- Clerk
- Administrative Assistant
- Clerical Assistant
- Clerk (Stenography)
- Word Processing Assistant (Editorial)
- Chief, Correspondence Unit
- Staff Technician (Stenography)
- Information Clerk

Form DOE-459  
Revised 79

APPENDIX III A (APPLICABLE TO FERC)  
C A U T I O N  
PRIVACY ACT DOCUMENT

REPORT OF FINANCIAL INTERESTS  
PRIVACY ACT INFORMATION STATEMENT

Advisory Committee Management Officer  
Document Control Clerk  
Correspondence Management Technician  
Staff Assistant (Stenography)  
Advisory Committee Program Specialist  
Office Services Assistant  
Clerical Assistant (Typing)  
Clerical Assistant (Stenography)  
Management Information Assistant  
Information Assistant  
Administrative Clerk  
Administrative Aide (Typing)  
Project Assistant  
Program Assistant  
Correspondence Control Clerk (Typing)  
Supervisory Correspondence Management Specialist

(A) This request for information is authorized by Executive Order 11222, "Prescribing Standards of Ethical Conduct for Government Officers and Employees;" Office of Personnel Management Regulations, 5 C F R Part 735 (See also Federal Personnel Manual, Chapter 735); Pub L 95-91, 42 U S C 7213, and DOE Regulation, 10 C F R Part 1010. The submission of information is required for all DOE employees other than those occupying positions exempted under 10 C F R 1010.403(a).

(B) The information is intended to help identify financial and employment interests of the employee or the employee's spouse, minor child, or dependent(s) which create conflicts of interest or the appearance thereof in the context of the employee's duties and responsibilities.

(C) The uses which may be made of the requested information consist of review by the employee's reviewing official and the Counselor to assist in determining whether the employee's employment and financial interests conflict or appear to conflict with the performance of official duties; counseling the employee in avoiding conflicts; and assignment of duties. The information may also be used by authorized representatives of the Department of Justice, Office of Government Ethics, and the Comptroller General in the course of the performance of their law enforcement and administrative responsibilities. Part A of this form shall be available to the public in accordance with section 607 of Pub L 95-91, 42 U S C 7217 and 10 C F R 1010.402. Part B is not subject to public disclosure (but see paragraph 8 of General Instructions below).

(D) Failure to provide all of the requested information may result in disciplinary action or denial of employment (10 C F R 1010.502).

GENERAL INSTRUCTIONS

1 This form consists of Parts A, B, C, and D. All DOE employees except those occupying positions listed in Appendix I of 10 C F R Part 1010 shall complete Parts A, B, and C of this form and submit it to their respective reviewing officials. If additional pages are necessary, attach them hereto and identify them by reference to the appropriate Part(s) of the statement. The employee's name should be indicated on each page of this form, including any additional pages attached. Reviewing officials shall complete paragraph 1, of Part D of the form and forward the form to the Counselor.

2 This report is made on a calendar year basis and is to include interests held at any time during the reporting period even if no longer held at the time the report is made. New employees (including reappointed special Government employees) shall report for the current year through the date of the report; all others shall report for the immediately previous calendar year ending December 31.

3 The interest, if any, of a spouse, minor child or dependent (as dependent is defined by section 152 of the Internal Revenue Code of 1954) shall be reported in this statement and marked with an "x" to the left of the block where that interest is reported

4 It is your responsibility to provide all requested information in the event you are not permitted access to any of the required information, such as holdings placed in certain forms of trust, but that information is known to another person, you should request that other person to submit the information on your behalf and should report such request in your statement. The information submitted on your behalf should be submitted to your reviewing official. Also report in your statement requests made to other persons to furnish required information directly to you when responses to the requests have not been received

5 "Energy concern" means:

(1) Any person listed on the Energy Concern List published by DOE, or

(2) Any other person

(i) holding an interest in property from which coal, natural gas, crude oil, nuclear material or a renewable resource is commercially produced or obtained;

(ii) significantly engaged in the business of:

(A) Developing, extracting, producing, refining, transporting by pipeline, converting into synthetic fuel, distributing, or selling minerals for use as an energy source, or in the generation or transmission of energy from such minerals or from wastes or renewable resources;

(B) Producing, generating, transmitting, distributing, or selling electric power;

(C) Development, production, processing, sale, or distribution of nuclear materials, facilities, or technology;

(D) Conducting research, development, or demonstration related to an activity described in paragraphs (2)(i), (2)(ii)(A), (2)(ii)(B), (2)(ii)(C) or (2)(ii)(C); or

(iii) significantly engaged, whether or not for profit, in conducting such research, development, or demonstration related to an activity described in paragraphs (2)(i), (2)(ii)(A), (2)(ii)(B) or (2)(ii)(C) with financial assistance under any Act the functions of which are vested in or delegated or transferred to the Secretary or the Department

(3) For the purposes of reports required by Pub L 94-163 and Pub L 95-39, "energy concern" includes "energy businesses" and "energy properties" as those terms are used in those Acts

(4) "Energy Concern" does not include religious organizations; mutual funds or regulated investment companies the portfolios of which are widely diversified, or similarly constituted, commercially fungible entities. Membership or ownership in utility cooperatives required to obtain services is not considered an interest in an energy concern

6 Notwithstanding the filing of this report, each employee shall at all times avoid acquiring a financial interest that could result, or taking an action that would result, in a violation of the conflicts of interest provisions of 10 C.F.R. Part 1010

7 Energy concern clients of a firm or association for which a new supervisory employee was directly involved in the provision of services (as a member, partner or employee of the firm or association) need not be disclosed in this report so long as such disclosure is made on Form DOE-460

8 Part A of this report is subject to public disclosure pursuant to section 607 of Pub L 95-91 (42 U.S.C. 7217) and is designed for use by employees to disclose interests in "energy concerns" required by section 603 of Pub L 95-91 (42 U.S.C. 7213). Part B is not subject to public disclosure; it is designed to implement the disclosure requirements of Executive Order 11222 and Office of Personnel Management implementing regulations (5 C.F.R. Part 735). In addition, it is designed for the purpose of assuring against inadvertent failure to disclose interests in a person or entity which, pursuant to Pub. L. 95-91, is determined by the Secretary to be an energy concern. Employees may be asked to supply additional information regarding interests reported in Part B when the Counselor believes such interests may be interests in energy concerns. Such additional information will remain confidential unless and until the entity in which the interest is held is determined by the Secretary to be an energy concern

Form DOE-459

DEPARTMENT OF ENERGY

PART A -- STATEMENT OF INTERESTS IN ENERGY CONCERNS  
(See Attached Sheet for General Instructions)

NAME (Last first, initial)

I EMPLOYMENT AND FINANCIAL INTERESTS

(1) List the names of all corporations, companies, firms, or other business enterprises, partnerships, nonprofit organizations and educational institutions or other entities that are or you believe to be energy concerns --

(a) with which you, your spouse, minor child or dependent(s) are connected as an employee, officer, owner, director, member, trustee, partner, adviser, or consultant; or

(b) in which you, your spouse, minor child, or dependent(s) have any continuing financial interest through a pension or retirement plan, shared income or other arrangement as a result of any current or prior employment or business or professional associations; or

(c) in which you, your spouse, minor child or dependent(s) have any financial interest through ownership of stocks, stock options, bonds, securities, or other arrangements, including trusts

(2) If none, write NONE

(3) Do not abbreviate names of organizations

NAME, KIND OF ORGANIZATION (e.g., corporation, partnership, nonprofit organization, etc.) AND NATURE OF ITS ACTIVITY	ADDRESS (or the exchange in which the securities are traded)	(1) NATURE OF FINANCIAL INTERESTS, e.g., stock etc. and (2) total value of and compensation from interest	POSITION IN ORGANIZATION (e.g., employee, officer, owner, etc.)

(PUBLIC)

NAME

PART A - Cont

II CREDITORS

List the names of your creditors that are, or you believe to be, energy concerns other than those to whom you may be indebted by reason of a mortgage on property which you occupy as a personal residence or to whom you may be indebted for current and ordinary household and living expenses such as household furnishings, automobile education vacation, and similar expenses. If none write NONE

NAME AND ADDRESS OF CREDITOR	CHARACTER OF INDEBTEDNESS (e.g., Personal Loan, Note, Security)

III INTERESTS IN REAL PROPERTY

List your interest in real property or rights in lands from which coal, natural gas, crude oil, nuclear material, or a renewable resource is commercially produced or obtained. If none, write NONE

NATURE OF INTEREST (e.g., ownership, mortgage lien, investment trust, etc.)	TYPE OF PROPERTY, e.g., residence, hotel, apartment, farm, undeveloped land, oil and gas rights, other mineral interests, etc.	ADDRESS (if rural, give RD or county & state)

(PUBLIC)

Form DOE-459

NAME

PART B -- I EMPLOYMENT AND FINANCIAL INTERESTS -- Continued

PART B -- STATEMENT OF FINANCIAL INTERESTS  
(Information reported in Part A need not be repeated)

I EMPLOYMENT AND FINANCIAL INTERESTS

(1) List the names of all corporations, companies, firms, or other business enterprises, partnerships, nonprofit organizations and educational or other institutions --

(a) with which you, your spouse, minor child or dependent are connected as an employee, officer, owner, director, member, trustee, partner, adviser, or consultant or with which you are negotiating or have any arrangement concerning prospective employment; or

(b) in which you, your spouse, minor child, or dependent have any continuing financial interest, through a pension or retirement plan, shared income, or otherwise, as a result of any current or prior employment or business or professional associations; or

(c) in which you, your spouse, minor child or dependent have any financial interest through ownership of stocks, stock options, bonds, securities, or other arrangements, including trusts

(2) The information to be listed does not include any information relating to your, your spouse's, your minor child's, or your dependent's connection with, or interest in, a professional society or a charitable, religious, social, fraternal, recreational, public service, civic, or political organization or any similar organization not conducted as a business enterprise and which is not engaged in the ownership or conduct of a business enterprise. Educational and other institutions doing research and development or related work involving grants of money from or contracts with the Government are deemed to be "business enterprises" for the purposes of this report and should be included

(3) The information to be listed in this part does not require a showing of the amount of financial interest, indebtedness, or the value of real property

(4) If none, write NONE

(5) Do not abbreviate names of organizations.

NAME, KIND OF ORGANIZATION (e.g., corporation, partnership, non-profit organization, etc.) AND NATURE OF ACTIVITY	ADDRESS (or the exchange in which the securities are traded)	NATURE OF FINANCIAL INTEREST (e.g., stock, prior business income, etc.)	POSITION IN ORGANIZATION (e.g., employee, officer, owner, etc.)

(NOT AVAILABLE FOR PUBLIC REVIEW)

Form DOE-459

DEPARTMENT OF ENERGY

PART C

- 1 NAME (Last, First, Initial)
- 2 HOME ADDRESS (Street, City, State, Zip Code)
- 3 TELEPHONE
- Home:
- Business:
- 4 TITLE OF POSITION (or prospective position in DOE):
- 5 DATE OF APPOINTMENT IN PRESENT POSITION (or expected date of appointment):
- 6 OFFICE AND/OR DIVISION (or prospective office and/or division):
- 7 PLEASE INDICATE ONE OF THE FOLLOWING:
  - ( ) Regular Employee
  - ( ) EES
  - ( ) Special Government Employee
  - ( ) IGPA (Intergovernmental Personnel Act)
  - ( ) FTA (Professional Term Appointment)
  - ( ) President's Executive Interchange Program
  - ( ) Other (Specify)
- 8 PRESENT GRADE OR LEVEL OF PAY (or expected Grade or level of pay):
- 9 DESCRIPTION OF SERVICES YOU ARE OR WILL BE PERFORMING:
- 10 Are you performing functions under the Surface Mining Control and Reclamation Act of 1977, Pub L 95-87, and is your position listed in Appendix IV of 10 C F R Part 1010?
  - ( ) Yes
  - ( ) No
- 11 If the answer to question #10 is yes, please identify which, if any, of the listed financial interests represents an interest in an underground or surface coal mining operation: (if none, write NONE)

(NOT AVAILABLE FOR PUBLIC REVIEW)

Form DOE-459

NAME

PART B - Cont

II CREDITORS

List the names of your creditors other than those to whom you may be indebted by reason of a mortgage on property which you occupy as a personal residence or to whom you may be indebted for current and ordinary household and living expenses such as household furnishings automobile education vacation and similar expenses If none write NONE

NAME AND ADDRESS OF CREDITOR	CHARACTER OF INDEBTEDNESS (e.g., Personal Loan, Note, Security)

III INTERESTS IN REAL PROPERTY

List your interest in real property or rights in lands other than property which you occupy as a personal residence If none, write NONE

NATURE OF INTEREST, (e.g. ownership mortgage lien investment trust, etc.)	TYPE OF PROPERTY (e.g., residence hotel, apartment land oil and gas rights other mineral interests, etc.)	ADDRESS (if rural, give RED or county & state)

(NOT AVAILABLE FOR PUBLIC REVIEW)

Form DOE-459

NAME

PART C - Cont

12 INFORMATION REQUESTED OF OTHER PERSONS

If any information is to be supplied by other persons, e.g., trustee, attorney, accountant, relative, etc., please indicate the name and address of such persons, the date upon which you requested that the information be supplied, and the nature of subject matter involved. If none, write NONE.

NAME AND ADDRESS DATE OF REQUEST NATURE OF SUBJECT MATTER

I certify that the statements I have made are true, complete, and correct to the best of my knowledge and belief. I understand falsification of statements on this form is punishable in accordance with law (18 U S C 1001)

Signature

Date

(NOT AVAILABLE FOR PUBLIC REVIEW)

Form DOE-459

NAME

FOR USE BY DOE

PART D -- DETERMINATIONS:

Instructions to reviewing official:

CAUTION: Administrative sanctions may be imposed against you for failure to perform review functions properly (See 10 C F R 1010 502(d)). Your review functions may not be redelegated (See 10 C F R. 1010 103 (r)). DO NOT REPRODUCE OR RETAIN COPIES OF THIS FORM. Upon completion of your review, forward this form to the Counselor in a sealed envelope marked "TO BE OPENED BY ADDRESSEE ONLY - CONFIDENTIAL STATEMENT OF FINANCIAL INTERESTS".

Under applicable law and DOE regulations:

- No employee is to participate in any particular matter of any type the outcome of which could have a direct and predictable effect upon a business entity, including nonprofit organization or educational institution, by which he is employed or with which he is negotiating for or has any arrangement concerning prospective employment, or to which he renders consultant services, or in which he has a financial interest not exempted under 10 C F R 1010 302

1 Reviewing official: I have reviewed this report in the context of the applicable law stated above and in relation to the employee's duties and responsibilities, and I find:

- ( ) no conflict or apparent conflict of interest
( ) the following interests pose potential conflict of interest situations:

The following steps have been taken to effect resolution of the potential conflict situations referred to above:

(NOT AVAILABLE FOR PUBLIC REVIEW)

Revised 79

APPENDIX III B (APPLICABLE TO FERC)

C A U T I O N

PRIVACY ACT DOCUMENT

REPORT ON PRIOR EMPLOYMENT

PRIVACY ACT INFORMATION STATEMENT

Form DOE-459

NAME

PART D - Cont

( ) the following questions require resolution:

Signature \_\_\_\_\_ Date \_\_\_\_\_

2 Counselor (or deputy counselor): I have reviewed the statement of the employee and the reviewing official's findings above and find:

- ( ) no evidence of conflict or apparent conflict of interest
- ( ) the following interests pose potential conflict of interest:

The following steps have been taken to effect resolution of the potential conflict situations referred to above:

( ) the following questions require resolution:

Signature \_\_\_\_\_ Date \_\_\_\_\_

(A) This request for information from DOE "supervisory employees" is authorized by Pub L 95-91, section 604 (42 U S C 7214)

(B) The information will be used to help identify prior employment interests of the employee which create conflicts of interest or the appearance thereof in the context of the employee's duties and responsibilities

(C) The uses which may be made of the requested information consist of review by the cognizant reviewing official and the Counselor to assist in determining whether the individual's prior employment interests conflict or appear to conflict with the performance of official duties; counseling those individuals in avoiding conflicts; and assignment of duties. The information may also be used by authorized representatives of the Department of Justice, Office of Government Ethics, and the Comptroller General in the course of the performance of their law enforcement and administrative responsibilities. Part A of this form shall be available to the public in accordance with section 607 of Pub L 95-91, 42 U S C 7217, and 10 C F R 1010.402. Part B is not subject to public disclosure (but see paragraph 4 of General Instructions below)

(D) Failure to provide the information requested on Part A may result in assessment of a civil penalty of up to \$10,000 (section 608, Pub L 95-91, 42 U S C 7218)

GENERAL INSTRUCTIONS

1 This form consists of Parts A, B, C, and D. All "supervisory employees" (as defined in section 601(a), Pub L, 95-91, 42 U.S.C. 7211(a)) shall complete Parts A, B, and C of this form and submit the form to their respective reviewing officials. If additional pages are necessary, they should be attached hereto and identified by reference to the appropriate Part(s) of the statement. Reviewing officials shall complete paragraph 1 of Part D of the form and forward the form to the Counselor.

2 This one-time report is required to be submitted by all supervisory employees within 60 days of becoming a supervisory employee in the DOE. Each entity which paid the employee compensation in excess of \$2,500 in the year in which the employee is reporting or in any of the five preceding calendar years shall be disclosed.

(NOT AVAILABLE FOR PUBLIC REVIEW)

Form DOE-460

REPORT ON PRIOR EMPLOYMENT

1 NAME (last, first, initial)

PART A

I Identify all energy concerns from which you received compensation in excess of \$2,500 in this calendar year or in any of the five preceding calendar years. If none, write NONE. You need not include any information which is considered confidential as a result of a privileged relationship, recognized by law, between you and any person; nor need you report any information with respect to any person for whom services were provided by any firm or association of which you were a member, partner, or employee unless you were directly involved in the provision of such services.

NAME OF ENERGY CONCERN AND NATURE OF ITS BUSINESS OR ACTIVITY	ADDRESS	PERIOD OF TIME COMPENSATION RECEIVED	POSITION HELD OR OTHER RELATIONSHIP WITH ORGANIZATION	DUTIES PERFORMED OR SERVICES RENDERED

(PUBLIC)

3 "Energy concern" means:

- (1) Any person listed on the Energy Concern List published by DOE, or
- (2) Any person:

(i) holding an interest in property from which coal, natural gas, crude oil, nuclear material or a renewable resource is commercially produced or obtained;

(ii) significantly engaged in the business of:

(A) Developing, extracting, producing, refining, transporting by pipeline, converting into synthetic fuel, distributing, or selling minerals for use as an energy source, or in the generation or transmission of energy from such minerals or from wastes or renewable resources;

(B) Producing, generating, transmitting, distributing, or selling electric power;

(C) Development, production, processing, sale, or distribution of nuclear materials, facilities, or technology; or

(D) Conducting research, development, or demonstration related to an activity described in paragraphs (2)(ii), (2)(ii)(A), (2)(ii)(B) or (2)(ii)(C); or

(iii) significantly engaged, whether or not for profit, in conducting such research, development, or demonstration related to an activity described in paragraphs (b) or (b)(i), (b)(ii), or (b)(iii) with financial assistance under any Act the functions of which are vested in or delegated or transferred to the Secretary or the Department

(3) "Energy Concern" does not include religious organizations; mutual funds or regulated investment companies the portfolios of which are widely diversified, or similarly constituted, commercially fungible entities. Membership or ownership in utility cooperatives required to obtain services is not considered an interest in an energy concern

4 Part A of this report is subject to public disclosure pursuant to section 607 of Pub L 95-91 (42 U.S.C. 7217) and is designed for use by "supervisory employees" required to disclose certain prior employment information by section 604 of Pub L 95-91 (42 U.S.C. 7214). Part B is not subject to public disclosure; it is designed solely for the purpose of assuring against inadvertent failure to disclose prior employment with a person or entity which, pursuant to the Act, is determined by the Secretary to be an energy concern. Employees may be asked to supply additional information regarding employment listed in Part B when the Counselor believes such employment may be energy concern employment. Such additional information will remain confidential unless and until the employer is determined by the Secretary to be an energy concern

Form DOE-460

Form DOE-460

PART C

- 1 NAME (last, First, Initial)
- 2 HOME ADDRESS (Street, City, State, Zip Code)
- 3 TELEPHONE
- Home:
- Business:
- 4 TITLE OF POSITION (or prospective position in DOE):
- 5 DATE OF APPOINTMENT IN PRESENT POSITION (or expected date of appointment):

6 OFFICE AND/OR DIVISION (or prospective office and/or division):

7 PLEASE INDICATE ONE OF THE FOLLOWING:

- ( ) Regular Employee
- ( ) EES
- ( ) Special Government Employee
- ( ) IGPA (Intergovernmental Personnel Act)
- ( ) PTA (Professional Term Appointment)
- ( ) President's Executive Interchange Program
- ( ) Other (Specify)

8 PRESENT GRADE OR LEVEL OF PAY (or expected grade or level of pay):

9 DESCRIPTION OF SERVICES YOU ARE OR WILL BE PERFORMING:

I certify that the statements I have made are true, complete, and correct to the best of my knowledge and belief, I understand falsification of statements on this form is punishable in accordance with law (18 U S C 1001)

Signature \_\_\_\_\_ Date \_\_\_\_\_

(NOT AVAILABLE FOR PUBLIC REVIEW)

Identify all sources (other than those listed in Part A) from which you received compensation in excess of \$2,500 in this calendar year or in any of the five preceding calendar years. If none, write NONE. You need not include any information which is considered confidential as a result of a privileged relationship, recognized by law, between you and any person; you need not report any information with respect to any person for whom services were provided by any firm or association of which you were a member, partner, or employee unless you were directly involved in the provision of such services.

NAME OF PERSON OR OTHER ENTITY	ADDRESS	NATURE OF BUSINESS OR ACTIVITY OF ENTITY AND DATE OF ASSOCIATION

(NOT AVAILABLE FOR PUBLIC REVIEW)

Form DOE-460  
NAME  
PART D - Cont

( ) The following questions require resolution:

\_\_\_\_\_  
Signature  
\_\_\_\_\_  
Date

- 2. Counselor (or deputy counselor); I have reviewed the statement of the employee and the reviewing official's findings above and find:
  - ( ) no evidence of conflict of interest
  - ( ) the following pose potential conflict of interest situations

\_\_\_\_\_  
Signature  
\_\_\_\_\_  
Date

( ) The following questions require resolution:

\_\_\_\_\_  
Signature  
\_\_\_\_\_  
Date

(NOT AVAILABLE FOR PUBLIC REVIEW)

Form DOE-460  
NAME

FOR USE BY DOE

PART D - DETERMINATIONS:

Instructions to reviewing official:

CAUTION: Administrative sanctions may be imposed against you for failure to perform review functions properly (See 10 C F R 1010 502(d) ) Your review functions may not be redelegated (See 10 C F R 1010 103(r) ) You are required to review Part A of this form and indicate the results of your review below DO NOT REPRODUCE OR RETAIN COPIES OF PART B OF THIS FORM Following completion of your review, forward this form to the Counselor in a sealed envelope marked "TO BE OPENED BY ADDRESSEE ONLY - CONFIDENTIAL STATEMENT OF PRIOR EMPLOYMENT "

Under applicable law and DOE regulations:

- For a period of one year after terminating any employment with any energy concern, no supervisory employee shall knowingly participate in any Department proceeding in which his former employer is substantially, directly, or materially involved, other than in a rulemaking proceeding which has a substantial effect on numerous energy concerns

- For a period of one year after commencing service in the Department, no supervisory employee shall knowingly participate in any Department proceeding for which, within the previous five years, he had direct responsibility or in which he participated substantially or personally while in the employment of any energy concern (Section 606, Pub L 95-91, 42 U S C 7216)

1 Reviewing official: I have reviewed Part A of this form in relation to the employee's duties and responsibilities and find:

- ( ) no conflict or apparent conflict of interest
- ( ) the following pose potential conflict of interest situations:

The following steps have been taken to effect resolution of the potential conflict situations referred to above:

(NOT AVAILABLE FOR PUBLIC REVIEW)

APPENDIX III C (APPLICABLE TO FERC)

C A T I O N

PRIVACY ACT DOCUMENT

REPORT OF EMPLOYMENT - FORMER SUPERVISORY EMPLOYEES

PRIVACY ACT INFORMATION STATEMENT

(A) This request for information from former DOE "supervisory employees" is authorized by Pub L 95-91, section 605, 42 U S C 7215; and DOE Regulations, 10 C F R Part 1010

(B) The information is intended to notify the DOE of positions with energy concerns held by former supervisory employees.

(C) The uses which may be made of the requested information consist of review by the Counselor to assist in determining whether the individual's employment interests conflict or appear to conflict with former duties; and for counseling those individuals in avoiding conflict of interest violations. The information may also be used by authorized representatives of the Department of Justice, Office of Government Ethics, and the Comptroller General in the course of their law enforcement and administrative responsibilities. Part A of this form shall be made available to the public in accordance with section 607 of Pub L 95-91, 42 U S C 7217 and 10 C F R 1010.402. Part B is not subject to public disclosure (but see paragraph 3 of General Instructions below)

(D) Failure to provide all of the requested information may result in assessment of a civil penalty of up to \$10,000 (section 608, Pub L 95-91, 42 U S C 7218)

GENERAL INSTRUCTIONS

1 All former supervisory employees (see 10 C F R Part 1010, Appendix II) shall complete this form. Submit this report to the Counselor. If additional pages are necessary, attach them hereto and identify them by reference to the appropriate Part(s) of the statement

2 "Energy concern" means:

- (1) Any person listed on the Energy Concern List published by DOE; or
- (2) Any other person:

(i) holding an interest in property from which coal, natural gas, crude oil, nuclear material or a renewable resource is commercially produced or obtained;

(ii) significantly engaged in the business of:

- (A) Developing, extracting, producing, refining, transporting by pipeline, converting into synthetic fuel,

distributing, or selling minerals for use as an energy source, or in the generation or transmission of energy from such minerals or from wastes or renewable resources;

(B) Producing, generating, transmitting, distributing, or selling electric power;

(C) Development, production, processing, sale, or distribution of nuclear materials, facilities, or technology;

(D) Conducting research, development, or demonstration related to an activity described in paragraphs (2)(i), (2)(ii)(A), (2)(ii)(B) or (2)(ii)(C); or

(iii) Any person or entity significantly engaged, whether or not for profit, in conducting such research, development, or demonstration relating to an activity described in paragraphs (2)(i), (2)(ii)(A), (2)(ii)(B) or (2)(ii)(C) with financial assistance under any Act the functions of which are vested in or delegated or transferred to the Secretary or the Department

(3) "Energy Concern" does not include religious organizations; mutual funds or regulated investment companies the portfolios of which are widely diversified, or similarly constituted, commercially fungible entities. Membership or ownership in utility cooperatives required to obtain services is not considered an interest in an energy concern

3 Part A of this report is subject to public disclosure pursuant to section 607 of Pub L 95-91 (42 U S C 7217) and is designed for use by former "supervisory employees" of the Department of Energy required to disclose certain employment information by section 605 of Pub L 95-91 (42 U S C 7215). Part B is not subject to public disclosure; it is designed solely for the purpose of assuring against inadvertent failure to disclose employment with a person or entity which, pursuant to the Act, is determined by the Secretary to be an energy concern. This report must be filed with the Counselor not later than May 15 of the first and second calendar years following the first full year in which the supervisory employee ceased to be an officer or employee of the Department. This report requirement does not apply to any former supervisory employee who, at the time such employment with the Department ceases, has any contract, promise, or other agreement with respect to future employment with any energy concern if (A) the former supervisory employee describes such agreement in any report filed within thirty days after the individual ceases to be an employee of the Department, and (B) the former supervisory employee amends the report by May 15 of either of the next two years during which he has accepted employment with another energy concern

Form DOE-461

NAME

PART B

I Describe any employment not reported in Part A since your DOE employment ceased, including any employment as a consultant, agent attorney or otherwise

NAME OF EMPLOYER	ADDRESS	POSITION HELD	DATES OF EMPLOYMENT	BRIEF DESCRIPTION OF DUTIES PERFORMED OR SERVICES RENDERED

I certify that the statements I have made in Part A and Part B of this report are true, complete, and correct to the best of my knowledge and belief. I understand that falsification of statements on this form is punishable in accordance with law and that failure to provide all information requested may result in assessment of a civil penalty of up to \$10,000 (18 U S C 1001)

Signature \_\_\_\_\_ Date \_\_\_\_\_

(NOT AVAILABLE FOR PUBLIC REVIEW)

BILLING CODE 6450-01-C

Form DOE-461

1 NAME (last, first, initial) 2 TITLE OR FORMER POSITION

3 DATE DOE EMPLOYMENT CEASED 4 ADDRESS

5 DATE OF REPORT:

PART A

I Describe any employment with any energy concern since your DOE employment ceased including any employment as a consultant, agent attorney, or otherwise

NAME OF ENERGY CONCERN	ADDRESS	POSITION HELD	DATES OF EMPLOYMENT	BRIEF DESCRIPTION OF DUTIES PERFORMED OR SERVICES RENDERED

(PUBLIC)





**DEPARTMENT OF TRANSPORTATION  
Federal Aviation Administration**

**[14 CFR Part 91]**

**Aircraft Operating Noise Limits;  
Compliance Plans and Expanded  
Definition of "Replacement Airplanes"**

**AGENCY:** Federal Aviation Administration (FAA), DOT.  
**ACTION:** Notice of proposed rule making.

**SUMMARY:** This notice proposes amendments to the aircraft operating noise limits rule (1) to expand the definition of "replacement airplanes" under the rule and (2) to require operators of turbojet airplanes covered by the rule to submit their respective plans for achieving timely and continuing compliance with the applicable noise limits. The operating noise limits rule applies to "U.S. registered, civil subsonic turbojet airplanes with maximum weights over 75,000 pounds and having standard airworthiness certificates" which are not operated in foreign air commerce.

This notice proposes to permit replacement of noncomplying airplanes with currently ineligible "Stage 1" or "Stage 2" airplanes that have been re-engined, or otherwise modified, and certificated as "Stage 3 airplanes." The current rule assumed that this kind of modification would not be attractive within the compliance period. Accordingly, it permits replacement only by airplanes shown to comply with Part 36 noise levels prior to the issuance of an original standard airworthiness certificate. Recent developments suggest that this assumption may be wrong. If it were possible to have foreseen the current re-engining proposals that would modify existing aircraft to become Stage 3 airplanes, the FAA would have proposed to include those re-engined airplanes as replacement airplanes in the original rule making. Therefore, the FAA believes that those recertificated "Stage 3 airplanes" should be eligible as "replacement airplanes" under the rule in order to increase the protection provided to the public health and welfare as contemplated under § 611 of the Federal Aviation Act of 1958, as amended.

The nature and mobility of airplane fleets of the various aircraft operators covered by the rule, make it difficult for the FAA to obtain specific fleet and airplane compliance information in a comprehensive and uniform manner from established reports. While the FAA has continuously stated its intent to enforce the prescribed compliance schedule, the effectiveness of that

enforcement would be improved if current and up-dated operator plans for achieving and maintaining compliance are developed and made available to the FAA and the public.

**DATES:** Comments must be received on or before June 25, 1979.

**ADDRESSES:** Send comments on the proposal in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn.: Rules Docket (AGC-24), Docket No. 18955, 800 Independence Avenue, SW., Washington, D.C. 20591.

**FOR FURTHER INFORMATION CONTACT:** Richard Tedrick, Noise Policy and Regulations Branch (AEE-110), Noise Abatement Division, Office of Environment and Energy, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 755-9027.

**SUPPLEMENTARY INFORMATION:  
Comments Invited**

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, SW., Washington, D.C. 20591. All communications received on or before June 25, 1979 will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each substantive public contact with FAA personnel concerned with this rule making will be filed in the docket.

**Availability of NPRMs**

Any person may obtain a copy of this notice of proposed rule making [NPRM] by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of

Advisory Circular No. 11-2 which describes the application procedure.

**Discussion of the Proposed Rule**

The FAA is considering amendments to the aircraft operating noise limits rule prescribed under Subpart E of Part 91 of the Federal Aviation Regulations (14 CFR Part 91). One proposal would amend § 91.305(c) to expand the definition of "replacement airplanes" to include previously ineligible airplanes which are re-engined or otherwise modified, and certificated as "Stage 3 airplanes" under Part 36. The other substantive proposal would add a new § 91.308 to require operators of airplanes covered by the rule to submit compliance plans for achieving the noise requirements in accordance with the prescribed compliance schedule. This notice also reflects editorial changes to Subpart E, including a minor language change to conform to Special Federal Aviation Regulation No. 38 (43 FR 58366; December 14, 1978) concerning issuance of certain operating certificates.

**Relationship to ATA Petition for Rule Making**

The FAA recently received a petition for rule making from the Air Transport Association of America (ATA), on behalf of its members, to amend Subpart E of Part 91. That petition, which is published for public comment elsewhere in today's Federal Register, requests the FAA to initiate rule-making procedures to eliminate the 1981 initial, phased compliance date and to substitute for it a requirement that each operator submit to the FAA by January 1, 1980, a plan showing how the operator intends to comply with the applicable 1983 and 1985 requirements. This notice, while proposing compliance plans, does not respond to that petition and should not be confused with it. While this notice necessarily involves some issues similar to those raised by the ATA petition, it does not prejudge the disposition which will be made of the petition by the FAA after due consideration of its merits in accordance with the applicable provisions of Part 11 of the Federal Aviation Regulations.

**Background of the Proposals**

Subpart E of Part 91 of the Federal Aviation Regulations (FARs) prescribes operating noise limits for certain "U.S. registered, civil subsonic turbojet airplanes with maximum weights over 75,000 pounds and having standard airworthiness certificates." Those requirements, adopted by Amendment 91-136 (41 FR 56046; December 23, 1976), prohibit the operation in the United

States of affected airplanes after specified dates unless they have been shown to comply with the noise levels ("Stage 2"), prescribed under Part 36, in accordance with the provisions of Subpart E. For airplanes operated under operating certificates issued under Parts 121 and 135, Subpart E prescribes a phased compliance schedule requiring specified portions of an operator's fleets to achieve and maintain compliance by 1981 and 1983, with full and continuing compliance by all affected airplanes by 1985. For airplanes operated under Parts 91 and 123, full compliance must be achieved by 1985. Thus, on and after January 1, 1985, no person may operate any airplane covered by Subpart E, including those operated under Parts 91, 121, 123, and 135, unless compliance has been shown. Compliance may be achieved by the acoustical modification, or "retrofit," of noncomplying airplanes or through their replacement with complying airplanes. The purpose of this proposal is to expand the class of airplanes that are eligible "replacement airplanes under § 91.305(c).

#### Replacement Airplanes.

In its original investigation of the "replacement airplane" concept the FAA did not contemplate that the older, noncomplying airplane types were susceptible to re-engining, or other acceptable modification much below the "Stage 2" noise limits. At the time the newest technology represented by turbojet engines with bypass ratios greater than two had no successful application to these older airplanes for which airworthiness certificates had been issued in the past. Accordingly, the rule was written to permit replacement only by the newest airplanes, that is, airplanes shown to comply with Part 36 ("Stage 2" or "Stage 3") noise levels prior to the issuance of an original standard airworthiness certificate. However, current type design modification programs, involving the re-engining of certain noncomplying airplanes with high bypass ratio engines to achieve significant noise reductions and improve performance, appear promising enough that United Air Lines and several other airplane operators have expressed the commitment or interest in using DC-8 airframes re-engined with the newest technology engines. There is also a program underway at Boeing to re-engine the B-707 with engines that may bring that aircraft into Stage 3 compliance.

To provide an additional option to operators for achieving required noise compliance and to encourage the introduction of more aircraft that have

shown compliance with the more stringent noise requirements for "Stage 3 airplanes," the FAA believes the definition of "replacement airplanes" under the rule should be expanded. If adopted, the proposal would encourage the use of the new technology engines on certain airframes of Stage 1 airplanes with relatively low flight time, such as Boeing 707 and DC-8 airplanes delivered during the last decade. The newer engine applications would also have the benefits of increased fuel efficiency and reduced engine emissions. To the extent that such applications will be made to existing, low flight-time airframes of Stage 1 airplanes, the public and the economy would benefit from the efficiencies that result from extending the service life of those airframes.

While the FAA believes that the additional option under the rule should be available to airplane operators, comments are invited on the specific impact of the extended service life of those airframes, including detailed views and data regarding (1) the extent to which the re-engining option for replacement airplanes would actually be used; (2) the anticipated number of airplanes which would be affected; and (3) the extent to which useful airframe service life could be extended. Comments should also treat the economic, energy, environmental, and regulatory implications of the proposal. While re-engining is a specific modification that is acceptable under the proposal, the FAA believes other modifications involving acoustical redesign, which achieve the same demonstrated noise reduction, should also be accepted. For that reason, the proposal would permit, as "replacement aircraft," those that have been re-engined "or otherwise modified."

#### Noise Compliance Plans

Since its adoption in 1976, public, Congressional, and other governmental interest in the achievement of the full benefits of the rule has increased significantly. The FAA has received numerous suggestions from the public and members of Congress that, in light of the rapidly approaching compliance dates of a rule which provide vital relief to millions of Americans living near airports, the FAA should move promptly to remedy its compliance monitoring ability and take the actions necessary to compel submission of compliance plans by airplane operators at the earliest practicable date. Of particular interest is the progress being made by air carrier and commercial operators who face the first phased compliance date in 1981.

At the time it adopted the rule, the FAA had data and status reports concerning Part 36 compliance of airplanes in the various U.S. operator fleets upon which it based its analysis of the effects of the rule. However, since that time, the FAA has not had sufficient information on which to accurately assess the current or planned compliance status of the individual airplanes within the respective operator fleets. The complexities of the composition of those fleets, with numerous types and models of aircraft, their mobility, their requirements for repair and maintenance, and the generally changing nature and composition of the fleets, has made it virtually impossible for the FAA to obtain reliable, continuously current information on fleet composition showing its current and planned future compliance status.

The FAA intends to ensure that compliance with the provisions of Subpart E is not compromised by planning failures that could have been avoided. If the agency is unaware of problems or potential problems that might delay full compliance, it is unable to respond or take corrective action to alleviate those matters. Every effort will be made to ensure that the benefits of the Subpart E operating noise limits are achieved without delay.

Therefore, to avoid potential problems associated with inadequate monitoring of compliance and unreasonable delays in operator planning which may make compliance uncertain or impractical, the FAA believes that it should establish a program of required operators' noise compliance plans. This notice proposes to establish such a program. Since airplane operators covered by the noise compliance rule should already have the necessary information as part of their fleet management programs and the strategies developed to achieve the required compliance, the FAA believes the objectives of the proposal can be achieved with a minimum of cost or other burden on the operators in submitting those plans and data under the proposed reporting requirements.

The FAA has considered alternative means by which it might attempt to obtain the information needed to monitor compliance, such as through its general aviation and air carrier inspector or principle maintenance inspector programs. However, the FAA recognizes that no program currently exists which would provide both timely and uniform information concerning the many and varied operator's plans for achieving compliance of highly mobile fleets. Since the largest air carrier fleet

is composed of fewer than 350 airplanes and most operators affected by the rule have fewer than 25 airplanes, no operator should have an unreasonable burden under this proposal. Further, once the initial compliance plan is developed, any further submissions required under the proposal can be made by up-dating the plan or, if appropriate, certifying that no change has occurred since the previously submitted plan.

Under the proposal, a new § 91.308 would be added to Subpart E of Part 91 containing the form and content requirements of compliance plans and prescribing the schedule for submitting the compliance plans to the Administrator. Plans would be certified as true and complete by the operator. In order to provide a fixed and uniform date, unless otherwise approved by the Administrator, the plan would present the compliance plan and status as it exists on the date 30 days before the date prescribed for submission. However, if no change in the plan or status of any airplane covered by the plan has occurred since the last plan was submitted, the operator may submit a certified statement to that effect, instead of the unchanged plan.

For all subsonic airplanes covered by Subpart E, submission of the first compliance plan would be required 90 days after the effective date of the final rule based on this notice or the operator's commencing air transportation operations. In addition, an up-dated plan would be required 30 days after (1) any change in fleet compliance or the operator's planning decisions that has a separate or cumulative effect on 5% or more of the airplanes in either class of airplane types established for compliance purposes under § 91.305(b) and (2) each prescribed compliance date and annually thereafter for reporting the continuing compliance status of the fleet. Under the proposal, for airplanes operated under Parts 91 and 123, compliance plan up-dates would also be submitted annually through 1985. For airplanes operated under Parts 121 or 135, compliance plan up-dates would also be submitted six months before each compliance date applicable to the respective airplane types covered under Subpart E.

Each compliance plan would specify the name and address of the airplane operator submitting the plan and identify the person responsible for the contents of the plan and its submission to the FAA.

For each airplane covered by the plan, the operator would provide (1) the

aircraft registration ("N") number; (2) the aircraft manufacturer's serial number; (3) the aircraft engine make and model; (4) year of manufacture of the airplane; (5) whether compliance with Part 36 noise levels has been shown for the airplane and whether the airplane remains in the complying configuration; and (6) whether compliance in accordance with Part 91 noise limits has been shown. Using a set of specified symbols, the operator would identify any acoustical technology applied or treatment installed or planned to be installed on the airplane, and its engines. If the compliance plan calls for future application of technology or treatment for the airplane to achieve compliance or for its retirement, the scheduled date of its application, installation, or retirement from service would be provided. Airplanes covered by an approved replacement plan under § 91.305(c) and the date scheduled for replacement would be identified in the compliance plan. Airplanes designated as "engaged in foreign commerce" in accordance with an FAA approved method of apportionment under § 91.307 of Subpart E, would be so indicated in the compliance plan. In addition, each operator would specify (1) the number of spare ship-sets of acoustical components needed to ensure continuous compliance by the affected airplanes; and (2) the number of spare ship-sets of acoustical components available on demand to the operator in support of maintaining continuous compliance.

#### Editorial Amendments

In December 1978, the FAA adopted Special Federal Aviation Regulation (SFAR) No. 38 (FR 58366; December 14, 1978) which, among other things, simplified the operating certificate issuance procedures for air carriers and other operators engaged in air transportation. SFAR No. 38 eliminates the practice of issuing multiple FAA certificates for operations conducted under the operating rules prescribed in different FAR Parts. Accordingly, this notice includes minor language changes to the provisions that refer to certificates no longer being issued.

#### The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend Subpart E of Part 91 of the Federal Aviation Regulations (14 CFR Part 91) as follows:

1. By amending paragraph (a)(1) of § 91.301, at the beginning of the paragraph, by deleting the words "Sections 91.303, 91.305, and 91.307" and

substituting for them the words "Sections 91.303, 91.305, 91.307, and 91.308."

2. By amending paragraph (a) and the last sentence of paragraph (c) of § 91.305 to read as follows:

§ 91.305 Phased compliance under Parts 121 and 135: subsonic airplanes.

(a) Except as provided under § 91.307, each person operating subsonic airplanes covered by this subpart under Parts 121 or 135 of this chapter shall, with respect to those airplanes, comply with this section.

\* \* \* \* \*

(c) \* \* \* For purposes of this paragraph, replacement airplanes are airplanes which have been shown to comply with Part 36 prior to the issuance of an original standard airworthiness certificate or which have been re-engined, or otherwise modified, and shown to comply with Stage 3 noise level requirements under Part 36.

3. By adding a new § 91.308 to read as follows:

§ 91.308 Compliance plans.

(a) Each operator of a civil subsonic airplane covered by this subpart shall submit to the FAA, in accordance with this section, the operator's current plan for achieving and maintaining compliance with the applicable noise level requirements of this subpart. If appropriate, an operator may substitute for a required plan a notice, certified by that operator, that no change in the plan or status of any airplane affected by the plan has occurred since the date of the plan most recently submitted under this section.

(b) Each compliance plan, including any revised plans, must contain the information specified under paragraph (c) of this section for each airplane covered by this section that is operated by the operator. Unless otherwise approved by the Administrator, compliance plans must provide the required plan and status information as it exists on the date 30 days before the date specified for submission of the plan. Plans must be certified by the operator as true and complete and be submitted according to the following schedule:

(1) For each airplane covered by this section, on the dates—

(i) Ninety days after the effective date of the final rule or commencing air transportation operations;

(ii) Thirty days after any change in the operator's fleet or compliance planning decisions that has a separate or cumulative effect on 5 percent or more of the airplanes in either class of

airplane types covered by § 91.305(b); and

(iii) Thirty days after each compliance date applicable to that airplane type under this subpart and annually thereafter, on the anniversary of that submission date, to show continuous compliance with this subpart.

(2) For each airplane operated under part 121 or 135 of this chapter, six months before each compliance date applicable to that airplane type under this subpart.

(3) For each airplane operated under Part 91 or 123 of this chapter, annually, through 1985, on the anniversary of the date for submitting the original compliance plan under paragraph (b)(1)(i) of this section.

(c) Each compliance plan submitted under this section must identify the operator and include information regarding the compliance plan and status for each airplane covered by the plan as follows:

(1) Name and address of the airplane operator.

(2) Name and telephone number of the person responsible for the content of the compliance plan and its submission.

(3) For each airplane covered by this section—

(i) Aircraft registration number;

(ii) Aircraft manufacturer serial number;

(iii) Aircraft power plant make and model;

(iv) Aircraft year of manufacture;

(v) Whether Part 36 noise level compliance have been shown: Yes/No;

(vi) Whether Part 91, Subpart E, operating noise limit compliance has been shown: Yes/No;

(vii) The appropriate code (specified in the following Table) which indicates the acoustical technology installed, or to be installed, on the airplane;

(viii) For airplanes on which acoustical technology will be applied, following the code entry, the scheduled date of installation on the airplane;

(ix) For airplanes which will be retired, following the code entry, the scheduled date for retirement of the airplane from service;

(x) For airplanes covered by an approved replacement plan under § 91.305(c) of this subpart, the appropriate code entry under the following Table followed by the scheduled date for replacement of the airplane;

(xi) For airplanes designated as

"engaged in foreign commerce" in accordance with an approved method of apportionment under § 91.307 of this subpart, the appropriate code entry under the following Table; and

(xii) For all airplanes covered by this section, sufficient additional information showing the operation's ability to maintain continuous compliance, including specifying the number of spare ship-sets of acoustical components needed for continuous compliance and the number of spare ship-sets of acoustical components available on demand to the operator in support of those airplanes.

Table of Acoustical Technology Applications Codes

Code	Airplane type/model	Technology
A	B-707-120B B-707-320B/C B-720B	Outlet Nacelles + 1-Ring.
B	B-727-100	Double Wall Fan Duct Treatment.
C	B-727-200 B-737-100 B-737-200	Outlet Nacelles + Double Wall Fan Duct Treatment.
D	B-747-100 (pre-December 1971) B-747-200 (pre-December 1971)	Fixed Lip Inlets + Sound Absorbing Material Treatment.
E	DC-9	New Extended Inlet and Bullet with Treatment + Fan Duct Treatment Areas.
F	DC-9	P-36 Sound Absorbing Material Treatment Kit.
G	BAC 1-11-200	Slencer Kit (BAC Acoustic Report 522).

REP—For airplanes covered by an approved replacement plan under § 91.305(c) of this subpart.  
EFC—For airplanes designated as "engaged in foreign commerce" in accordance with an approved method of apportionment under § 91.307 of this subject.  
RETIRE—For airplanes to be retired from service without replacement.

(Secs. 307, 313(a), 601, 603, 604, and 611, Federal Aviation Act of 1958, as amended (49 U.S.C. §§ 1348, 1354(a), 1421, 1423, 1424, and 1431); Sec. 6(c), Department of Transportation Act (49 U.S.C. § 1655(c)); Executive Order 11514, March 5, 1970; and 14 CFR 11.45.)

Note.—The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the draft

evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified above under the caption "FOR FURTHER INFORMATION CONTACT."

Issued in Washington, D.C., on April 20, 1979.

Langhorne Bond,

Administrator.

[Docket No. 18055; Notice 79-9]

[FR Doc. 79-12769 Filed 4-20-79; 4:49 pm]

BILLING CODE 4910-13-M

## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## Operating Noise Limits: Operators' Compliance Plan and Elimination of the 1981 Phased Compliance Date

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Publication of petition for rule making; request for comments.

**SUMMARY:** This notice publishes for public comment the petition of the Air Transport Association of America (ATA), dated March 23, 1979, on behalf of its member air carriers, for amendment of Subpart E of Part 91 of the Federal Aviation Regulations (14 CFR Part 91). Subpart E prescribes the compliance schedule for meeting the specified operating noise limits applicable to certain U.S. registered, civil subsonic turbojet airplanes not operated in foreign air commerce. The ATA petition requests, for the reasons disclosed, the elimination of the initial, January 1, 1981, phased compliance date under § 91.305 of Subpart E and substitution, for it, of a requirement that each operator submit a plan to the FAA by January 1, 1980, showing how it intends to comply with the 1983 and 1985 compliance dates. The FAA notes that the petition could have the effect of inducing individual operators to delay their plans for meeting the 1981 compliance date. While the FAA has every intention of giving full consideration to the petition and comments received in response to it, aircraft operators are put on notice that if the FAA decides not to adopt the ATA proposal, the processing of the petition will not be given any substantial weight in determining how to treat any subsequent individual carrier requests for relaxation of the compliance deadlines. Any other course would be antithetical to orderly administrative processes.

The petition involves issues similar to those involved in a FAA initiated notice of proposed rulemaking also published in this issue of the Federal Register. That Notice (Notice No. 79-9), among other things, proposes to require submission of compliance plans and periodic up-dates to those plans by all operators of subsonic airplanes covered by Subpart E. The FAA believes the ATA petition should be published verbatim in order to receive public comment on both matters simultaneously and ensure due consideration of each separately under the applicable FAA general rule-making

procedures. Although this notice sets forth the contents of the ATA petition as received by the FAA without change, its publication in accordance with FAA procedures governing the processing of petitions for rule making does not present an FAA position on the merits of the petition. This notice does not propose an amendment of the current noise rules.

**DATES:** Comments must be received on or before June 25, 1979.

**ADDRESSES:** Send comments on the proposal in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-24), Docket No. 18924, 800 Independence Avenue, SW., Washington, D.C. 20591.

**FOR FURTHER INFORMATION CONTACT:** Richard Tedrick, Noise Policy and Regulations Branch (AEE-110), Noise Abatement Division, Office of Environment and Energy, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 755-9027.

**SUPPLEMENTARY INFORMATION:****Comments Invited**

Interested persons are invited to submit such written data, views, or arguments on the petition for rule making as they may desire. Communications should identify the docket or petition notice number and be submitted in duplicate to the address for submitting comments indicated above under the caption "ADDRESSES." All communications received on or before June 25, 1979 will be considered by the FAA before taking action on the petition for rule making. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments.

**Background**

The ATA petitioned the FAA under the general rulemaking procedures contained in FAR Part 11 to amend the provisions of § 91.305 of Subpart E of Part 91 of the Federal Aviation Regulations (FARs).

Subpart E of FAR Part 91 prescribes the operating noise limits rule which applies to "U.S. registered, civil subsonic turbojet airplanes with maximum weights over 75,000 pounds having standard airworthiness certificates" and not operated in foreign air commerce. Section 91.305 currently states—

**§ 91.305 Phased compliance under Parts 121 and 135: Subsonic airplanes.**

(a) Except as provided in § 91.307, each person operating subsonic airplanes covered by this subpart under an operating certificate issued under Parts 121 or 135 of this chapter shall comply with this section with respect to airplanes operated under that certificate.

(b) Unless scheduled for replacement in a plan approved under paragraph (c) of this section, airplanes shall be shown to comply with Part 36, or may not be operated in the United States, in accordance with the following schedule:

(1) By January 1, 1981:

(i) At least one quarter of the airplanes in each other airplane type that has four engines with no bypass ratio or with a bypass ratio less than two.

(ii) At least one half of the airplanes in each other airplane type.

(2) By January 1, 1983:

(i) At least one half of the airplanes in each airplane type that has four engines with no bypass ratio or with a bypass ratio less than two.

(ii) All other airplanes.

(c) Airplanes may be operated if, under an approved plan, replacement airplanes have been ordered and are scheduled for delivery prior to January 1, 1985, but not after the dates specified in the plan. For the purpose of this paragraph, replacement airplanes are airplanes shown to comply with Part 36 prior to the issuance of an original standard airworthiness certificate.

Section 91.307, referred to in § 91.305, governs apportionment, under FAA approved methods, of operator fleets engaged in both domestic and foreign air commerce.

The ATA petition raises some detailed issues similar to those involved in FAA Notice No. 79-9, and adds issues concerning the elimination of the initial phased compliance date in 1981, which is not proposed in that FAA notice of proposed rule making. Therefore, rather than publishing a synopsis only, it is believed that public comments on the full text of the petition would be helpful.

As stated in the "SUMMARY," the FAA is concerned that the filing and publication of the ATA petition may be misunderstood by aircraft operators as a basis for postponing their compliance decisions regarding the January 1, 1981, compliance date. The FAA has continuously asserted its intent to meet its commitment to the environmental concerns underlying the regulation as adopted. The petition itself estimates, for a major class of airplanes subject to the 1981 compliance date, that "on a total industry basis," 49% of the total non-complying airplanes will be in compliance by that date (only 1% short of the 50% required for operators individually rather than collectively) and that fully 42% of those airplanes were already in compliance as of last

January 1. Thus, the public interest test is whether the ATA has demonstrated a sufficient public interest, more persuasive and compelling than the environmental basis for the rule, that justifies relaxing for the entire class of affected airplanes a regulation for which a very large percentage of those airplanes can comply. Operators are strongly advised in considering their compliance planning not to assume that that issue will be resolved in favor of the petitioner in light of the established public interest basis of the current rule.

While all comments are invited and will receive due consideration, to assist the FAA in its review of the ATA petition, comments are particularly welcomed on the following matters concerning the petition:

1. Any content and submission requirements for ATA's proposed compliance plans that should be considered, including the need for the specific requirements.
2. Any specific economic, environmental, and other consequences (including costs and benefits) that could be anticipated as to (1) each operator individually and (2) all operators collectively from eliminating, or retaining, the 1981 phased compliance requirements.
3. Since the petition is on behalf of ATA member carriers, any additional implications that could be anticipated for non-ATA aircraft operators, including those operating under Parts 91 and 123.
4. Any uneven impacts on different airport communities because of the different types of airplanes and aircraft operators that operate at those airports.
5. Any impacts on the public in communities near airports served by airplanes affected by the proposed relaxation of the compliance deadline.
6. Any changes in noise distribution around those airports represented by airport (NEF) noise contours over noise sensitive areas.
7. Any compliance plans, and specific implementation of those plans (such as ordering acoustical hardware or complying airplanes), that have already been undertaken by operators to achieve the required noise limits according to the prescribed schedule.
8. Any benefit or disadvantage that could be anticipated for any operator who has, or will have, significantly or completely achieved the compliance required by the current rule (including potential discrimination for or against those operators that have made commitments in order to achieve timely compliance.)

9. Any economic impacts or other burdens of the current rule that affect different operators, or classes of operators, differently than was expected in adopting Subpart E requirements and any change anticipated from eliminating the 1981 compliance requirements.

10. Any specific changes that may have occurred in the factual basis for the FAA regulatory conclusions since December 1977, when the 1981 compliance requirements were adopted (including considerations of the benefit to the public health and welfare, economic reasonableness, technological practicability, and other factors).

11. Any other matters considered to affect a decision whether public rule making procedures should be initiated on the proposals presented in the petition.

#### The ATA Petition

Accordingly, the Federal Aviation Administration publishes verbatim for public comment the following petition for rule making of the Air Transport Association, dated March 23, 1979.

Issued in Washington, D.C., on April 20, 1979.

Langhorne Bond,  
Administrator.

Before the Federal Aviation Administration, Washington, D.C., Air Transport Association of America, Amendment to FAR Part 91, Subpart E

#### Petition for Rulemaking

In accordance with Section 11.25 of FAA's General Rulemaking Procedures, the Air Transport Association ("ATA") petitions FAA to amend Subpart E of its General Operating and Flight Rules (14 CFR Part 91) by eliminating the interim compliance date (January 1, 1981) and replacing it with a requirement that each operator submit a plan to FAA by January 1, 1980 showing how it intends to comply with the January 1, 1983 and January 1, 1985 deadlines established in Section 91.305. The available means of achieving compliance—i.e., by SAM Retrofit, reengining, retirement or replacement—will be unchanged by the proposed amendment which is set forth in Attachment "A". The Proposal is summarized in Attachment "B".

The dilemma facing many airlines in achieving compliance with the rule as it now stands was explained in a letter from me to The Secretary of Transportation on January 22, 1979 (Attachment "C") and in a follow-up meeting with the Secretary and the Administrator on January 23, 1979. A number of possible regulatory solutions were suggested and our proposed amendment is a variation of one of those solutions. This formal petition will result in what we consider an equitable and achievable solution which will be in the public interest. In addition it will follow closely the recommendations made to Secretary Adams by Senator Cannon in his letter of January 30,

1979, where he suggested a delay to allow completion of pending legislation to "better serve the environmental interest of all citizens."

The aforesaid dilemma has resulted from the following:

1. Delay in obtaining from FAA its interpretation of and the intent of several aspects of the rule.

During 1977 and continuing in 1978, ATA attempted to obtain this information which was vital to the airlines in formulating compliance plans. Although ATA made a number of inquiries, it was not until August 11, 1978 that the final response from FAA was received. Of particular importance to the airlines was a clear understanding of the credit to be given by FAA for retired airplanes—i.e., airplanes which were not being retrofitted, reengined or replaced.<sup>1</sup> The ultimate interpretation by FAA had a significant impact on the operators of four engine narrow body aircraft.<sup>2</sup>

2. Pending legislation in the 95th Congress. Legislation, endorsed by both the House and Senate would have required changes to the rule and would have impacted the method of compliance selected by some airlines. That proposed legislation failed of enactment only in the dying moments of the 95th Congress when time ran out for resolution of certain differences between House and Senate measures.

3. Current Congressional Deliberations. Again this year, both houses of Congress are considering legislation sponsored by Committee chairmen which, if enacted, will also require changes in the rule and could impact the method of compliance selected by some airlines.

It is not difficult to see why a prudent airline executive would hesitate to commit his airline to the expenditure of significant amounts of money when he did not know the intended meaning of significant parts of the rule, or even that the rule would remain unchanged. In view of the significant variance in the makeup of the individual airline fleets, the impact of these delays have been different for each airline.

It should be noted that the long lead time for receipt of the necessary hardware has resulted in the inability of some airlines to comply with the interim compliance date of January 1, 1981. The pending legislation would provide an incentive for replacement with new technology airplanes meeting the latest FAR 36 noise requirements, an option which may not be available under the present schedule of compliance. It must be said that this option, if the legislation is adopted, may be available to only a relatively few airlines.

<sup>1</sup>For other important concerns we call attention to the following exchanges of correspondence between ATA in behalf of its member airlines and FAA: ATA letters, June 3, 1977 from C. F. von Kann to D. W. Freer, FAA, Acting Associate Administrator for Policy Development & Review; FAA Letter of Aug. 1, 1977 to C. F. von Kann, ATA, from Mr. Ereer; FAA Letter of Jan. 31, 1978 to Wm. Becker, ATA, from Mr. Foster, Director of Environmental Quality; FAA Letter of Aug. 11, 1978 to C. F. von Kann, ATA, from M. M. Anderson, Assoc. Adm. for Policy Development and Review.

<sup>2</sup>Airplanes having 4 engines with a "no bypass ratio or with a bypass ratio of less than two."

primarily those with the larger four engine narrow body airplanes. Such replacement airplanes are not even on the drawing boards for many of the smaller two and three engine airplanes. Accordingly, the airlines hope that this deficiency will be recognized as Congress continues its legislative efforts, and that ways will be found in the public interest to encourage replacement rather than retrofit of these smaller airplanes.

The proposed amendment would accomplish three things, all of which we believe to be in the public interest:

1. It would require specific plans for meeting the 1983 and 1985 requirements.
2. It would take cognizance of current legislative efforts, and avoid premature decisions on compliance methodology which could result in less effective noise reductions.
3. It would allow additional time for those airlines who now find themselves unable to meet the interim compliance date of January 1, 1981 due to their inability to obtain the necessary hardware in a timely fashion.

The intent of Subpart E was to provide a progressive reduction of noise. We submit that the proposed amendment preserves that intent thereby serving the public interest. Moreover it will have a minimal effect on the compliance schedule on a total industry basis. A survey conducted by ATA of its member airlines in 1978 indicated that the four engine narrow body fleet would be reduced from 443 airplanes on January 24, 1977, the effective date of the regulations, to 294 by January 1, 1981.<sup>3</sup> This is a reduction of over 33% on a total industry basis.

In the case of the fleet comprised of "all other airplanes" 450% of which are required to meet Part 36 by January 1, 1981, on the basis of the combined fleets of our member carriers, approximately 42% of those airplanes were already in compliance as of January 1, 1979. Approximately 7% will be added by January 1, 1981 through attrition of some of the older two and three engine airplanes and the acquisition of new airplanes meeting Part 36. This would bring the total complying airplanes in the combined industry fleet to 49%, 1% short of the required 50%. It should be emphasized that this is on a total industry basis and the percentages in individual airline fleet will vary.

If the proposed amendment is adopted, airlines will be required to submit their firm plans to FAA by January 1, 1980. In order to meet the final date of January 1, 1983 for the "all other airplanes" fleet and the 50% requirement by that date for the four engine narrow body fleet, further action will be required between now and the present interim date of January 1, 1981. This will result in a further increase in the percentages of complying airplanes by that date on an industry basis. It must be recognized, however, that in some cases individual

<sup>3</sup>These computations are based on a 1978 estimate of the jet airplane fleet plans of the ATA member airlines. The following carriers were not members at that time: Air California, Air Florida, Capitol International Airways, Evergreen International Airlines, Pacific Southwest Airlines and Trans Carib Air.

<sup>4</sup>The term "all other airplanes" includes all airplanes except the 4 engine narrow body airplanes. See Section 91.305(b)(2)(ii).

airlines will be unable to achieve the required percentages.

In summary, we believe the proposed amendment would resolve the airlines' dilemma. It would permit completion of the current legislative effort which could require changes in the rule and encourage, where possible, replacement of noncomplying airplanes with new technology, quieter, and more fuel efficient airplanes. On a total industry basis the proposed amendment in and of itself would have little or no impact on the progressive noise reduction envisioned by Subpart E.

We believe, as we indicated in our January 22, 1979 letter to the Secretary, that retrofit of the two and three engine airplanes is wasteful and inflationary and will not provide meaningful noise relief to the public. We will continue to reiterate that view.

In view of its urgency, we respectfully request prompt consideration of this Petition.

Respectfully submitted,

Paul R. Ignatius,  
President and Chief Executive Officer, Air Transport Association, 1709 New York Avenue, NW, Washington, D.C. 20008.

March 23, 1979.

#### Attachment A

Amend the Federal Air Regulations Part 95, Subpart E as follows:

1. Delete Section 95.305(b) in its entirety,
2. Substitute the following:

"(b) Unless scheduled for replacement in a plan approved under paragraph (c) of this section, airplanes shall be shown to comply with FAR Part 36, or may not be operated in the United States, in accordance with a plan to be submitted to the Administrator by January 1, 1980. Such plan must show that compliance will be achieved in accordance with the following schedule:

- (1) By January 1, 1983

(i) at least one half of the airplanes in each airplane type that has four engines with no bypass ratio or with a bypass ratio less than two.

- (ii) All other airplanes

(2) By January 1, 1985—all airplanes."

#### Attachment B

##### Summary of Petition for Rulemaking

The Petition for Rulemaking filed by the Air Transport Association of America would amend FAR Part 91, Subpart E, by eliminating the interim compliance date (January 1, 1981) and replacing it with a requirement that each airline submit a compliance plan to the Federal Aviation Administration by January 1, 1980, showing how it intends to comply with the January 1, 1983 and January 1, 1985 deadlines for showing compliance with Part 36 as established by Section 91.305.

The statement in support of the petition will show that on an overall basis the proposed amendment would have a minimal impact on the progressive noise reduction program required by Subpart E.

\* \* \* \* \*

#### Attachment C

Air Transport Association of America,  
Washington, D.C., January 22, 1979.

The Honorable Brock Adams,  
Secretary of Transportation,  
Washington, D.C.

Dear Mr. Secretary: I look forward to our meeting tomorrow to discuss aircraft noise retrofit, and enclose some information which may be helpful in considering the problem:

● A background paper prepared by the Air Transport Association staff.\*

● A copy of my letter to Chairman Kahn of the Council on Wage and Price Stability, expressing our view that the requirement to retrofit two- and three-engine airplanes is contrary to the objectives of the President's anti-inflation program.

● A copy of a letter from Clifton F. von Kann, Senior Vice President, ATA, to the General Counsel of the Council on Wage and Price Stability on the two- and three-engine aircraft retrofit problem.

As you will see from these attachments, we can see some basis for requiring retrofit of the noisier four engine aircraft. We do not believe that the expenditure of substantial sums of money to retrofit the smaller aircraft can be justified on the basis of meaningful relief to the public. That being the case, the retrofit cost of over \$200 million for the two- and three-engine aircraft would be money wasted at a time when neither industry nor the United States can countenance expenditures that increase costs without commensurate public benefit.

We understand that the Congress will soon be considering legislation on aircraft noise, and hope that this effort will substantially mitigate the problem of retrofitting two- and three-engine aircraft. Pending the enactment of such legislation, we hope that the Department of Transportation will take whatever steps are necessary to enable the Administration and the airlines to await the outcome of the legislative endeavor.

Sincerely,

Paul R. Ignatius,  
President and Chief Executive Officer.

#### Retrofit of 2 and 3 Engine Aircraft

##### Background

During the early seventies, FAA noise abatement rule-making had been limited to future aircraft not yet certificated and newly manufactured versions of existing aircraft. In December 1976 a further step was taken when FAA published Subpart E to FAR Part 91. This rule required that by January 1, 1985 all airline aircraft meet the FAR Part 36 standards, and established interim dates in 1981 and 1983 for achieving specified percentage levels of compliance.

The effect of FAR Part 91 was to condemn about three-fourths of the planes in the airline fleet, even though these aircraft met all federal standards when purchased.

To comply with FAR Part 91, these aircraft would have to be (1) replaced with new technology aircraft, or (2) re-engined with new technology engines, or (3) retrofitted by placing sound

absorbing materials in engines, fan ducts and/or nacelles. Of these approaches (1) would produce the greatest noise reduction but would be relatively expensive (\$6-\$8 billion); (2) would be effective for some airplanes and would also be expensive, while (3) would produce little or no perceptible noise reduction and would cost the least. The airlines have always opposed (3) because it would be cost/ineffective and a waste of money, a view shared by Senator Cannon.

Because of the inequity involved in condemning aircraft purchases in good faith, and because the benefits of replacing old, noisy airplanes by new modern, quieter, fuel efficient aircraft were so substantial (but beyond the financial resources of the air carriers), the last two administrations have proposed, and both houses of Congress have passed, legislation which would provide financing mechanisms by which surcharges or surtaxes on airline passengers and shippers could be used to defray a part of the capital outlay for replacement aircraft. However, due to a filibuster and lack of time, the 95th Congress adjourned before the differences in the two bills could be reconciled in conference.

Chairman Cannon of the Senate Aviation Subcommittee has proposed to reintroduce a noise bill early in the new Congress. The bill will probably not include a financing mechanism, but is expected to provide some relief for 2 and 3 engine narrow body aircraft. However, the airlines are faced with a dilemma in that the noise rule is on the books, the clock is running, yet intelligent management decisions cannot be made without knowing what provisions may be contained in pending legislation. This management dilemma was recognized during consideration of noise legislation before the last session of the Congress.

#### New Developments

Three developments of the past two years bear on the public interest aspects of the case:

- Reduction of airline fares has become a high priority federal objective.
- The fight against inflation has become the No. 1 national issue.
- FAA Noise Monitoring Reports are bearing out the long held view of Senator Cannon and of the airlines that compliance with FAR Part 36 would provide no meaningful improvement for 2 and 3 engine aircraft. As a matter of fact, it now seems to be agreed (even by FAA) that the decibel changes from retrofitting these aircraft will be appreciably less than those resulting

from differences in wind, weather and pilot techniques.

#### Situation

As the clock continues to run, the specifics of the airline dilemma are these:

- The airlines have insufficient lead time available to order and install retrofit kits for DC-9's and barely enough lead time for B-727's B-737's to meet the interim compliance date of January 1, 1981.

- If retrofit kits are ordered now for these aircraft, airlines may lose the flexibility which pending noise legislation can be expected to provide. In any event, funds expended for retrofit cannot be used for newer, quieter and more fuel efficient airplanes; thus rigid compliance with the rule could result in less than the maximum achievable noise reduction.

- As noted in Senate colloquy on Section 304 of S. 3279, there is no way to retrofit the BAC 1-11 without excessive cost and operating penalties. Technology now available costs \$400,000/airplane and imposes a 584 lb. weight penalty, a 2% increase in specific fuel consumption, and a potential payload loss up to 1190 lbs. (equal to as many as 6 passengers). In short, retrofit of this aircraft under current technology is not economically reasonable.

- Inconsistency between Part 36 and Part 91 on tradeoffs results in incongruous situation where newly purchased 727's can use the part 36 tradeoffs while older 727's being retrofitted cannot. Loss of tradeoffs increases cost of retrofitting 727's from \$41 to \$70 million—a 70% increase.

- Assuming that the airlines must adopt the cheapest (and least effective) method of compliance, i.e., retrofit, the total costs would be:

	(In millions of dollars)	
445 727's		\$70
134 737's		43
318 DC-9's		76
30 BAC 1-11's		13
927 aircraft		202

These costs will have unequal impact on airlines, and the local service/regional carriers will bear a particularly heavy burden. 43.5% of the \$202 million total will fall upon these smaller carriers. 64% of the cost of retrofitting 2 engine aircraft will fall on these carriers, who can least afford the expenditure. One local service carrier would have to pay \$25 million of the \$202 million total.

- In light of the anti-inflation program and the patent ineffectiveness of retrofitting these aircraft, the airlines are reluctant to incur these costs, which must be passed on to their passengers and shippers. At the same time the

airlines have not opposed the rule insofar as the older, noisier 707/DC-8 fleet is concerned; so the public will receive all the major (and all the perceivable) noise reduction benefits which the rule provides.

#### Regulatory Alternatives

1. Exempt 2 and 3 engine aircraft from Part 91 requirements.

2. Exempt 2 engine aircraft from Part 91 requirements; resolve tradeoff contradiction between Part 36 and Part 91 by removing tradeoff restriction from Part 91.

3. Exempt BAC 1-11 from Part 91 requirements; resolve tradeoff contradiction between Part 36 and Part 91 by removing tradeoff restriction from Part 91; retain January 1, 1983 deadline, but replace interim date of January 1, 1981 by requirement that carriers submit compliance plans by January 1, 1980 for meeting deadline, followed by quarterly progress reports.

4. Reaffirm January 1, 1983 date, but defer other decisions on regulatory alternatives for 6 months pending congressional action; if no such action has been taken by August 1, 1979 initiate regulatory action to implement alternative 1, 2 or 3 above.

Estimated Compliance Cost, Subpart E, Part 91, 2/3 Engine Aircraft (No Tradeoff)

Airline	Cost	Percent of total cost
AS	\$1,932,350	1.0
AL	25,370,000	12.5
TS	1,750,000	1.0
AA	12,031,056	6.0
EN	6,860,027	3.0
CO	7,329,531	4.0
DL	10,115,000	5.0
EA	29,800,000	14.8
FL	5,431,000	2.7
RW	9,225,000	4.6
NA	7,718,000	3.8
NC	4,400,000	2.1
NW	3,365,000	1.7
OZ	8,769,943	4.3
PA	1,500,000	0.7
PI	7,869,890	3.9
SO	8,729,940	4.3
TI	5,061,625	2.5
TW	6,438,000	3.2
UA	28,500,000	14.1
WA	8,100,000	4.0
WC	1,625,000	0.8
Total	201,841,402	100.0

Trunks + Pa = \$121,616,654—60.3%

Locals/regionals = \$80,224,748—39.7%

NOTE.—AL is 12.5% of total, 31.6% of local/regional. The only airlines higher than AL are EA & UA.

Air Transport Association of America  
Washington, D.C., December 14, 1978.  
The Honorable Alfred E. Kahn,  
Chairman, Council on Wage and Price  
Stability,  
726 Jackson Place, N.W.,  
Washington, D.C.

Dear Mr. Chairman: Since you took over the anti-inflation program, you have indicated your interest in government actions

which increase costs to the public and reduce productivity without public benefit. I therefore suggest that you look into:

● FAR Part 91, which mandated the retrofit or replacement of about two-thirds of the aircraft in the scheduled air carrier fleets in order to comply retroactively with FAR Part 36 noise standards, which were published after these aircraft had been certified and purchased in good faith by the air carriers. Indeed, FAR Part 91 is even more rigid (and more expensive) than Part 36.

● User taxes on airline passengers and shippers, which are far in excess of needs and which are accumulating billions of dollars in Aviation Trust Fund surplus.

As early as 1975 the Council on Wage and Price Stability found that the retrofit rule would be inflationary and opposed its promulgation. (Pertinent extracts are attached). The absence of benefit, loss of productivity and unnecessary expense of a retrofit program was also summarized by Senator Cannon in his remarks at the Airline Federal Affairs Committee Meeting in San Francisco on December 1, 1976 (extract also attached). During the hearings of his Aviation Subcommittee last May and June on the noise reduction bill, Senator Cannon reinforced these views, especially in regard to two- and three-engine airplanes. While some of these arguments may apply to four-engine aircraft as well, the case is particularly compelling for the two- and three-engine types which would require an expenditure of a minimum of \$200 million in 1978 dollars to retrofit without producing any meaningful noise abatement.

Before the Federal Aviation Administration,  
Office of the Chief Counsel, Attention: Rules  
Docket, AGC-24

*Comments of the Council on Wage and Price  
Stability Regarding Proposed Aircraft Noise  
Retrofit Requirements*

The staff of the Council has reviewed EPA's proposed FAA regulations, EPA's supporting economic analysis, and several outside studies of the benefits of aircraft noise abatement and has concluded (i) that the economic benefits are not commensurate with the costs that the proposal would incur and (ii) that, absent substantial as yet unspecified non-economic benefits, the proposal would be unduly inflationary.

Aircraft noise at the levels and durations under consideration here is not a hazard to public health. Instead, it is most accurately classified as an annoyance.

Third again, unlike certain other types of pollutants and public health hazards, noise pollution at the levels being considered here does not accumulate in its effects over time to some danger point. Instead it is a completely transitory phenomenon.

Fourth, and perhaps most important, all the projected benefits that would be achieved under the proposed rule would eventually be achieved under existing regulations. The retrofit program merely moves these benefits forward in time.

By extrapolating from the EPA data, we were able to determine that if nothing is done

except to implement the proposed two-segment landing approach, approximately 5.8 million people will be living within the 30 NEF or higher noise contours by 1978. Retrofitting the entire non-Part 36 fleet by 1978 would result in a 2 to 3 NEF dB reduction in noise exposure for these people as compared to the exposure they would otherwise experience.

We therefore conclude that, based upon the weight of the evidence, the retrofit program to be implemented by the proposed EPA amendment to Part 36 would be inflationary and should not proceed.

As for the user taxes, you noted in your testimony before Senator Cannon on June 14, 1978 that reducing the tax would be simple, anti-inflationary, a step in the direction of reducing government interference in the market process, and a recognition that the Airport/Airway Program does not need the 2%. We support these points and can document the fact that even with increased outlays for safety and reliever airports, a lower tax scale would still produce more than enough trust fund money to meet all foreseeable needs.

I therefore urge that you initiate action to exempt two- and three-engine aircraft from FAR Part 91 requirements, and to support reduction of the airline user taxes as we have recommended. We are prepared to assist you in providing any necessary documentation.

Sincerely,

Paul R. Ignatius,  
*President and Chief Executive Officer.*

Extract From Remarks of Senator Howard W. Cannon Before the Air Transport Association, Federal Affairs Committee, San Francisco—December 1, 1976

"I need not tell you that the whole area of retrofitting old jet aircraft with quiet nacelles is not a practical solution. The trouble is that the zealots within EPA, the FAA and many of the nation's airport authorities have seized on retrofit as a political solution. The thinking is that, if you tell the public that the retrofitted plane is quieter, they will believe it so. That is sheer nonsense. I have sat through hours of hearings and demonstrations on this question and can honestly say that retrofit makes so little impact on perceived noise that it is a worthless gesture. Incredible, too, is the fact that it only deals with half the noise problem—the aircraft approach noise. On takeoff, retrofit doesn't do a thing except add weight, provide fuel inefficiency and cost an enormous amount of money. I am particularly troubled by Mr. Coleman's decision to require retrofit on the vast fleet of JT-8 powered aircraft such as the 727, and 737 and the DC-9. These aircraft are not the noisy offenders, as are the 707s and DC-8s, and retrofit on the two- and three-engine aircraft will produce, by anyone's estimate, negligible benefits."

January 4, 1979.

Peter H. Lowry, Esq.,  
*General Counsel, Council on Wage and Price  
Stability, Executive Office of the  
President, Room 4025, 726 Jackson Place,  
NW., Washington, D.C.*

Dear Mr. Lowry: I have just received a copy of the Airport Operators Council

International (AOCI) letter to you on aircraft noise retrofits, dated December 19, 1978. My comments follow.

It should first be noted that there are 518 domestic airports which are served by the scheduled U.S. air carriers. The roughly 125 U.S. members of AOI operate all of the large hub airports and most of the medium hub airports served by B-707 and DC-8 aircraft, which are universally recognized as the noisiest aircraft in the air carrier fleets. It is therefore understandable that AOI should be concerned about these aircraft and should desire the noise abatement which retrofit or replacement of these aircraft would afford.

What AOI does not seem to realize is that, in our dialogue with COWPS, the scheduled airlines have not requested relief from FAR Part 91 for the B-707/DC-8 aircraft in their fleets.

Instead, our pleadings have been directed to the 2 and 3 engine aircraft in the air carrier fleets which are an entirely different case. Theoretically, retrofit of these aircraft would provide a small decrease in noise. However, this decrement is less than the variations which occur from local weather conditions and pilot techniques. Under the usual ambient noise conditions around airports, the difference is imperceptible for all practical purposes.

As for the Borsky testimony cited by AOI, this is one expert's opinion. Another expert, equally qualified, Dr. Dixon Ward, Director of the University of Minnesota Hearing Research Laboratory, has said:

"There is no evidence that retrofit measures applied to 727 aircraft will have any effect on annoyance. . . . The problem, it is clear, is not whether a reduction of noise will occur, but whether any one will notice the difference and that annoyance will therefore be reduced."

But more important than this debate between experts, all men of integrity and good standing, is the question whether or not retrofit of 2 and 3 engine aircraft will produce even the small decibel reductions which have been promised. FAA's October 1970 "Aircraft Noise Monitoring Report" (copy attached) demonstrates that even where a fleet has been completely converted to FAR Part 36 noise levels, the theoretical noise reductions claimed for retrofit do not materialize.

The AOI letter attempts to make the case that the cost of retrofitting these aircraft will be negligible in terms of overall fleet operating costs. This approach ignores the fact that the costs of retrofit will be borne by the individual airlines, and that a significant part of the cost of meeting the January 1, 1981 interim compliance date in FAR Part 91 will fall on the local service/regional airlines. In one case, it will cost a local service airline about \$11.8 million to meet that interim date. The smaller airlines can least afford this type of unproductive (and therefore inflationary) expense. So the cost will not be negligible, it will not be productive, and it will be inflationary since it will work against reduction of airline fares.

Finally, the AOI letter attempts to cite the benefits developed in the final Environmental

Impact Statement on the noise rule through assumed property value increases. I doubt that COWPS has ever accepted this far-fetched argument; in any event, ATA has ample data to refute the point. AOCI also pleads that unless retrofit of the 2 and 3 engine aircraft is forced upon the operators, 75% of all U.S. airports would receive no benefit from the retroactive noise regulation. Except for LaGuardia and Washington National Airports, all large hub airports are served by B-707 and DC-8 aircraft which will be modified or replaced. Similarly, most of the medium hub airports and several small hub airports are served by B-707 and DC-8 aircraft. All those airports will benefit from the noise regulation. For the 98 small hub airports, average daily departures range from a high of 44 to a low of 5. The 352 non-hub airports have an average ranging from 20 per day to less than 1. A majority of these small airports are not affiliated with AOCI, and our experience with them indicates that given a choice, they are far more interested in adequacy of jet service than in noise abatement.

We therefore stand on our strong recommendation that the 2 and 3 engine aircraft be exempted from the retroactive requirements of FAR Part 91 and will be happy to amplify any of the points we have made.

Sincerely,

Clifton F. von Kann,

*Senior Vice President, Operations and Airports.*

[Docket 18924; Petition Notice PR-79]

[FR Doc. 79-12775 Filed 4-25-79; 8:45 am]

BILLING CODE 4910-13-M



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Thursday  
April 26, 1979

**Revised Land Acquisition Policy**

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**Part IV**

**Department of the  
Interior**

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**National Park Service**

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**Revised Land Acquisition Policy**

## DEPARTMENT OF THE INTERIOR

## National Park Service

## Revised Land Acquisition Policy

AGENCY: National Park Service, USDI.

ACTION: Notice of Revised Management Policy on Land Acquisition.

**SUMMARY:** The National Park Service's program to acquire private property for park use has accelerated sharply in the last two decades as Congress has authorized a great number of parks drawn largely from private property holdings and has established the Land and Water Conservation Fund to provide a sufficient source of funding.

To allow for public examination and review of the Service's land acquisition policy, the text of the existing policy and a notice of public hearings was published in the Federal Register, Vol. 43, No. 156, pages 35752-35754, Friday, August 11, 1978. The notice was intended to: (1) inform the public of the land acquisition policy under discussion; (2) provide for public comment on the policy; and (3) announce the formal schedule of hearing dates, times and locations.

In addition, news releases were sent to daily newspapers and radio and television stations across the country. Letters were sent from regional offices and parks to conservation groups, organizations of property owners, and persons owning property in inholding areas.

Public hearings were held in five cities. Oral and written testimony was received by a hearing officer at each location and recorded by a court stenographer. The hearing officers and the court stenographers were not employees of the Department of the Interior. In addition, the public was invited to send written comments through September 20, 1978. This date was later extended to October 20, 1978. A report and analysis of this public response is included in this notice.

This notice is an attempt to deal with the concerns raised in public comment, clarify the Service's land acquisition policy, and facilitate and improve its implementation. Included in this publication is a revised land acquisition policy statement, and implementation guideline, and the report and analysis of public response indicated above.

The revised land acquisition policy identifies parks for land acquisition purposes in three categories: newly authorized areas (those established since July 1959); inholding areas (those

established prior to July 1959); and areas where acquisition is limited to donation or exchange.

The policy states that NPS will acquire land and water in fee simple or less-than-fee interest—consistent with legislation—to protect resources and provide for visitor use, and further requires that each park with an active land acquisition program have a land acquisition plan.

The land acquisition policy implementation guideline deals specifically with the development of the individual park area acquisition plans. Acquisition priorities and definitions of compatible and incompatible uses, among other things, are to be included in the plan. The plan must be developed with public participation.

The guideline also discusses the responsibilities of NPS Officials and the authorities and procedures for land acquisition. It further highlights other land protection methods such as easements, zoning, cooperative planning and management, access limitations and rights-of-way. The guideline also provides a review procedure for proposed condemnation actions in inholding areas.

With regard to land acquisition in Alaska, the Service intends to purchase private inholdings in the new Alaska National Monuments basically on a willing seller-willing buyer basis. It is not anticipated that an active land acquisition program will be developed there, especially in the first few years. The Service, however, stands ready to purchase inholdings where desired by the landowner, and as a last resort acquire lands by condemnation if serious threats occur which would be contrary to the purposes for which the areas were established. It is the Administration's legislative recommendation and policy to acquire State-owned inholdings or lands selected by Native Corporations under the Alaska Native Claims Settlement Act only with the consent of the State or Corporation.

The National Park Service wishes to express its appreciation to the individuals and organizations who took the time to prepare oral and written comments on the proposed land acquisition policy.

The public input to this policy has provided the Service with the great deal of useful information. The result, hopefully, is a fair and equitable policy and implementation guideline that both recognizes the rights of property owners and protects the resources that the park area was established to preserve.

EFFECTIVE DATE: April 26, 1979.

**FOR FURTHER INFORMATION CONTACT:** George Gowans, Chief, Office of Management Policy, National Park Service, 18th & C Streets, N.W. Washington, D.C. 20240 (202) 343-7456 or 2703.

**REMARKS:** All of those who submitted oral and/or written comments will receive copies of the revised policy and the implementation guideline, as well as the report and analysis of public response as it appears in this notice. The various NPS regional offices will have additional copies of this notice available upon request.

Holders of the National Park Service *Management Policies* notebook may obtain copies of the revised policy also by writing to the nearest regional office after May 15, 1979. Please specify that you are requesting a copy of the new pages for insertion in the *Management Policies* notebook.

Mid-Atlantic Regional Office, National Park Service, 143 South Third St., Philadelphia, Pa. 19106.

Midwest Regional Office, National Park Service, 1709 Jackson Street, Omaha, Nebr. 68102.

National Capital Region, National Park Service, 1100 Ohio Drive, S.W., Washington, D.C. 20242.

North Atlantic Regional Office, National Park Service, 15 State Street, Boston, Mass. 02109.

Pacific Northwest Regional Office, National Park Service, 601 Fourth and Pike Building, Seattle, Wash. 98101.

Southeast Regional Office, National Park Service, 1895 Phoenix, Blvd., Atlanta, Ga. 30349.

Rocky Mountain Regional Office, National Park Service, 655 Parfet Street, P.O. Box 25287, Denver, Colo. 80225.

Southwest Regional Office, National Park Service, P.O. Box 728, Santa Fe, N. Mex. 87501.

Western Regional Office, National Park Service, 450 Golden Gate Ave., Box 36063, San Francisco, Calif. 94102.

## I. Public Response Analysis

## A. Background

The National Park System consists of 320 park areas covering 76.7 million acres. The majority of these park areas still contain lands in private, State or local ownership.

As of December 31, 1978, there were 25,616 private property owners within National Park System areas exclusive of Alaska. This private property consists of 29,700 number of tracts and 864,613 acres.

In inholding areas, those units of the National Park System established prior to July 1959, 2054 private owners hold 2584 tracts of property totalling 32,123 acres. In newly authorized areas, those established after July 1959, 23,562 private owners hold 27,116 tracts of property totalling 832,490 acres. A complete listing of inholding and newly authorized areas is listed below.

#### B. Methodology

A procedure called Content Analysis was used to insure a systematic review of the public comments that were received. This technique involved the development of response categories which summarized the content of the oral and written comments.

Approximately 30 hours of testimony were recorded at the five public hearings. Although the deadline for public comment was October 20th, all letters mailed by that date and received through October 30th were reviewed, coded for computer purposes, and included in the analysis. Letters received after October 30th, while not included in the formal analysis, have been reviewed for content to identify any additional concerns that should be addressed in a revised policy statement or implementation guideline.

The overall responsibility for the coordination of the data collection and analysis was assigned to the National Park Service, Office of Management Policy. To insure greater impartiality in the interpretation of responses, Opportunity Systems, Inc., a private organization in Washington, D.C., was selected to review and code all responses. A computer program was used to assist in summarizing the information.

#### C. Findings

A summary of the public response to the proposed policy is found in the following tables. A total of 1,029 comments were received and analyzed. Responses were received from residents of 47 of the 50 states. The majority (72.5%) were in the form of personal letters (Table 1).

Table 2 shows that individuals who identified themselves as current landowners in National Park System areas accounted for approximately one third of the total letters and testimonies (32.7%). Those who specifically stated that they did not own property in the parks accounted for 29.9%. The remainder (37.4%) did not indicate whether or not they were landowners in park areas.

At the five public hearings, nearly half of the individuals presenting testimony identified themselves as private landowners in park areas. This type of

participation was considered a success since the NPS had made special efforts to insure that comments would be received from those directly affected by the Service's land acquisition policy.

A total of 49 park areas were mentioned in one or more of 620 letters and personal testimonies. Table 3 gives a listing of those parks by National Park Service administrative region. Most comments referred to parks within the Southwest, Rocky Mountain, Western and Pacific Northwest Regions.

The parks identified by the largest number of letters and testimonies were Blue Ridge Parkway, located in Virginia and North Carolina (183), Yosemite National Park, California (54), and Olympic National Park, Washington (94). These parks are located in the three states with the highest number of respondents: Washington (235 respondents); California (191); and Virginia (198), accounting for 62% of the total responses.

A total of 283 responses were in the form of personal testimony given by individuals at one of five public hearing sites throughout the country. (See Table 4). More than 600 people attended these hearings. The largest number of testifiers spoke in Denver (Golden), Colorado, and Washington, D.C.

Although many of the responses contained no specific recommendations, Table 5 shows those concerns most frequently mentioned in the oral and written comments. Approximately 175 of the responses recommended that the NPS use the willing seller-willing buyer approach to land acquisition instead of condemnation proceedings. Alternative methods of property protection also were suggested including the use of zoning, scenic easement and community planning.

The responses indicated that certain types of development on privately owned land within park areas were not considered desirable. One hundred and five responses opposed commercial development while 42 of the responses suggested that subdivisions of privately-owned land should be prohibited.

Fifty responses recommended that the Service should improve implementation of the policy. The major concerns centered on the present lack of specific condemnation criteria, the inadequacy of the current definition of incompatible use, and the need for the treatment of each homeowner tract as a separate case.

## Summary of Public Responses

Table 1.—Type of responses

Type	Number	Percentage
Letters	746	72.5
Testimony	283	27.5
Total	1,029	100.0

Table 2.—Sources of responses<sup>1</sup>

Source	Number	Percentage
Landowners within National Park Areas	336	32.7
Non-Landowners	306	29.9
Unidentified	385	37.4
Total	1,029	100.0

<sup>1</sup>Based upon those people who specifically stated that they were or were not owners of property within National Park Areas.

Table 3.—List of Parks Referenced by Respondents

	Number of responses
<b>North Atlantic Region:</b>	
Acadia NP	3
Fire Island NS	7
	10
<b>National Capital Region:</b>	
Chesapeake and Ohio Canal NHP	1
Marassas NHP	4
	5
<b>Mid-Atlantic Region:</b>	
Appalachian NST (Maine to Georgia)	34
Colonial NHP	1
Gettysburg NHP	2
Shenandoah NP	1
	38
<b>Southeast Region:</b>	
Blue Ridge Pkwy	183
Cape Hatteras NS	1
Cape Lookout NS	6
Chattahoochee River NRA	8
Chickamauga and	
Chattanooga NHP	2
Cumberland Island NS	2
Great Smoky Mountains NP	1
Obed Wild and Scenic River	3
	206
<b>Southwest Region:</b>	
Buffalo NR	5
Hot Springs NP	1
	6
<b>Midwest Region:</b>	
Cuyahoga Valley NRA	12
Homestead NM	1
Indiana Dunes NL	4
Lower St. Croix NSR	1
St. Croix NSR	3
Voyageurs NP	1
	22
<b>Rocky Mountain Region:</b>	
Badlands NM	3
Bryce Canyon NP	1
Capitol Reef NP	1
Dinosaur NM	2
Glen Canyon NRA	23
Grand Teton NP	51
Rocky Mountain NP	33
Shadow Mountain NRA	2
Yellowstone NP	2
Zion NP	4
	122

Table 3.—List of Parks Referenced by Respondents—Continued

	Number of responses
<b>Western Region:</b>	
Death Valley NM.....	1
Haleakala NP.....	4
Joshua Tree NM.....	1
Kings Canyon NP.....	34
Lake Mead NRA.....	1
Lassen Volcanic NP.....	3
Sequoia NP.....	5
Walnut Canyon NM.....	1
Yosemite NP.....	54
	104
<b>Pacific Northwest:</b>	
Crater Lake NP.....	1
Glacier Bay NP.....	1
Lake Chelan NRA.....	6
Mount Rainier NP.....	1
North Cascades NP.....	4
Olympic NP.....	94
	107
<b>Grand total.....</b>	<b>620</b>

Table 4.—Public Hearing Locations

Locations	Total attendance	Total testifiers	Percentage of testifiers
Fresno, California.....	208	44	15.5
Seattle, Washington.....	134	61	21.6
Golden, Colorado.....	84	76	26.6
Atlanta, Georgia.....	45	30	10.6
Washington, D.C.....	160	72	25.4
<b>Total.....</b>	<b>631</b>	<b>283</b>	<b>100.0</b>

Table 5.—Recommended Changes

Recommendation	Number of responses
Prevent subdivision.....	42
Prevent commercial development.....	105
Modify program implementation.....	50
Define and explain incompatible use.....	54
Use scenic easements instead of fee.....	29
Use zoning instead of fee.....	35
Use community planning instead of fee.....	7
Use willing seller policy—no condemnation.....	175
Consider each inholding or tract separately.....	32
Develop specific condemnation criteria.....	17
<b>Total.....</b>	<b>546</b>

### D. Summary and Conclusions

Congress by law, and the President by proclamation, designate those areas which are to be administered by the National Park Service. The resources of these areas, where feasible, are to be made available for public use and enjoyment; yet in each case, the Park Service also has the responsibility to protect the resources for future generations. To meet these responsibilities, Congress usually authorized, and often required, the Service to acquire privately-owned land.

Recently, the Service encountered some criticism on its land acquisition program. In an effort to assess the fairness and effectiveness of its land acquisition policy and practices the National Park Service conducted five public hearings in September. Written comments from those unable to attend or make presentations were also sought.

A careful review has been made of both the testimony presented at the public hearings and all letters that were received through the October 20, 1978 deadline. Later the closing date was extended to October 30, 1978, to assure consideration of letters which may have been delayed by mail and handling. Opportunity Systems, Inc., a private organization, was selected to review and code all responses to insure impartiality in the process.

The responses have provided the Park Service with useful information regarding current NPS land acquisition policy and practices. The comments reflect the views of private citizens and private landowners within park areas. Two broad areas of concern were raised by the responses. First was a need to clarify certain portions of the proposed policy. The other was a need for more specific guidelines on Service implementation of the policy.

The Service found the willing seller-willing buyer concept advocated in many public comments, to be consistent with bureau policy, but could not justify it as a complete alternative to condemnation. To do so would leave the development and management of the parks at the discretion of property owners whose actions may conflict with the public use or resource protection intended when Congress created a park in law. The revised policy, however, still reflects the Service's commitment to willing seller-willing buyer concept, and acquisition of less than full fee title to property, wherever it will suit public use and resource management requirements.

The comments opposing certain types of development of privately owned land within park areas are consistent with both the revised policy and its predecessors. The current revision reflects an effort to clarify the Service's opposition to unacceptable development.

These ideas and suggestions, and others less commonly raised, were carefully considered. In an effort to satisfy these and other concerns, the Park Service has taken the following steps: (1) rewritten the policy to clarify those portions which had not been clearly understood and (2) developed a separate guideline that requires individual land acquisition plans for

each park area to implement the policy; assigns specific responsibilities to NPS staff; addresses the rights and responsibilities of property owners in the parks; and clarifies criteria for condemnation and the definition of incompatible uses in inholding areas.

### II. Land Acquisition Policy Statement

The National Park Service will acquire lands and waters in fee simple or less-than-fee interest within areas of the National Park System, consistent with legislation or other congressional guidelines and executive orders, to assure the protection of the natural, scenic, cultural, recreational, or other significant resources and to provide for adequate visitor use.

In carrying out this policy, each park area with an active land acquisition program shall have a land acquisition plan which conforms to Departmental and Park Service policies and all applicable laws. The plan shall be simple, concise and prepared with public participation.

In terms of the various park authorizing acts and other Congressional mandates, areas of the National Park System are divided into three categories for purposes of land acquisition policy. These three categories are as follows:

**Newly Authorized Areas**—In these areas, authorized since July 1959, acquisition is carried out in accordance with the policies prescribed by Congress in the authorizing legislation.

**Inholding Areas**—In these areas, authorized prior to July 1959, the Service shall pursue an opportunity purchase program, acquiring those lands offered for sale by property owners. The Service shall also acquire land to prevent uses which would damage the resources that the park area was established to protect. On undeveloped tracts the threat of development or subdivision will cause the Service to initiate acquisition.

**Areas Where Acquisition is Limited to Donation or Exchange**—In these areas, land is acquired by donation or exchange as opportunities occur.

**Policy Implementation**—Land acquisition in all areas of the National Park System is executed in accordance with the provisions of applicable legislation, including Public Law 91-646, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. This latter-cited statute requires fair and equitable treatment of owners from whom property is acquired and provides many benefits to both owners and tenants.

The land acquisition policy implementation guideline contains

detailed information on the individual park area acquisition plan, responsibilities of NPS officials, the authority and procedures for land acquisition and various land protection methods. The guideline also contains a complete listing of park areas by category.

### III. Land Acquisition Policy Implementation Guideline

The Land Acquisition Policy of the National Park Service is stated in Chapter IX of the Service's *Management Policies* Notebook. This guideline assigns responsibility and provides procedures for its implementation.

#### Individual Park Area Acquisition Plan

Each area of the National Park System with an active land acquisition program shall have a land acquisition plan. The plan shall be developed by the park manager and approved by the Regional Director. The purpose of the plan shall be to inform the park staff, land acquisition personnel, the affected landowners, and the general public of the Service's land acquisition program for the area.

The land acquisition plan should be clearly understandable. It will be developed with public participation.

The plan shall be consistent with Congressionally mandated requirements for the park area, other laws, executive orders, and applicable policies or regulations of the Department of the Interior and the National Park Service.

1. *Content.*—The plan shall outline, in general terms, the overall strategy of the land acquisition program. It shall establish a general order of acquisition priority, recognizing such factors as resource protection, public and administrative use, changing land values and uses, and willingness of owners to sell. These conditions will be defined for each park in its land acquisition plan.

Plans shall make clear what interest is to be acquired, e.g. fee or scenic easements, or if the park values are or can be protected through zoning or cooperative agreement. The plan shall identify those structures which the owner may be permitted to remove from the property to a new site outside of the park area's authorized boundaries.

The reason for acquisition or alternate protection methods must be clearly stated. In many cases it will simply require reference to legislative mandates. In other cases it will define incompatible uses, or needs for resource management, public or administrative use.

2. *Planning Schedule.*—Land acquisition and the land acquisition plan

for newly authorized areas will be done as soon as reasonably possible and will not be delayed pending completion of the General Management Plan (GMP). The land acquisition plan for any remaining private properties shall be incorporated into the GMP.

Because of the varying complexity of the land acquisition programs at individual park areas, Regional Directors will establish a time frame for the completion of each park's land acquisition plan. Priority should be given to those park areas with the more complex and active acquisition programs, especially those where imminent resource threats exist on privately owned property.

Simpler plans should be completed within a few months, and all plans should be completed within a year of issuance of the new land acquisition policy and this guideline. Exceptions to this time frame must be justified and approved by the Regional Director. Acquisition, however, in new and ongoing projects shall not be delayed pending completion and approval of plans.

In newly authorized areas, priority will be given to acquiring property needed to make the park operational and to protect primary park resources. Except where not reasonably practicable owners will be advised of the timetable. (Every effort should be made to make contact).

Land acquisition plans will be reviewed each year. Changes will require approval by the Regional Director. Any such changes should be made known to the landowners involved as soon as the changes have been approved.

3. *Public Participation.*—During development of a park area's land acquisition plan, and of any major changes to it, property owners and members of the public will be given an opportunity to express their views in person or in writing. When completed, copies of the plan will be made available to owners and occupants of affected properties. Where practical, especially in inholding areas, each landowner should be contacted in person, at a meeting, or in writing by a member of the park's management staff, who will be accompanied by a land acquisition staff member to explain technical aspects.

The public participation process during the development of the plan will at a minimum address the following: notification of the planning schedule to each known landowner at the last known address; information as to what the plan will accomplish and how it

might affect each landowner; information as to whom they may contact to express their views; public presentation of the plan upon completion and prior to submission to the Regional Office for approval; and general distribution of the plan to individuals, local organizations of property owners, the news media, Congressional delegations, and other public officials. The plan shall be formally provided to State and local planning agencies and an effort will be made to file it in the county land records for general public availability.

4. *Property Owned By Other Government Agencies.*—All lands within authorized park area boundaries administered by other Federal agencies are to be acquired by transfer. Lands owned by State or local government agencies, shall be acquired in accordance with the authority provided by the authorizing legislation. If not prohibited by the authorizing legislation some publicly-owned lands may be purchased with appropriated funds. These are (a) so-called "State School lands," guidance for which is contained in Senate Report 95-276, (b) lands transferred to public ownership after authorization of the area, (c) lands in public ownership because of unpaid taxes or other debt, or (d) land acquired by the public body at the request of the Service for subsequent conveyance for use as Federal parkland. Guidance for the latter three is contained in Senate Report 94-991.

The land acquisition plan should address any proposed schedule for the acquisition or transfer of property owned by other government agencies.

5. *Compatible/Incompatible Uses in Inholding Areas.*—Land acquisition plans in these areas shall each define compatible and incompatible uses. (See Appendix, for a list of these areas).

The following are examples of compatibles uses:

- A. normal maintenance and upkeep of private property.
- B. minor modifications to existing structures and outbuildings.
- C. repairs and reconstruction to comply with safety or sanitation codes.
- D. replacement of roofing or siding.
- E. shoring up structures threatened by subsidence of soil.
- F. repair or replacement of utility lines.

Structures may be razed and replaced so long as the new structure is essentially the same size, is designed to serve the same purpose as its predecessor, and occupies essentially the same site. Internal or external renovation or remodeling of an existing

structure is acceptable provided the structure will continue to be used for the same purpose as before. The park manager should be notified of any of the above changes. On farmland, construction of minor ancillary outbuildings consistent with sound agricultural practices will be permitted. Each park acquisition plan should provide instructions concerning these compatible uses from the perspective of that park area.

When the present owners anticipate a change in ownership, other than within the immediate family, they should notify the Service who will make an offer to purchase. The Service will immediately notify the appropriate Congressional Committees of its offer and the landowners response. This will afford the Committees the opportunity to take the appropriate action.

The Service will acquire and pay just compensation for any tract where proposed use or development could significantly damage the park resources or is incompatible with park values. Incompatible uses will be further defined in the park's land acquisition plan. The following actions or proposed actions are examples of incompatible uses.

(1). *On presently unimproved land.*— Subdivision, including splits in ownership or sell off portions of the land; construction or development of any kind; timbering, strip mining, initiation of new uses affecting park resources, or intensification of current uses such as an excess increase to the grazing load on pasturage.

(2). *On presently developed land.*— (a). Alterations to existing structures or new construction having one or more of these characteristics:

New separate residences or new residences physically linked to the existing structure.

Documented increase in damage to resources, scenery, or the historic scene.

Replacement of a major structure with one that is substantially different in size, location or purpose from its predecessor.

Impairment of historical integrity of an identified historic structure.

(b). Expansion of existing uses to a point where they cause documented increase in damage to the scenic, cultural or natural resources of the area.

(3). *On any private lands in inholding areas.*— Conversion of non-commercial property to commercial uses.

Clear and significant damage to natural, scientific, or cultural resources including topographic changes or disruptions of natural drainage patterns, or disturbance of natural vegetation or wildlife.

Creation of hazards that endanger the safety of park visitors.

Major increase in commercial use or traffic at access or crossing points on main park roads, resulting in hazardous conditions.

If the landowner persists in the identified incompatible use the Service will initiate a request for acquisition.

6. *Alternatives To Fee Acquisition.*— Full consideration will be given to all types of land protection methods such as fee acquisition, scenic easements, zoning, cooperative management, rights-of-way acquisition, or other alternatives. The land protection methods used will be discussed in the individual land acquisition plan.

Scenic easements or other less-than-fee interests shall be described in terms of the degree of protection required to meet the resource management and visitor use needs of the park area. The terms of the scenic or other easement estate to be acquired should be included in the plan to the degree possible.

Property owners within park area boundaries are responsible for complying with whatever local zoning or development controls are in effect. The park manager should encourage property owners to discuss proposed changes in ownership or structural improvements to the property with him/her.

Private access to or through park areas sometimes must be limited or eliminated in order to assure adequate resource protection and visitor safety. The plan must identify those points or routes of access to or through park property which may be eliminated and the conditions under which this may occur. Before any limitation on or elimination of access the Service shall take steps to locate alternate means of access to the private property and compensate the property owners for any access that is acquired.

7. *Reservations of Use and Occupancy. A. Inholding Areas.*— Reservations for private use and occupancy of acquired property will be permitted on a liberal basis. The land acquisition plan shall identify those properties where such reservations may or may not be permitted, and the reasons.

Typically, as a condition of sale to the National Park Service, legal owners of record of single family non-commercial residences are permitted to reserve the use and occupancy of the dwelling, along with a designated portion of the land (usually up to three acres) for a period of twenty-five years or less, or alternately, life estates for the owner or co-owners and respective spouses. This

practice is beneficial to the owners and is encouraged to expedite the acquisition of non-Federal land within areas of the National Park System.

For this right, it has been administratively determined that one percent of the negotiated amount of the reserved areas is to be deducted (in advance) at time of closing for each year the premise is reserved. For life estates, the length of the estate is based on the life expectancy of the owner or co-owners with the longest life expectancy, and the number of years calculated by use of actuarial tables published by the Department of Health, Education and Welfare.

The one percent formula is not applicable to commercial, industrial, agricultural, ranching or similar income-producing properties. In these instances the value of the reservation is determined by the usual appraisal process.

The Service assumes no responsibility for maintenance or upkeep of any property subject to a reserved use and occupancy or life estate right. In historic structures, the Service may, under terms of the use and occupancy provisions, provide for preservation and general upkeep of the reserved properties.

The following terms and conditions are required in all offers and deeds to the National Park Service involving use and occupancy for single-family residential purposes unless otherwise provided by law:

(1). *Definitions.* Within the meaning of this instrument, "single-family noncommercial residential purposes" is occupancy of the reserved premises solely as a residence by any owner or owners having attained the age of eighteen on the date of the acquisition of the herein described property. "The Reservoir" is the person or persons conveying the land covered by this instrument to the United States and reserving a right of use and occupancy.

(2). *Use.* The reserved premises shall be used only for residential purposes. The reserved premises shall not be used for any commercial, industrial, mining or similar use or for the accommodation of any paying guests for a period of less than 90 days. The Reservoir in the use of the premises shall conform to all applicable laws, ordinances, and regulations in effect in the area, including but not limited to all applicable general National Park Service regulations and general and special regulations for the area in particular.

(3). *Preservation.* The Reservoir shall not add to or materially alter the character of existing improvements or

structures or perform any new construction or change the topography of the land without first having obtained the permission in writing of the National Park Service. Any building or structure damaged or destroyed by fire or other casualty or deteriorated by the elements or wear and tear may be maintained, repaired, renovated, remodeled, or reconstructed so long as the basic character of the building or structure is not materially altered.

(4). *Maintenance of reserved premises.* The Reservoir shall keep the grounds of the reserved premises in a clean and neat condition and shall maintain all structures and improvements in good repair. The Reservoir is responsible for all costs arising out of the reserved premises, including all costs of maintenance and repair and all utility charges. The United States has no responsibility for any charges or expenses in connection with the reserved premises.

(5). *Precautions.* The Reservoir shall take reasonable care to avoid damage to adjacent or nearby Federal lands or property through the spread of fire originating on the reserved premises, through the spread of sewage or other polluting substances originating on the reserved premises, or by any other activities representing a nuisance or hazard to adjacent or nearby Federal lands or property.

(6). *Taxes.* The Reservoir is responsible for the payment of any taxes or assessments that may be levied against his interest in the reserved premises.

(7). *Liability.* The Reservoir shall hold the United States harmless for any liability arising out of the use of the reserved premises by the Reservoir. The Reservoir shall at his expense carry such public liability insurance as is customary by homeowners in the vicinity, providing such insurance is available.

(8). *Insurance.* The Reservoir is responsible for insuring his interest in the reserved premises.

(9). *Transfer.* The reserved premises may be conveyed or subleased for not less than 90 days by the Reservoir or his successors or assigns provided the instrument of conveyance or sublease imposes on the new Reservoir all of the restrictions and requirements of these provisions. A copy of any such conveyance or sublease shall be furnished the National Park Service prior to the effective date of such conveyance.

(10). *Expiration of term.* The Reservoir shall peacefully relinquish possession and control of the reserved premises

upon the expiration of the term of the right of use and occupancy. He shall leave the reserved premises in a neat and clean condition. He shall not remove any structures or other improvements which are permanently affixed to the realty unless proper arrangements, with adequate consideration for such removal, have been made with the National Park Service. Any personal property left on the reserved premises upon the expiration of the term may be disposed of by the National Park Service.

(11). *Waiver of replacement housing benefits.* The Reservoir fully understands that by reserving the rights of use and occupancy reserved herein he waives replacement housing benefits under Sections 203, 204, 205, and 206 of Public Law 91-646.

The provisions of the use and occupancy instruments will be enforced by judicial action, if necessary.

Reserved use and occupancy rights for single-family residential purposes may, with the consent of the reservoir, be repurchased by the Service for the pro rata unexpired portion of the amount deducted for such right. Because of the need to maintain fiscal control, this will be done only with the concurrence of the Land Acquisition Division, Washington Office. The use of reserved single-family residences for commercial purposes other than rental on a minimum of a 90 day basis, including occupation by paying transients, is not allowed.

B. *Newly Authorized Areas.*—Where authorized in the legislation establishing the park area, the reservation of use and occupancy rights in these areas will follow the guideline in subsection A, above.

C. *Areas Where Acquisition is Limited to Donation or Exchange.*—Where authorized in the legislation establishing the park area, the reservation of use and occupancy rights in these areas will also follow the guideline in subsection A, above.

8. *Commercial Property.*—Because of the complexity and variety of commercial property within units of the National Park System these properties will be dealt with on a case-by-case basis in the park area's land acquisition plan.

#### Responsibilities of NPS Officials in Implementation of Land Acquisition Plan

1. *Regional Director* is responsible for establishing the general criteria and the completion date for the land acquisition plan for each land area within his/her Region. Upon completion of the draft

plan, including the public participation process at the park level, the Regional Director reviews the plan and, if it is satisfactory, gives it final approval on behalf of the Service.

2. *Park Manager* will develop the plan for his/her area in accordance with legislation establishing the area, the criteria set by the Regional Director, and the provisions of the Land Acquisition Policy Statement. The Park Manager will arrange for public participation and will contact landowners where ownership can be determined through a reasonable title search. He/she will provide all known landowners with a copy of the completed and approved plan.

3. *Land Acquisition Personnel* assigned to the Region and/or the area will provide technical advice and assistance to the Regional Director and park managers in all phases of the preparation of the plan, including the public participation process.

#### Execution of the Land Acquisition Program Within Park Areas

Land acquisition personnel assigned to the area or Region are responsible for executing the land acquisition program. They will be guided by the plan, once it is approved, and by priorities and other criteria established by the Regional Director and the park manager. Land acquisition personnel will arrange for title evidence, surveys, and appraisals. They will review appraisals and establish the amount of the estimated just compensation. They will negotiate with landowners and arrange for title closing. They will prepare condemnation assemblies on tracts which it has been determined will be acquired by condemnation. They will perform required owner relocation services and all other technical aspects of land acquisition.

In the performance of the land acquisition program, all personnel will be guided by the provisions of Public Law 91-646, the Uniform Appraisal Standards for Federal Land Acquisition, the Standards for the Preparation of Title Evidence in Land Acquisition by the United States, the Procedural Guide for the Acquisition of Real Property by Governmental Agencies, and any other applicable directives.

Land acquisition and other personnel in contact with landowners shall at all times remember that they represent the image of the Service to the public. Land acquisition personnel will keep park managers advised as to the progress of land acquisition in their area and will inform them before condemnation

actions or other matters that may arouse controversy occur.

#### Review of Proposed Condemnation Actions in Inholding Areas

Any private property owner in an inholding area where property is proposed for condemnation because of an incompatible use or adverse development may seek review of a proposed condemnation of his or her property. Requests for review may follow any written or oral notification by an employee or representative of the Service that condemnation of the property is being seriously considered.

The owner must give notice of intent to seek review with the park manager prior to the submission of the condemnation request to the Department of Justice. In conjunction with the notice of intent to seek review the owner must provide written agreement to halt all activities which might affect the property until the review process is exhausted. Failure to provide such written agreement will constitute grounds for the Service to request the initiation of condemnation immediately. The written request for review must be addressed to the Director of the National Park Service within 30 days of giving notice of intent to seek review.

For condemnation reviews the Director shall appoint an interdisciplinary panel of three professionals. No member of the panel shall have any direct responsibility for land acquisition on behalf of the National Park Service or for the management of the area concerned.

The panel will consider information and arguments in informal session and will make a recommendation to the Director as to whether the use or acts affecting the property constitute incompatible use within the meaning of the Land Acquisition Policy Statement and this implementation guideline. The Director shall then render a decision based upon the recommendation of the panel and the information gathered by it. The decision of the Director shall be final and not subject to further review. This review process is an informal procedure, not a hearing.

#### Authority and Procedures for Land Acquisition

**1. Legal Basis for Acquisition**—The acquisition of lands or interest in lands, or the use of measures other than acquisition for the protection of land resources, is governed by the terms of each park's authorizing act and its amendments, or other Congressional mandates.

Most of these acts specifically authorize acquisition by purchase, donation, or exchange. The use of exchange is severely limited by the general nonavailability of lands to be given by the Government in the exchange, and so is not widely used.

Condemnation is a sovereign power of the Federal Government. The authority of the United States of America to spend public money for the acquisition of privately owned land for park purposes through the process of condemnation (eminent domain) has been considered by the courts as constitutional since 1896. See *United States v. Gettysburg Electric Railroad Company*, 160 U.S. 668 (1896).

Accordingly, legislation which provides for the acquisition of lands and appropriation of funds for payment to landowners is supported by the courts and is the basic process by which the Park Service acquires land.

As a part of this process the Congress has also provided for the use of a declaration of taking, which vests property in the United States immediately upon filing papers in the court and the deposit of an estimate of just compensation. (See 40 U.S.C. 258.)

Condemnation proceedings are regarded by the National Park Service as a last resort. The Service will make every effort to seek negotiated settlement wherever possible before initiation of condemnation. Condemnations initiated by the filing of a complaint are used in most eminent domain cases requested by the National Park Service. In these situations title to the land does not pass to the Government until the court or jury has determined the amount of just compensation and this amount has been paid to the owner. Condemnation also may be employed by the Service to determine title issues or when an owner willingly agrees to acquisition by the Federal Government, but wishes the courts to determine the value of the property.

Declarations of taking are typically used where title to the land must be vested in the United States immediately in order to prevent resource damage.

In the earlier years of the National Park Service, appropriation of money for land acquisition was from general funds in the Treasury. However, in 1965 Congress authorized the Land and Water Conservation Fund to be a continuing source of money for the acquisition of land for the National Park Service and other Federal, State, conservation and recreation agencies.

**2. How Land is Acquired**—Acquisition of lands and interests in lands is

conducted in accordance with provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Pub. L. 91-646).

Acquisition must be in an authorized park area. The first step in the acquisition of land is its identification and mapping. Title to the land must then be searched and the Service must obtain an abstract of title, title insurance policy, or other valid title evidence in a form approved by the Department of Justice.

This, accompanied by a title opinion rendered by the Department of Justice, or Office of the Solicitor of the Department of Interior, identifies the person(s) from whom title must be obtained.

It is required by Pub. L. 91-646 that real property be appraised prior to the initiation of negotiation and the owner afforded an opportunity to accompany the appraiser. If the owner will not grant permission to appraise, the Service may, in appropriate instances, file a condemnation action and request a court order authorizing entry for appraisal purposes. Appraisals will conform to the Uniform Appraisal Standards for Federal Land Acquisition, as described in part 3 of this chapter, and are reviewed by the Service for conformance with sound appraisal principles.

As required by Pub. L. 91-646, the owner is provided with a written summary of the estimate of just compensation, which shall be in an amount not less than the approved appraisal, and every reasonable effort is made to acquire the property by negotiated purchase.

Additionally, property owners are entitled to a number of relocation benefits under the provisions of Pub. L. 91-646, such as expenses for moving personal belongings. This law also provides for replacement housing benefits—subject to certain requirements and limitations—of up to \$15,000 for homeowners and up to \$4,000 for tenants, to enable owners to obtain suitable dwellings after they move from the Government acquired property. Replacement housing benefits, but not moving expenses, are lost if the owner decides to keep a reservation for use and occupancy for residential purposes.

**3. Appraisals**—The guiding document for the National Park Service Appraisal Program is the publication entitled "Uniform Appraisal Standards for Federal Land Acquisition." These standards were published by the Interagency Land Acquisition Conference of 1973. They serve as the

unifying element in appraisal practices for all Federal agencies acquiring real property for the United States acting under Pub. L. 91-646, the Uniform Relocation Assistance and Land Acquisition Policies Act of 1970.

The National Park Service uses a mix between staff appraisers and contract appraisers. Contractors are those independent appraisers who perform professional appraisal services not only for the National Park Service, but for other clients as well.

In accordance with Pub. L. 91-646, the landowner will be offered an opportunity to accompany the appraiser on the inspection of the property in order to afford the owner an opportunity to point out significant features of the property.

To assure the quality of appraisals, staff appraisers review all reports for compliance with proper appraisal procedures and check such elements as the thoroughness of the research performed and whether or not the appraiser has afforded the landowner the opportunity to accompany the appraiser.

As a double check upon proper appraisal practices, the Washington Office conducts overview of the appraisal program at the regional and project level. At all levels, it is the policy of the National Park Service appraisers to strive for an objective estimate of fair market value which has been defined in the Uniform Appraisal Standards for Federal Land Acquisition as follows:

The amount in cash, or in terms reasonably equivalent to cash, for which in all probability the property would be sold in the open market by a knowledgeable seller who is willing but not obligated to sell, allowing a reasonable time to find a knowledgeable buyer who is willing but not obligated to buy.

Appraisals not conforming to sound appraisal principles will be disapproved by the Service and another appraisal obtained.

Owners may be provided with a copy of the agency's appraisal upon request.

#### Land Protection Methods

The National Park Service has long recognized the fact that it is not necessary to own all land in order to assure its protection and appropriate use. The following land protection methods have been and are being used when allowed by the legislation establishing the particular park area.

1. *Fee simple*—This tool denotes absolute ownership of land, though reservation of rights of use and occupancy for life or for years, or of

easements for some more minor use (such as power lines, water rights, highways) are frequently involved in actual practice. Fee simple carries with it the power to control use of the land and as such provides for maximum resource protection. Either fee simple or some interest approaching fee simple is requisite for lands to be available to the visiting public.

2. *Scenic or Restrictive Easements*—These are interests in property less than fee simple ownership. They place development and use restrictions on the owner to assure that the private use of the land shall be compatible with the preservation and public use of the park area. The cost of easements will depend on the type of restrictions put on the land and also on the development potential (highest and best use) of the land. These easements are used where required by law and/or when they can be justified on cost, as compared with fee simple interest, and where public access or construction of park facilities is not involved and resource protection is not hampered.

3. *Zoning*—This is the regulation of land use through ordinances passed by States or local units of government. Acceptable zoning if enforced and not subject to variances can assure that private uses are maintained and developed in a manner that would not impair the primary purposes of the area. Congress has provided that private uses, in specific locations within areas of the National Park System, may be continued as long as individuals, villages or communities observe appropriate zoning in accordance with standards established by the Secretary of the Interior. The service shall work actively with appropriate agencies in establishing acceptable zoning standards.

4. *Cooperative Planning and Management*—These areas involve a coordinated concept of property protection utilizing a combination of methods and encompassing the cooperation of various Federal, State and local jurisdictions, conservation groups and landowners. This approach includes but is not limited to:

A. *National Reserves (Areas of National Concern)*—Federal, State and local governments form a special partnership around an area to be protected. Planning, implementation and maintenance is a joint effort and is based on a mutual desire to protect the resource. Under this concept, the Federal Government, through the National Park Service, may acquire core zones intended to protect and permit appropriate use of the most vital physical resources within authorized

boundaries of the area. The balance of property within these areas may be protected through a combination of acquisition and management by the State and local governments, and the development of zoning or similar controls acceptable to the Secretary of the Interior.

B. *Cooperative Agreements*—The Secretary of the Interior in suitable instances may enter into a written cooperative agreement with State or local governments, or others for the use, protection or management of lands.

5. *Access Limitation*—This is a method in which non-Federal rights-of-way (previously reserved) to or across present Federal lands may be eliminated. In some instances when authorized by the legislation establishing the park area, the Service may acquire and develop alternative means of access to the private property in full or partial settlement for elimination of the access to park property. In those instances where development of alternative means of access is infeasible or unacceptable to the owner of the land to be served by the access, it may be necessary to acquire the property in fee.

6. *Rights-of-Way*—This is a form of easement which can provide public or administrative uses of private property for specified purposes without acquiring fee title to the property. The acquisition of rights-of-way is often for roads, trails, and utility corridors needed for park use and development.

#### Appendix

##### 1. *List of Newly Authorized Areas*

For the purpose of the National Park Service's land acquisition policy, the following are considered newly authorized areas as of the date of this guideline:

- Agate Fossil Beds National Monument (NE)
- Allegheny Portage Railroad National Historic Site (PA)
- Andersonville National Historic Site (GA)
- Antietam National Battlefield (MD)
- Apostle Islands National Lakeshore (WI)
- Appalachian National Scenic Trail (ME/NH/VT/MA/CT/NY/PA/NJ/MD/WV/VA/TN/NC/GA)
- Appomattox Court House National Historical Park (VA)
- Arkansas Post National Memorial (AR)
- Assateague Island National Seashore (MD/VA)
- Bent's Old Fort National Historic Site (CO)
- Big Cypress National Preserve (FL)
- Big Thicket National Preserve (TX)
- Bighorn Canyon National Recreation Area (MT/WY)
- Biscayne National Monument (FL)
- Boston National Historical Park (MA)
- Buffalo National River (AR)
- Canaveral National Seashore (FL)
- Cape Cod National Seashore (MA)
- Cape Hatteras National Seashore (NC)
- Cape Lookout National Seashore (NC)

Capitol Reef National Park (UT)  
 Carl Sandburg Home National Historic Site (NC)  
 Chattahoochee River National Recreation Area (GA)  
 Chesapeake and Ohio Canal National Historical Park (MD/DC/WV)  
 Chickasaw National Recreational Area (OK)  
 Colonial National Historical Park (VA)  
 Colorado National Monument (CO)  
 Congaree Swamp National Monument (SC)  
 Coronado National Memorial (AZ)  
 Cowpens National Battlefield (SC)  
 Cumberland Island National Seashore (GA)  
 Cuyahoga Valley National Recreation Area (OH)  
 Delaware Water Gap National Recreation Area (NJ/PA/NY)  
 Edgar Allen Poe National Historic Site (PA)  
 Everglades National Park (FL)  
 Fire Island National Seashore (NY)  
 Fort Bowie National Historic Site (AZ)  
 Fort Donelson National Military Park (TN)  
 Fort Laramie National Historic Site (WY)  
 Fort Smith National Historic Site (AR/OK)  
 Fort Union Trading Post National Historic Site (ND/MT)  
 Friendship Hill National Historic Site (PA)  
 Gateway National Recreation Area (NY/NJ)  
 George Washington Memorial Parkway (VA/MD)  
 Golden Gate National Recreation Area (CA)  
 Grand Canyon National Park (AZ)  
 Grant-Kohrs Ranch National Historic Site (MT)  
 Gulf Islands National Seashore (FL/MS)  
 Haleakala National Park (HI)  
 Harpers Ferry National Historical Park (MD/WV)  
 Hawaii Volcanoes National Park (HI)  
 Herbert Hoover National Historic Site (IA)  
 Homestead National Monument of America (NE)  
 Independence National Historical Park (PA)  
 Indiana Dunes National Lakeshore (IN)  
 Jean Lafitte National Historical Park and Preserve (LA)  
 John Day Fossil Beds National Monument (OR)  
 Johnstown Flood National Memorial (PA)  
 Kaloko-Honokohau National Historical Park (HI)  
 Klondike Gold Rush National Historical Park (AK/WA)  
 Knife River Indian Villages National Historic Site (ND)  
 Lake Chelan National Recreation Area (WA)  
 Lake Mead National Recreation Area (AZ/NV)  
 Lincoln Boyhood National Memorial (IN)  
 Lincoln Home National Historic Site (IL)  
 Lowell National Historic Park (MA)  
 Lower Saint Croix National Scenic River (MN/WI)  
 Maggie L. Walker National Historic Site (VA)  
 Martin Van Buren National Historic Site (NY)  
 Mineral King addition to Sequoia National Park (CA)  
 Minute Man National Historical Park (MA)  
 Monocacy National Battlefield (MD)  
 Moores Creek National Military Park (NC)  
 Morristown National Historical Park (NJ)  
 New River Gorge National River (WV)  
 Nez Perce National Historical Park (ID)  
 Ninety Six National Historic Site (SC)

North Cascades National Park (WA)  
 Obed Wild and Scenic River (TN)  
 Ozark National Scenic Riverways (MO)  
 Padre Island National Seashore (TX)  
 Palo Alto Battlefield National Historic Site (TX)  
 Perry's Victory and International Peace Memorial (OH)  
 Pictured Rocks National Lakeshore (MI)  
 Pinelands National Reserve (NJ)  
 Pinnacles National Monument (CA)  
 Piscataway Park (MD)  
 Point Reyes National Seashore (CA)  
 Redwood National Park (CA)  
 Rio Grand National Scenic Riverway (TX)  
 Ross Lake National Recreation Area (WA)  
 Saguaro National Monument (AZ)  
 Saint Croix National Scenic Riverway (WI/MN)  
 Saint Gaudens National Historic Site (NH)  
 San Antonio Missions National Historic Park (TX)  
 Santa Monica Mountains National Recreation Area (CA)  
 Shiloh National Military Park (TN)  
 Sleeping Bear Dunes National Lakeshore (MI)  
 Thomas Stone National Historic Site (MD)  
 Tumacacori National Monument (AZ)  
 Tuskegee Institute National Historic Site (AL)  
 Tuzigoot National Monument (AZ)  
 Upper Delaware Scenic and Recreation River (NY/PA)  
 Valley Forge National Historic Park (PA)  
 Virgin Islands National Park (VI)  
 Voyageurs National Park (MN)  
 War in the Pacific National Historic Park (GU)  
 Whiskeytown-Shasta-Trinity National Recreation Area (CA)  
 Wind Cave National Park (SD)

2. *List of Inholding Areas.*—For the purpose of the National Park Service's land acquisition policy, the following are considered inholding areas:  
 Badlands National Park (SD)  
 Big Bend National Park (TX)  
 Black Canyon of the Gunnison National Monument (CO)  
 Blue Ridge Parkway (NC/VA)  
 Bryce Canyon National Park (UT)  
 Chaco Canyon National Monument (NM)  
 Chiricahua National Monument (AZ)  
 Death Valley National Monument (CA/NV)  
 Dinosaur National Monument (CO/UT)  
 El Morro National Monument (NM)  
 Fort Raleigh National Historic Site (NC)  
 Fredericksburg and Spotsylvania County Battlefields Memorial National Military Park (VA)  
 Gettysburg National Military Park (PA)  
 Glacier National Park (MT)  
 Grand Teton National Park (WY)  
 Great Sand Dunes National Monument (CO)  
 Great Smokey Mountains National Park (NC/TN)  
 Guilford Court House National Military Park (NC)  
 Hot Springs National Park (AR)  
 Joshua Tree National Monument (CA)  
 Katmai National Monument (AK)  
 Kings Canyon National Park (CA)  
 Lassen Volcanic National Park (CA)  
 Manassas National Battlefield Park (VA)  
 Mesa Verde National Park (CO)  
 Montezuma Castle National Monument (AZ)

Mount Rainier National Park (WA)  
 Natchez Trace Parkway (MS/TN/AL)  
 Olympic National Park (WA)  
 Organ Pipe Cactus National Monument (AZ)  
 Petersburg National Battlefield (VA)  
 Rocky Mountain National Park (CO)  
 Scotts Bluff National Monument (NE)  
 Sequoia National Park (CA)  
 Theodore Roosevelt National Park (ND)  
 Walnut Canyon National Monument (AZ)  
 Yosemite National Park (CA)  
 Zion National Park (UT)

3. *List of Areas Where Acquisition is Limited to Donation or Exchange.* For the purpose of the National Park Service land acquisition policy the following are considered areas where acquisition is restricted to donation or exchange as of the date of this guideline:

Acadia National Park (ME)  
 Adams National Historic Site (MA)  
 Carlsbad Caverns National Park (NM)  
 De Soto National Memorial (FL)  
 Fort Scott National Historic Site (KS)  
 Hamilton Grange National Memorial (NY)  
 Hokokam Pima National Monument (AZ)  
 Lewis and Clark National Historic Trail (IL/MO/KS/IA/NE/SD/ND/MT/ID/WA/OR)  
 Lyndon B. Johnson National Historic Site (TX)  
 Mormon Pioneer National Historic Trail (IL/IA/NE/WY/UT)  
 Oregon National Historic Trail (MO/IA/NE/WY/ID/OR/WA)  
 Pea Ridge National Military Park (AR)  
 Pecos National Monument (NM)  
 Puukohola Heiau National Historic Site (HI)  
 Sewall-Beimont House National Historic Site (DC)  
 Shenandoah National Park (VA)  
 Springfield Armory National Historic Site (MA)

4. *Areas Requiring Cooperative Management/Zoning.* The authorizing legislation for the following park areas requires cooperative management and/or zoning as of the date of this guideline:

Jean Lafitte National Historic Park and Preserve (LA)  
 Lowell National Historic Park (MA)  
 San Antonio Missions National Historic Park (TX)  
 Santa Monica Mountains National Recreation Area (CA)

5. *Areas of National Concern.*—The authorizing legislation for the following area allows for limited land acquisition to occur which may eventually be managed in whole or part by the National Park Service.

Pinelands National Reserve (NJ)

Dated: April 20, 1979.

William J. Whalen,

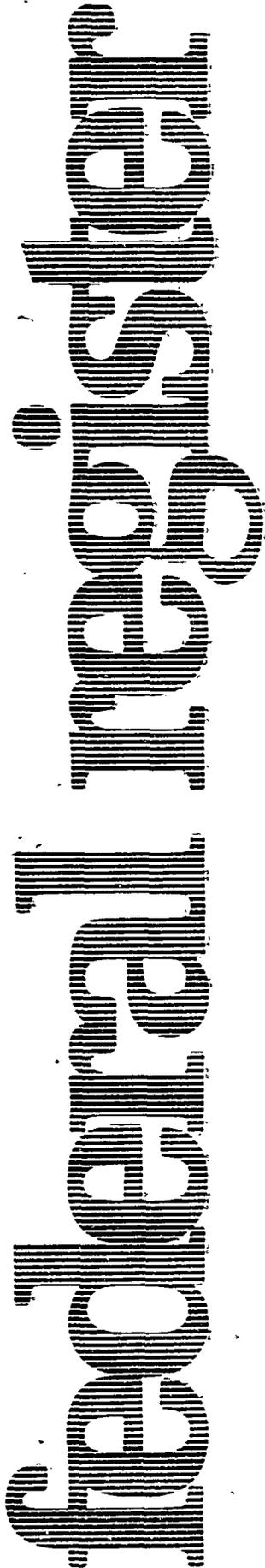
Director, National Park Service.

[FR Doc. 79-12831 Filed 4-25-79; 8:45 am]

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Thursday  
April 26, 1979



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**Part V**

**Department of  
Energy**

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**Federal Energy Management and  
Planning Programs; Procedures for  
Preliminary Energy Audits and Guidelines  
for Buildings Plans**

## DEPARTMENT OF ENERGY

## [10 CFR Part 436]

## Federal Energy Management and Planning Programs; Procedures for Preliminary Energy Audits and Guidelines for Buildings Plans

AGENCY: Department of Energy.

ACTION: Notice of Proposed Rulemaking and Public Hearing.

**SUMMARY:** The Department of Energy today proposes rules intended to enhance ongoing energy conservation efforts regarding reductions in Federal buildings energy use. This proposal contains procedures for the conduct of, and reporting on, preliminary energy audits of Federal buildings in order to develop data regarding their energy consumption characteristics. This

proposal also contains guidelines for preparation of 10-year Buildings Plans by each affected Federal agency to reduce consumption of non-renewable energy sources in Federal buildings principally for heating, ventilation, cooling, domestic hot water, and lighting.

**DATES:** Written comments must be received by May 29, 1979, 4:30 p.m., e.d.t., in order to ensure their consideration. Hearings will be held at the places and on the dates indicated below.

**ADDRESSES:** Comments to: Margaret W. Sibley, Office of Conservation and Solar Applications, Department of Energy, 20 Massachusetts Ave., N.W., Washington, D.C. 20545.

**HEARINGS:** Public Hearings will be held in three cities, beginning at 9:30 a.m. local time on the dates and locations specified below:

City	Hearing date	Request to testify by 4:30 p.m.	Submit requests to testify to—	Hearing location
San Francisco.....	May 18.....	May 7.....	Robert Laffel, DOE, 1111 Pine Street, San Francisco, CA 94111.	Holiday Inn, Golden Gate Way, 1500 Van Ness Ave., San Francisco, CA.
Kansas City.....	May 22.....	May 14.....	Suzanne Mathews, 324 East 11th Street, Kansas City, MO. 64108.	Federal Building, 911 Walnut Street, Kansas City, MO.
Washington, D.C.....	May 24.....	May 16.....	Margaret Sibley, DOE-20 Mass. Avenue, N.W., Wash., D.C. 20545.	Room 2105, 2000 M Street, N.W., Washington, D.C.

**FOR FURTHER INFORMATION CONTACT:** William H. Rhodes, 376-4017, Office of Conservation and Solar Applications, Department of Energy, 20 Massachusetts Avenue, N.W., Washington, D.C. 20545.

Mark Friedrichs, 633-8595, Office of Policy and Evaluation, Department of Energy, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461.

Margaret W. Sibley, 376-1651, Office of Conservation and Solar Applications, Department of Energy, 20 Massachusetts Avenue, NW., Washington, D.C. 20545.

Neal J. Strauss, 376-9472, Office of the General Counsel, Department of Energy, 12th and Pennsylvania Avenue, NW., Washington, D.C.

**SUPPLEMENTARY INFORMATION:**

- I. Introduction.
- II. Preliminary Energy Audits.
  - A. Basic Requirements.
  - B. Extent of Data Collection Effort.
  - C. Special Circumstances and Waivers for Impracticability.
  - D. Individual Buildings and Facilities.
  - E. Rate of Energy Consumption.

- F. Climatic Data.
- G. Forms.
- H. Delays for Infeasible Reporting Deadlines.
- III. Guidelines for Buildings Plans.
  - A. Responsibility to Submit a Buildings Plan.
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  - E. Incorporating Pre-Existing Plans, Programs, and Accomplishments.
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  - G. Operation and Maintenance Program.
  - H. Retrofit Program for Existing Federal Buildings.
  - I. Design Program for New Federal Buildings.
  - J. Standards and Other Conditions of Operation.
  - K. Excluded Buildings.
  - L. Waivers.
  - M. Review of Buildings Plans.
  - N. Annual Report.
- IV. Energy Performance Targets.
- V. NECPA Retrofit Schedule.
- VI. General Operations.
- VII. Environmental Review.
  - A. NEPA.
  - B. EPA Review.

VIII. Determinations under Executive Order 12044.

IX. Comment and Hearing Procedures.

- A. Written Comments.
- B. Request Procedures.
- C. Conduct of Hearings.

**I. Introduction**

The Department of Energy (DOE) today proposes rules to promote energy conservation in Federal buildings under section 381 of the Energy Policy and Conservation Act, as amended (EPCA) 42 U.S.C. 6361; Executive Order 11912, as amended by Executive Order 12003 (Executive Order), 42 FR 37523 (July 20, 1977); Title V, Part 3, of the National Energy Conservation Policy Act (NECPA), 92 Stat. 3275; and section 644 of the Department of Energy Organization Act, 42 U.S.C. 7254.

Section 381 of the EPCA requires the President to develop and, to the extent of his authority under other law, implement a 10-day plan for energy conservation with respect to buildings owned or leased by the Executive agencies as defined in 5 U.S.C. 105 and the United States Postal Service (Federal agencies). The 10-year plan is to include mandatory lighting efficiency standards, mandatory thermal efficiency standards and insulation requirements, restrictions on hours of operation, thermostat controls, and other conditions of operation, and plans for replacing or retrofitting to meet such standards. Section 381 further requires reporting, by the President to the Congress, on the steps taken each year in the development and implementation of the 10-year plan.

Under the Executive Order and by operation of section 301 of the Department of Energy Organization Act, 42 U.S.C. 7151, the Secretary of the DOE (Secretary) is responsible for developing the 10-year plan, with the concurrence of the Director of the Office of Management and Budget (OMB) and in consultation with the heads of certain other Federal agencies.<sup>1</sup>

The Executive Order sets out a framework for the development and implementation of the 10-year plan which includes:

- 20 percent and 45 percent goals, measured on a Btu per gross square foot

<sup>1</sup> While the Executive Order speaks of "Executive agencies," the effect of § 501 of the NECPA, 92 Stat. 3275, is to make many of the Executive Order provisions regarding the 10-year plan applicable to Executive agencies as defined by 5 U.S.C. 105 and the United States Postal Service. These agencies are referred to in this notice as "Federal agencies."

basis, for reduced energy use from 1975 to 1985 for Federally-owned existing and new buildings, respectively;

- A limitation on Federal leasing of new buildings to those which will likely meet or exceed the 45 percent goal for new Federal buildings;

- 10-year buildings plans by each of the affected Federal agencies (Buildings Plans), to be submitted to DOE, and designed to the maximum extent practicable to meet the 20 percent and 45 percent goals by cost-effective improvements in existing Federal buildings and by cost-effective designs for new Federal buildings, respectively;

- DOE guidelines, issued with the concurrence of the Director of the OMB and after consultation with the heads of certain other Federal agencies, establishing requirements and procedures for the Buildings Plans to be submitted to DOE;

- The conduct of, and reporting on, preliminary energy audits of important energy consumption characteristics of Federal buildings;

- Systematic life cycle costing procedures for adoption and use in achieving cost-effective reductions in the energy use of Federal buildings;

- Budgeting for implementation of the Buildings Plans; and

- Federal agency reporting to the President, through DOE, on the progress made each year under the Buildings Plans.

The Executive Order also requires that each Executive agency submit to the DOE an overall energy management plan for conserving fuel and energy in all its operations. The overall plan is intended to be in addition to and include the agency's Buildings Plan. Reporting on the progress of the non-buildings aspects of overall plans would be handled in conjunction with reporting on Buildings Plans, discussed above.

Title V, Part 3, of the NECPA builds upon the approach of the Executive Order for developing and implementing the 10-year plan under the EPCA for energy conservation with respect to Federal Buildings. The NECPA requires the Secretary, in consultation with the heads of other Federal agencies, to establish practical and effective methods for estimating and comparing life cycle costs for Federal buildings and to develop and prescribe the procedures to be followed in applying these methods and in conducting preliminary energy audits. All new Federal buildings are to be cost effective as determined by DOE-established life cycle costing methods, with life cycle cost rather than initial cost being the basis for cost evaluation of new building designs.

Federal agencies are required to conduct preliminary energy audits of their existing buildings, with some exceptions, and to report the results to the Secretary. The Secretary is required to provide reports based upon this information to the Congress.

The NECPA further requires each Federal agency by 1990 to have retrofitted all of its buildings for which preliminary energy audits have been performed so as to assure their minimum life cycle costs to the extent consistent with basic requirements for the occupation and use of the buildings. Actions or arrangements for at least 1 percent of this work must be undertaken in FY 1980, with at least a further 2 percent in FY 1981 and at least an additional 3 percent in FY 1982.

The NECPA also has requirements for:

- The development of Federal building energy performance targets, a target being a rate of energy consumption which is the minimum practically achievable, taking into account life-cycle cost, by adjusting maintenance and operating procedures, or by modifying a Federal building's equipment or structure, or both;

- A preference in Federal agency leasing for buildings which use solar heating and cooling equipment or other renewable resources or which otherwise minimize life cycle costs;

- Identification of funds requested in the President's Budget for retrofit measures undertaken under Title V, Part III, of the NECPA and for the portion of any other funds requested which represent to the maximum extent practicable the initial costs of construction or renovation attributable to capital equipment for energy conservation or the utilization of solar energy and other renewable energy sources; and

- Periodic information from the Federal agencies to the Secretary on their progress under Title V, Part III, of the NECPA, with the Secretary submitting to the Congress an annual report based upon this information.

The rules proposed today provide procedures for the conduct of, and reporting on, preliminary energy audits of important energy consumption characteristics of Federal Buildings, and guidelines for Federal agencies to formulate, update, and report progress on Buildings Plans to achieve cost-effective reductions in the use of non-renewable energy resources principally for heating, ventilation, cooling, domestic hot water, and lighting in Federal buildings.

Today's proposed preliminary energy audit procedures and guidelines for

Buildings Plans will be promulgated as subparts of Part 436 of Title 10 Code of Federal Regulations (10 CFR Part 436) which is entitled "Federal Energy Management and Planning Programs." Part 436 comprises the DOE rules for conservation and solar programs for Federal energy use under Section 381 of the EPCA, the Executive Order, and Title V of the NECPA. The subparts which are expected to be included are—

- Subpart A—Methodology and Procedures for Life Cycle Cost Analyses for Federal Buildings;

- Subpart B—Procedures for Preliminary Energy Audits;

- Subpart C—Guidelines for Buildings Plans;

- Subpart D—Solar in Federal Buildings Demonstration Program Rules; and

- Subpart E—Monitoring and Assessment Methods for Federal Photovoltaic Systems Evaluation and Purchase Program.

Today's proposal was developed in consultation with the Office of Management and Budget (OMB), the National Bureau of Standards (NBS), the General Services Administration (GSA), the Department of Defense (DOD), the Veterans Administration (VA), the Department of Housing and Urban Development (HUD) and other Federal agencies who provided advice, participated in interagency meetings, and reviewed drafts of the guidelines. The Director of OMB has concurred in today's proposal.

The rule for preliminary energy audits is expected to result in augmentation of the data base for energy investment decisions with respect to existing Federal buildings. Inasmuch as some of the audit data is already collected, the DOE anticipates that the final procedures will not be unduly burdensome.

The guidelines are expected to promote ongoing energy conservation efforts of Federal agencies and continued planning to achieve reductions in building energy use throughout the Federal Government. The DOE expects that under the guidelines the future benefits in cost savings will substantially outweigh the initial dollars expended.

## II. Preliminary Energy Audits

### A. Basic Requirements

"Preliminary energy audits" of existing Federal buildings are required by both the Executive Order and the NECPA. In accordance with the NECPA, the proposed rule defines the term "preliminary energy audit" as "a

determination of the energy consumption characteristics of an existing Federal building, including the size, type, rate of energy consumption and major energy using systems of such building, and the climate characterizing the region where such building is located." The NECPA provides for a two-year data collection period for the conduct of preliminary energy audits, with reports of results as soon as possible and at least annually to the DOE which must in turn submit full reports annually to the Congress. Priority for collecting and reporting on the data goes to the larger buildings, those with 30,000 or more gross square feet, which must be audited in the first year to the maximum extent feasible. Smaller buildings, those 1,000 or more, but less than 30,000 gross square feet, are to be audited concurrently to the maximum extent feasible, and in any event not later than the end of the second year.

#### B. Extent of Data Collection Effort

Proposed § 436.32 sets forth the procedures for performing a preliminary energy audit, but specifically states that a Federal agency is not required to audit buildings for which the required data has already been collected. This exception will serve to avoid duplication of effort. With respect to Federal buildings with 30,000 or more gross square feet, the proposed rule limits the data required to be collected by agencies basically to the five building characteristics specified in NECPA—size, type, rate of energy consumption, major energy using systems, and climate. While these requirements are consistent with the provisions of NECPA and would serve to minimize the extent of additional data gathering required of agencies, the resulting information could provide only a very rough indication of whether a particular building required additional conservation actions. Further, the resulting data would not provide an indication of which buildings would be most appropriate for the installation of renewable energy systems.

Therefore, for the purpose of identifying possible retrofits to reduce use of scarce fossil fuels and to promote use of renewable energy sources, DOE is proposing that, with respect to Federal buildings between 1,000 and 30,000 gross square feet, more extensive information regarding site, building, and heating and hot water systems should be collected. The additional items of information to be collected are set forth at proposed § 436.32(e).

DOE is not proposing collection of this data for Federal buildings over 30,000

gross square feet because the 1979 deadline for submission of audit reports precludes such an option. However, to the extent that Federal agencies have collected this data, the agency is encouraged to report it to DOE.

DOE specifically solicits comments with respect to the benefits, costs, and problems associated with the preliminary energy audit requirements specified in the proposed rule, and with the reporting burden of these requirements.

#### C. Special Circumstances and Waivers for Impracticability

Proposed § 436.32(b) provides for a waiver from the audit requirements for "special circumstances" which make the conduct of such an audit "impracticable." National security or inaccessibility are mentioned as examples of "special circumstances," but the proposed rule provides for others which cannot be anticipated in detail at the present time.

Proposed § 436.33(d)(1) provides for submission of a notice of special circumstances in national security cases by the applicable deadline for submission of reports as the mechanism for a Federal agency to notify the DOE of the exception of a building from the audit requirement. The notice would contain enough information so that the DOE could fulfill its statutory responsibility to report to Congress. Proposed § 436.33(d)(2) provides for an application procedure and DOE review with respect to all other claims of special circumstances.

#### D. Individual Buildings and Facilities

The proposed rule distinguishes between auditing and reporting on individual buildings on the one hand, and facilities on the other. Proposed § 436.31 defines a facility as "any group of closely located buildings, none of which is individually metered for all energy sources and for which the actual rate of energy consumption of all energy sources can be determined." Both individual buildings and facilities are included in the statutory definition of the term "Federal building" in the NECPA, and the separate treatment for each in the proposed rule is essential for rational data collection and reporting and for a usable set of data upon which to base investment decisions.

The term "facility" is defined in the proposed rule in accordance with the context of the building conservation program. In other contexts outside of this rulemaking, the term "facility" is used in a broader sense to include such items as airport runways. Those familiar

with broader use of this term should take note of the narrower definition proposed for Subpart B.

#### E. Rate of Energy Consumption

The proposed rule provides for auditing each Federal building to identify the rate of energy consumption as expressed in British thermal units (Btu's) for the previous fiscal year. The previous fiscal year was selected as a sufficient, convenient, and up-to-date period.

Proposed § 436.34 provides for standard measurement points for measuring energy use which are essential for a rational set of data. It calls for calculation using the Btu conversion table set forth in a proposed Appendix C.<sup>2</sup> A standard engineering reference manual may be used to obtain conversion factors for energy sources not listed in the appendix.

#### F. Climatic Data

As noted above, the NECPA requires that the audits identify the climate characterizing the region where each building is located. In accordance with the NECPA, the proposed rule provides for identification of the number of heating and cooling degree days or the climate zone of the building. A map delineating seven climate zones will be provided with the forms for reporting audit result.

#### G. Forms

The DOE considered providing a form for the conduct of the simplified audits under § 436.32 (c) and (d). However, after consulting with Federal agencies and in light of the extent to which the data has already been collected, the DOE elected not to propose such a form. The DOE is considering the need for a special form in light of the requirements of § 436.32(e), and the public is invited to comment on the advisability of this course of action.

The DOE does intend to provide a form for use in reporting aggregated data as stated in proposed § 436.33. The form will serve as a convenient vehicle for aggregation and is considered essential so that the DOE can in turn report to the Congress on a timely basis. The DOE is considering whether to require reporting of complete results for information collected under § 436.32(e) for each Federal building.

<sup>2</sup>The conversion table provides for 11,600 as the Btu conversion value per kilowatt hour of purchased electricity and 1,390 as the Btu conversion value per pound of purchased steam. These figures include Btu's attributable to line losses in transmission from the point of generation of 9 and 12 percent, respectively.

### H. Delays for Infeasible Reporting Deadlines

Proposed § 436.33(c) provides for delayed reports when circumstances make meeting the deadlines for reporting infeasible with respect to a particular Federal building. The proposed rule would require that an application for DOE approval of a delay be submitted with the report on other Federal buildings by the applicable deadline date set forth in proposed § 436.33(b).

### III. Guidelines for Buildings Plans

#### A. Responsibility to Submit a Buildings Plan

The proposed guidelines provide for each Federal agency to submit a Buildings Plan with respect to Federal buildings under its "jurisdiction or control". Under today's proposal, the Federal agency have "jurisdiction or control" is defined as the Federal agency which has the "power or authority to direct, administer or control the use or operation of a Federal building." Suggestions for clarification regarding the responsible Federal agency are invited.

#### B. Elements of Buildings Plans

The proposed guidelines identify the following elements of a Building Plan:

- General Information;
- Goals;
- Incorporating Pre-Existing Plans, Programs, and Accomplishments;
- Technical Surveys;
- Operation and Maintenance Program;
- Retrofit Program;
- Design Program for New Federal Buildings; and
- Standards and Other Conditions of Operation.

#### C. General Information

Proposed § 436.43 calls for each Federal agency to include certain items of general information relevant to a Buildings Plan. These items include identification of responsible officials, building management policies, and procedures for monitoring implementation of the Buildings Plans.

#### D. Goals

The "Goals" guideline is proposed § 436.44 which includes the 20 and 45 percent reduction goals for owned Federal buildings set forth in the Executive Order and discussed above. The baseline for calculation of these goals is the total building energy use (with certain buildings excluded) expressed in Btu's for FY 1975 divided

by the total gross square footage of owned Federal buildings in service on June 30, 1975. That date was chosen to simplify calculation by eliminating buildings not in service throughout FY 1975.

Proposed § 436.44 would also have Federal agencies set their own goals for leased existing Federal buildings, and incorporate the owned new Federal building goal as a guideline for entering into new leases, pursuant to the Executive Order. The DOE is not proposing a specific goal for leased existing Federal buildings because it does not have sufficient information to justify any particular goal for Federal agencies.

Lastly, proposed § 436.44 calls for goals to install renewable energy systems, and to achieve an overall 30 percent reduction in FY 1975 consumption of petroleum-based fuels in Federal buildings by FY 1985. These goals are intended to emphasize reduced use of scarce fossil fuels in efforts to achieve the overall reduction goals for building energy use on a life cycle cost effective basis.

#### E. Incorporating Pre-Existing Plans, Programs, and Accomplishments

In anticipation of the guidelines proposed today and of enactment of the NECPA, and in order to make progress toward achievement of the Executive Order goals for FY 1985, a number of Federal agencies have already developed plans and programs for reduction of building energy use, and have achieved energy savings as a result of these efforts since 1975. Proposed § 436.46 provides for including information with regard to such energy-saving actions. It also provides for including the same information with respect to plans, programs, and accomplishments to and including FY 1980. Development of Federal budgets always occurs long in advance of actual expenditures.

The DOE is not proposing that actions taken with respect to specific buildings be described. Rather, the information to be identified concerns the general types of energy-saving actions planned and data regarding their aggregate savings and costs.

#### F. Technical Surveys

A "technical survey" is a procedure for use in identifying appropriate changes in operation and maintenance procedures, cost effective alternative building systems for retrofit to an existing Federal building, as well as the costs and energy and cost savings likely to result from either kind of energy-

saving action. Proposed § 436.41 defines the term "technical survey". Technical surveys are frequently conducted by professional architects and engineers, but may also be performed by other persons who are experienced with building systems and trained to estimate the cost and savings likely to result from investments in energy conservation measures. Most of the Federal agencies have been performing such surveys of their buildings. These kinds of surveys tend to minimize unnecessary capital expenditures by identifying what can be achieved by altering operation and maintenance procedures, and by identification and life cycle cost analysis of investments to retrofit a Federal building (assuming that all changes in operation and maintenance procedures are completed). A technical survey may involve a range of different analysis techniques. The most sophisticated techniques, often required to analyze large and complex buildings can involve computer simulation of the major energy using systems of a building to determine accurately the effects of several interdependent conservation measures. For many buildings, however, simpler and considerably less costly techniques may be used. For example, in recent years, DOE has circulated to agencies a manual entitled "Identifying Retrofit Projects for Federal Buildings" which might be used effectively by an individual to perform technical surveys of many buildings. The proposed guidelines provide Federal agencies with the discretion to conduct a technical survey appropriate to the size and complexity of each Federal building to be surveyed.

Proposed § 436.48, the guideline for technical surveys, governs the requirements for conducting technical surveys.

For the development of a Buildings Plan to submit to DOE six months from the effective date of the guidelines, as required by the Executive Order, proposed § 436.48 would require Federal agencies to assemble a sample of technical survey data for a representative group of their Federal buildings. The sample may be based in whole or in part on technical surveys performed prior to issuance of the guidelines if those surveys substantially comply with the definition of a technical survey. DOE believes sampling is essential in order to plan for retrofitting parts of the building inventory and to estimate energy and cost savings, as well as the costs of achieving those savings.

In the Buildings Plan itself, Federal agencies would have to include a

schedule for completing technical surveys on all their Federal buildings by the end of FY 1982 [with exceptions of course for buildings identical to those already surveyed].

DOE believes it essential that technical surveys particularly identify appropriate opportunities to retrofit Federal buildings with renewable energy systems, such as solar heating and cooling systems, or to convert Federal buildings from the use of oil or other scarce fossil fuels.

Comments on the technical survey provisions of the guidelines and their applicability to leased Federal buildings would be welcome.

#### *G. Operation and Maintenance Program*

Proposed § 436.49 would have Federal agencies provide for appropriate improvements, in the operation and maintenance of existing Federal buildings. Each Buildings Plan would describe the types of changes in operation and maintenance practices together with estimates of the affected gross square footage, energy savings, cost savings, and costs of achieving savings.

In accordance with the NECPA, the proposed guideline gives priority to changes in operation and maintenance practices designed to achieve energy reduction goals. This priority reflects the generally higher costs of achieving energy savings through retrofitting Federal buildings by structural modification or replacing equipment.

Comments are invited with respect to any particular problems which might result from applying proposed § 436.49 to leased existing Federal buildings. Suggestions for elaboration of this proposed section with regard to leased buildings would be welcome.

#### *H. Retrofit Program for Existing Federal Buildings*

Proposed § 436.50 is the intended guideline for planning a retrofit program for a Buildings Plan. The scope of a retrofit program is in part governed by the definition of the term "existing Federal building" in proposed § 436.41. That section provides that "existing Federal building" means a "Federal building [owned or leased] for which construction was complete on November 9, 1978 [date of enactment for the NECPA], or for which the design cannot feasibly be modified after the effective date of these guidelines."

The object of the retrofit program is to replace existing building systems with life cycle cost effective "alternative building systems" in order to achieve the 20 percent energy use reduction goal

for owned existing Federal buildings and the goal for leased existing Federal buildings set by Federal agencies for themselves. An "alternative building system" is an energy conservation measure as defined in § 436.41, including a renewable energy system, for an existing Federal building, or a primarily energy-saving building system, including a renewable energy system, for consideration as part of the design for a new Federal building." This definition is based on the definition of the term in the rules for the grant program for energy conservation in public and non-profit schools and hospitals under Title III of the NECPA. The DOE considered limiting the definition of "alternative building system" by excluding energy conservation measures where less than 50 percent of the cost savings attributable to the system are energy cost savings in order to screen out projects which should not be regarded as primarily energy-savings retrofits. Comment is invited on the advisability of such a screening device.

Proposed § 436.50 provides for each Federal agency to state in its Buildings Plan the portion of its owned and leased building inventory to be retrofitted each fiscal year to meet its goals. The Buildings Plan is to provide, by fiscal year, the number and gross square footage of buildings to be retrofitted with alternative buildings systems intended to meet the goals, as well as estimated savings and costs. In addition to these overall estimates, each Federal agency should provide estimates of the number and gross square footage of buildings to be retrofitted with "renewable energy systems", together with estimates of the savings and costs of such systems. (As described by proposed § 436.41, a "renewable energy system" is a building system which is specifically designed to use renewable energy sources such as sunlight to provide all or part of building energy use.)

The proposed guideline calls for application of rigorous cost effectiveness measures under Subpart A for planned retrofits to be analyzed and selected for budgeting. Subpart A provides for analyzing cost effectiveness on the basis of the savings to investment ratio of each project. The proposed guideline also provides for ranking alternative building systems on the basis of their relative savings to investment ratios. Priority among equally cost-effective alternative building systems is proposed to be based on the estimated annual MMBtu savings per thousand dollars invested.

No special adjustment of priorities among retrofits would be authorized for alternative building systems which would use renewable energy resources. The public is invited to comment specifically on the advisability of such an adjustment, as well as generally on the proposed method for ranking different retrofits.

Comments are also invited with respect to any particular problems which might result from applying proposed § 436.50, to leased existing Federal buildings. Suggestions for expanding or modifying the provisions of this proposed section with regard to those Federal buildings would be welcome.

#### *I. Design Program for New Federal Buildings*

The greatest opportunities for conserving building energy use are in the design of a new Federal building. These opportunities are the reason for the more ambitious 45 percent reduction goal. Once the design is fixed, one is forced to focus on individual building systems for retrofit, and conservation opportunities diminish markedly.

Proposed § 436.51 calls for each Federal agency to provide in its Buildings Plan to aim to achieve the overall 45 percent reduction goal for new Federal buildings under proposed § 436.44. The reduction goal for any particular new Federal building is to be determined by each agency by setting a category goal, as appropriate, for each type of new Federal building to be designed, based on the FY 1975 Btu per gross square foot figure for a representative building or buildings of the category. The DOE recognizes that this categorical approach is an indirect method of aiming to achieve the overall goal for new Federal buildings, but believes that it is nevertheless the appropriate approach. This approach was recommended by several Federal agencies who thought that categorical design goals would be more sensible, particularly for the most and the least energy intensive categories where an overall average goal would be unrealistic for design purposes.

Proposed § 436.51 requires consideration of at least two alternative building designs, but Federal agencies are encouraged to analyze as many design alternatives as they deem appropriate. The requirement should not be interpreted as requiring consideration of two entirely different designs with no common building systems. However, proposed § 436.51(c) would at least require consideration of the desirability of installing one or more renewable

energy systems in each new Federal building, and if such a system is not adopted, a statement (to be provided in writing in the annual report) that inclusion of such a system in the building design ultimately chosen would not minimize the life cycle costs of that building.

Comments are invited with respect to any particular problems which might result from applying proposed § 436.51 to leased new Federal buildings. Suggestions for elaboration of this proposed section with regard to those Federal buildings would be welcome.

#### *J. Standards and Other Conditions of Operation*

Section 381 of the EPCA provides that the President's 10-year plan is to include mandatory lighting efficiency standards, mandatory thermal efficiency standards and insulation requirements, restrictions on hours of operation, thermostat controls, and other conditions of operation, and plans for replacing or retrofitting to meet such standards.

Reflecting these provisions of the EPCA, proposed § 436.52 (a) and (b) would have Federal agencies provide in their Buildings Plans for compliance with the standards for existing Federal buildings applicable under regulations of the GSA and for meeting or exceeding applicable new building energy performance standards (BEPS) to be promulgated under the Energy Conservation Standards for New Buildings Act of 1976, 42 U.S.C. 6831 *et seq.* (1970). In addition, the proposed guidelines, § 436.52(c), would have Federal agencies discuss their use of the standards and methods for controlling energy use listed in the EPCA.

The GSA regulations, 41 CFR 101-20.116, include lighting level standards, limits on space temperature during the seasonably hot and cold months that in most cases are achieved by thermostat controls, and other conditions of operation—such as use of draperies and blinds and restricted operation of portable heaters and fans—applicable to most building space covered by the Buildings Plans.

Other than the BEPS, which include lighting efficiency but are primarily related to building thermal efficiencies, today's proposal would impose no specific thermal efficiency standards; nor would it impose any direct insulation requirements on the Federal agencies. Under proposed § 436.52(c), however, the agencies are expected to discuss their own use of any thermal efficiency standards and insulation requirements for controlling energy use. For example, some agencies have U-

value tests for various building components, and some agencies utilize a variety of insulation standards regarding the thermal resistance, safety, and other characteristics of insulation. Moreover, at such time as there are generally accepted materials and installation standards for insulation, the DOE will give serious consideration to incorporating them in the guidelines for Buildings Plans.

Today's proposal contains no restrictions on the hours of operation of Federal buildings. Any such restrictions might complicate the three years of Federal experimentation regarding flexible and compressed work schedules, to be undertaken under recently enacted legislation, Pub. L. 95-390. This experimentation is intended to determine whether and in what situations varied work schedules, such as the four-day workweek and flexible working hours, can be successfully used by Federal agencies on a permanent basis. As part of the Federal experimentation, there will be study and evaluation of the impact of varied work schedules on the levels of energy consumption of Federal buildings.

The DOE believes that today's proposal contains as much as is reasonably possible regarding mandatory lighting efficiency standards, mandatory thermal efficiency standards and insulation requirements, restrictions on hours of operation, thermostat controls, and other conditions of operation, and plans for replacing or retrofitting to meet such standards. The DOE is, however, particularly interested in receiving comments recommending any further steps that could be taken in these areas, which could ultimately be reflected in the President's 10-year plan.

#### *K. Excluded Buildings*

The Buildings Plan for each Federal agency is oriented toward achieving progress toward goals for reduction of "building energy use." That term is defined in proposed § 436.41 so as to include energy used principally for heating, ventilation, cooling, domestic hot water, or lighting.

In some existing Federal buildings, however, major portions of the energy used are consumed for other purposes which fall within the scope of generally operations. Proposed § 436.42 would permit the exclusion of these buildings from the Buildings Plan if the Federal agency concluded that the portions of energy so used were "substantial" and not individually measurable on a reliable basis. This exclusion is expected to cover Federal buildings where energy is consumed at

extraordinary rates for research or industrial-type processes. To include these buildings would distort the FY 1975 baseline. The public is invited to comment on this exclusion because the problem that it addresses proved particularly troublesome in developing today's proposal. The public is also invited to make suggestions for narrowing the scope of the exclusion and issuing guidelines for conserving process energy use for some processes where feasible.

#### *L. Waivers*

The Executive Order requires that the DOE provide a mechanism for waiving parts of the guidelines. Proposed § 436.54 provides for submission of a request for waiver by the head of the Federal agency who would identify the requirement of procedure to be waived and provide documentary justification. Such requests will be evaluated on a case-by-case basis.

#### *M. Review of Initial and Revised Buildings Plans*

In accordance with the Executive Order and under proposed § 436.55, the DOE will review Buildings Plans for conformance to the guidelines, as well as revisions submitted under § 436.53. Adverse DOE decisions are appealable by Federal agencies to the Director of OMB.

#### *N. Annual Report*

Proposed § 436.56 contains the guideline for annual reporting on the Buildings Plan portion of the overall energy management plan (discussed above) by July 1 of each year so that the DOE can in turn report to the President by the following August 15. Key proposed features of annual reports are quantitative measures of progress and updates on technical surveys and programs to be implemented under the Buildings Plan. The DOE specifically proposes that agencies should take credit for savings related to solar and substitution of other renewable resources under any Federal statute in reporting measures of progress. This credit could be taken, for example, in the case of a solar demonstration project under Title V, Part 2, of the NECPA.

The DOE intends to provide a suggested format for annual reports.

#### **IV. Energy Performance Targets**

Title V, Part 3, of the NECPA provides for establishment of "energy performance targets" for Federal buildings. The term "energy performance target" is defined as "a

rate of energy consumption which is the minimum practically achievable, taking into account life cycle cost, by adjusting maintenance and operating procedures, or modifying a Federal building's equipment or structure or both." DOE is tentatively interpreting "energy performance target" to be a goal expressed as an annual rate of energy consumption per square foot of floor space per year for a type of building rather than as a "goal" which is expressed in the Executive Order as a percentage reduction from the 1975 energy consumption for buildings of an agency. The public is invited to comment on this tentative interpretation, and to provide suggestions for DOE as to the best way to develop such targets, the content of the targets, and actions the DOE could feasibly take to promote their achievement.

#### V. NECPA Retrofit Schedule

As noted in the introduction to this preamble, Title V, Part 3, of the NECPA directs Federal agencies to retrofit certain percentages of their gross square footage in accordance with a schedule prescribed in the statute. NECPA also provides that cost-effective retrofitting of Federal buildings be completed on or before January 1, 1990.

These statutory requirements have not been included in the proposed guidelines since they are directed to the agencies. However, questions may arise concerning the relationship of the NECPA retrofit requirements to the retrofit program in the Buildings Plans which is largely responsive to goals in the Executive Order. DOE believes that the two requirements complement rather than conflict with each other and that the agencies may make progress in fulfilling the NECPA requirements by carrying out plans to achieve the Executive Order goal for FY 1985. Progress toward achieving the NECPA requirement should be a matter of discussion in the annual report to be submitted to the DOE as provided in the NECPA.

#### VI. General Operations

As indicated above, the Executive Order directs all Executive agencies to "submit to the [Secretary of DOE] an overall plan for conserving fuel and energy in all operations; \* \* \* This overall energy management plan is to be in addition to and include the agency 10-year plan for Federal buildings. Further, the Executive Order directs that each agency submit a report to the Secretary on progress made toward the goals established in the overall plan and that

such report include quantitative measures and accomplishments with respect to the energy actions taken, the cost of these actions, the energy saved, the costs saved and other benefits realized. An agency plan for conservation in all operations not covered by its ten-year buildings plan is subsequently referred to as the "general operations plan".

The DOE presently intends to issue in the near future more detailed guidance to Executive agencies on general operations planning. This guidance may eventually take the form of published advisory guidelines which would specify the types of goals and programs that should be addressed in agency general operations plans and reports. The guidance is likely to cover the establishment of goals for general operations, establishment of a baseline from which to measure progress toward achievement of the goals, and the specific categories of energy use to be addressed. Areas of major energy use which are likely to be addressed by such advisory guidance include:

- General Vehicle Transportation Programs, including ground vehicle transportation projects such as proposed changes in fleet profile and mileage efficiency, driver training and improved maintenance and operating procedures.

- Industrial Programs, including the operation and maintenance of major production and manufacturing plants and the institution of energy conserving capital modifications.

- Research and Development Programs, including basic or applied research activities, which use massive amounts of energy. Some examples include wind tunnels and linear accelerators.

- Utilities Programs, including power generation and transmission and fuel storage. This program could also include sewage treatment, solid waste disposal and water treatment and distribution.

- Training and Operational Readiness Programs, including such conserving activities as the use of aircraft simulation devices, and combined or consolidated training.

- Administrative Operations Programs, including administrative actions taken to reduce energy use in agency operations, or to reduce energy use generally, in such activities as procurement of goods and services, employee awareness, vanpooling, and the use of employee parking privileges to encourage carpooling. With regard to these or other possible elements of the general operations plan, DOE would indicate the types of programs that should be identified in the agency's

general operations plan, such as contingency plans to respond to future energy emergencies, and indicate the information necessary for DOE to report effectively on program implementation by the agencies.

Comments are specifically solicited on the appropriate form and content of general operations guidelines.

#### VII. Environmental Review

##### A. NEPA

It has been determined that promulgation of these rules will not constitute a major Federal action significantly affecting the quality of the human environment pursuant to the National Environmental Policy Act, as amended, 42 U.S.C. 4321 *et seq.* however, actions resulting from implementation of these rules must be evaluated to determine the need for further environmental review on a specific project-by-project basis.

##### B. EPA Review

The DOE has provided a draft of today's proposed rule making to the Administrator of the Environmental Protection Agency for written comments concerning impacts on the quality of the environment, pursuant to section 7(a) of the Federal Energy Administration Act, as amended, 15 U.S.C. 766(a). The Administrator had no comments.

#### VIII. Determinations Under Executive Order 12044 and Effective Date

Today's proposed rules have been reviewed under Executive Order 12044, 43 FR 12661, and are deemed to be "significant" because of the widespread impact on Federal agencies of the Executive Branch. The proposed rules are not considered to be "major", however, because they will not have the kind or amount of gross effects which call for a regulatory analysis.

Ordinarily, a comment period of 60 days is provided on a proposed "significant" rule. However, pursuant to Executive Order 12044, the Under Secretary has waived this requirement and authorized a 30-day comment period. Moreover, in order to expedite the rulemaking process further, the DOE intends to make these rules effective upon final publication in the Federal Register. An expedited comment period and effective date for preliminary energy audit procedures are necessary since the first set of audit results are due by August, 1979. Further, an expedited comment period and effective date for the guidelines are necessary to affect agencies on a timely basis during the cycle for developing the Federal budget

for fiscal year 1981, which ongoing throughout most of calendar year 1979. No adverse impacts are anticipated from such an action.

## IX. Comment and Hearing Procedures

### A. Written Comments

Interested persons are invited to participate in this rulemaking by submitting data, views, or arguments with respect to today's proposed rules. Comments should be submitted by May 29, 1979, before 4:30 p.m., e.d.t., to the address indicated in the addresses section of this preamble. Comments should be identified on the outside of the envelope and on documents submitted to DOE with the designation "FEMP GUIDELINES—Proposed Rule (Docket No. CAS-RM-79-103)." Fifteen copies should be submitted. All comments received will be available for public inspection in the DOE Reading Room, Room GA-152, Forrestal Building, 1000 Independence Avenue, S.W., between 8 a.m. and 4:30 p.m., Monday through Friday.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. DOE reserves the right to determine the confidential status of the information or data and treat it according to its determination.

### B. Request Procedures

The time and place of this public hearing are indicated in the dates and addresses section of this preamble. DOE invites any person who has an interest in the proposed rulemaking issued today, or who is a representative of a group or class of persons that has an interest in today's proposed rulemaking, to make a written request for an opportunity to make an oral presentation. Such a request should be directed to the address indicated in the addresses section of this preamble and must be received before 4:30 p.m. d.s.t. on:

May 7 for San Francisco Hearing

May 14 for Kansas City Hearing

May 16 for Washington, D.C. Hearing

Such a request may be hand-delivered to such address, between the hours of 8:00 a.m. and 4:30 p.m. Comments should be identified on the outside of the envelope and on documents submitted to DOE with the designation "FEMP Guidelines—Proposed Rule (Docket No. CAS-RM-79-103)." Fifteen copies should be submitted. All comments received will be available for public inspection in the DOE Reading Room, Room GA-152, Forrestal Building, 1000

Independence Avenue, S.W., between 8 a.m. and 4:30 p.m., Monday through Friday.

The person making the request should briefly describe the interest concerned; if appropriate, state why she or he is a proper representative of a group or class of persons that has such an interest; and give a concise summary of the proposed oral presentation and a telephone number where she or he may be contacted through the day before the hearing.

DOE will notify each person selected to appear at the hearing, before 4:30 p.m., d.s.t., on:

May 10 for San Francisco Hearing

May 17 for Kansas City Hearing

May 18 for Washington, D.C. Hearing

Each person selected to be heard must bring 15 copies of his or her statement to the hearing location.

### C. Conduct of Hearings

DOE reserves the right to select the persons to be heard at this hearing, to schedule their respective presentations, and to establish the procedures governing the conduct of the hearing. The length of each presentation may be limited, based on the number of persons requesting to be heard.

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

Any person who wishes to have a question asked at the hearing may submit the question, in writing, to the presiding officer. The presiding officer will determine whether the question is relevant, and whether the time limitations permit it to be presented for answer.

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

A transcript of the hearing will be made, and the entire record of the hearing, including the transcript, will be retained by DOE and made available for inspection at the DOE Freedom of Information Reading Room, Room GA-

152, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20461, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. Any person may purchase a copy of the transcript from the reporter.

In consideration of the foregoing, the DOE hereby proposes to amend chapter II of title 10, Code of Federal Regulations, by establishing Subparts B and C and Appendix C of Part 436 as set forth below.

Issued in Washington, D.C., April 20, 1979.

Kelly C. Sandy,

Executive Director, Conservation and Solar Applications.

### Subpart B—Procedures for Preliminary Energy Audits

#### Sec.

436.30 Purpose.

436.31 Definitions.

436.32 Conduct of preliminary energy audits.

436.33 Reporting of audit results.

436.34 Measurement of energy.

436.35-436.39 [Reserved]

### Subpart C—Guidelines for Buildings Plans

436.40 Purpose.

436.41 Definitions.

436.42 Scope of Buildings Plan.

436.43 General information in a Buildings Plan.

436.44 Goals for the Buildings Plan.

436.45 Measurement of energy.

436.46 Incorporating ongoing plans.

436.47 Programs to be planned.

436.48 Technical surveys.

436.49 Operation and Maintenance Program.

436.50 Retrofit Program for existing Federal buildings.

436.51 Design Program for new Federal buildings.

436.52 Standards and other conditions of operation.

436.53 Submitting and revising a Buildings Plan.

436.54 Waivers.

436.55 Review of Buildings Plans.

436.56 Annual report.

436.57-436.69 [Reserved]

### Appendix C to Part 436—Energy Source BTU Conversion Table

Authority: Energy Policy and Conservation Act, as amended, 42 U.S.C. 6361; Executive Order 11912, as amended, 42 FR 37523 (July 20, 1977); National Energy Conservation Policy Act, Title V, Part 3, 92 Stat. 3275; Department of Energy Organization Act, 42 U.S.C. 7254.

### Subpart B—Procedures for Preliminary Energy Audits

#### § 436.30 Purpose.

Subpart B of this Part provides the procedures for conducting and reporting on preliminary energy audits of Federal buildings as required by Title V, Part 3, of the National Energy Conservation Policy Act, 92 Stat. 3275 (1978) and

Section 10 of Executive Order 11912, as amended, 41 FR 37523 (July 20, 1977).

**§ 436.31 Definitions.**

As used in this subpart—

"Category" means a grouping of Federal buildings by the primary function performed in or by the building, such as office buildings, hospitals, schools, prison facilities, multi-family dwellings, and storage facilities.

"Cooling degree days" means the annual sum of the number of Fahrenheit degrees of each day's mean temperature above 65° for a given locality.

"DOE" means the Department of Energy.

"Energy source" means non-renewable resources such as fuel oil, natural gas, liquified petroleum gas, coal, and purchased steam or electricity generated from such non-renewable resources.

"Facility" means any group of closely located buildings none of which is individually metered for all energy sources and for which the actual rate of energy consumption of all energy sources can be determined.

"Federal agency" means any Executive agency under 5 U.S.C. 105 (1970) and the United States Postal Service.

"Federal building" means any building, structure, or facility which is constructed, renovated, leased or purchased in whole or in significant part for use by the United States, and which includes a heating system, a cooling system, or both.

"Gross square feet" means the sum of all heated or cooled floor area enclosed in a building calculated from the outside dimensions, or from the centerline of common walls.

"Heating degree days" means the annual sum of the number of Fahrenheit degrees of each day's mean temperature below 65° for a given locality.

"Jurisdiction or control" means power or authority to direct, administer or control the use or operation of a Federal building.

"Major energy using system" means any set of devices which, relative to all energy consuming devices in a Federal building, consumes a major portion of energy used in the Federal building.

"Meter" means to measure actual energy used by type over a given period of time.

"Owned" means to hold title to the Federal building in fee simple.

"Preliminary energy audit" means a determination of the energy consumption characteristics of an existing Federal building, including the size, type, rate of energy consumption

and major energy using systems of such building and the climate characterizing the region where such building is located.

"Renewable energy sources" means sunlight, wind, geothermal, biomass, solid wastes, or other renewable sources of energy.

**§ 436.32 Conduct of preliminary energy audits.**

(a) This section contains the procedures for conducting preliminary energy audits of energy consumption characteristics of Federal buildings to the maximum extent practicable. With respect to a particular Federal building, the Federal agency responsible for conducting preliminary energy audits is the Federal agency having jurisdiction or control over that Federal building. A Federal agency is not required to conduct a preliminary energy audit with respect to a Federal building if it has already collected the data specified by subsection (c) or subsection (d) of this section. Nor is a Federal agency required to conduct a preliminary energy audit of additional individual buildings in a facility which are identical to a building already audited in that facility.

(b) With respect to particular Federal buildings, special circumstances such as national security or inaccessibility may make the conduct of a preliminary energy audit impracticable. If the special circumstance is national security, the Federal agency shall provide a notice of special circumstances to the DOE in accordance with § 436.33(d)(1) of this subpart. Any other claims of impracticability due to special circumstances shall be submitted to and be subject to approval by DOE under § 436.33(d)(2) of this subpart.

(c) Except as provided by subsection (a) of this section, with respect to an individual Federal building, the following data shall be collected.

- (1) Location;
- (2) Category;
- (3) Size in gross square feet;
- (4) Rate of energy consumption as expressed in Btu's for the previous fiscal year by energy source as calculated in accordance with § 436.34;
- (5) Major energy using systems by energy source;
- (6) The number of heating and cooling degree days, or the climate zone in which the Federal building is located; and
- (7) Whether the Federal building is owned or leased by the U.S. Government.

(d) Except as provided by subsection (a) of this section, with respect to

Federal buildings constituting a facility, the following data shall be collected—

- (1) Location;
- (2) The number of buildings in the facility;
- (3) The category for each building;
- (4) The size of each building in gross square feet;
- (5) The major energy using systems by energy source for each building and for the facility;
- (6) The rate of energy consumption as expressed in Btu's for the previous fiscal year by energy source for all buildings in the facility as calculated in accordance with § 436.34;
- (7) The number of heating and cooling degree days or the climate zone in which the facility is located; and
- (8) Whether the facility is owned or leased.

(e) With respect to individual Federal buildings greater than 1,000 but less than 30,000 gross square feet or facilities which contain only buildings of that size, a Federal agency, if not excepted from the requirement to conduct a preliminary energy audit under subsection (a) of this section, shall collect the following additional data indicative of the potential for application of solar energy systems or other energy conserving techniques—

- (1) The age of the building;
- (2) Approximate daily hours of operation, including periods of partial use if applicable;
- (3) Approximate quarterly operating schedule if other than year-round, and an indication of whether the building is partially used during vacation periods or other times when the building is not fully utilized for periods of a week or more;
- (4) Type of lighting, such as incandescent or fluorescent;
- (5) Cost of fuel by type;
- (6) An indication of whether open land, such as fields, yards, and parking areas is available within the immediate vicinity of the building which is not heavily shaded by tall buildings, trees, or other obstructions;
- (7) A statement of whether the building is located generally within an urban, suburban, or rural area;
- (8) An approximation of whether more than half the building's roof area or other southern oriented wall surface is heavily shaded by shrubs, trees, buildings, or other obstructions;
- (9) the number of stories;
- (10) A general description of the building's shape, such as square, rectangular, E-shaped, H-shaped, or L-shaped;

(11) An indication of whether the roof is flat or pitched, and if pitched whether it has a southern orientation;

(12) Whether there are existing rooftop obstructions, such as chimneys, space conditioning equipment, water towers, mechanical rooms, stairwells, or other permanent structures;

(13) An indication of the exterior material of the southern facing wall, such as masonry, wood, aluminum; and

(14) An approximation of the glass area of the southern facing wall, such as less than 25 percent, 25-75 percent, or more than 75 percent.

(15) A brief description of activities which have been undertaken to conserve energy in the building being audited, including whether—

(i) A person has been designated to monitor and evaluate energy use;

(ii) Detailed studies have been conducted by architects, engineers or other highly trained individuals of energy use and energy conservation; and

(iii) Any major energy conserving investments have been implemented, together with a listing of such investments, and estimates of their costs and energy savings if available.

#### § 436.33 Reporting of audit results.

(a) The data listed under § 436.32 (c), (d), and (e) shall be aggregated and reported on a form provided by the DOE.

(b) The schedule for submitting a report of results is as follows—

(1) For individual Federal buildings with 30,000 gross square feet or more and for facilities with at least one building of that size, as soon as possible but in no event later than 30 days after the effective date of these rules; and

(2) For individual Federal buildings with less than 30,000 but with 1,000 or more gross square feet, and for facilities with all buildings in the same range, as soon as possible but in no event later than May 15, 1980.

(c) If, with respect to particular Federal buildings, the deadlines for submission of reports under this section are infeasible, the Federal agency shall submit by the applicable deadline under subsection (b) of this section a written application for a delay which is signed by the head of the agency, states the reasons for granting the delay, and specifies a date for reporting to the DOE. DOE shall promptly review the application and make a determination thereon.

(d) On or before 30 days after the effective date of these rules, if it is impracticable to conduct a preliminary energy audit of a Federal building under

§ 436.32(b) of this subpart, the Federal agency shall—

(1) In a case of national security special circumstances, submit a notice of special circumstances by the applicable deadline stating the aggregate number of Federal buildings and gross square footage involved; and

(2) In any other case, submit a written application for a waiver which is signed by the head of the agency and states the reasons for seeking the waiver. DOE shall promptly review the application and make a determination thereon.

(e) Each agency shall retain, through FY 1985, records of the data upon which reports under this section are based.

#### § 436.34 Measurement of energy.

Energy use shall be calculated using the Btu conservation table in Appendix C, except that a Federal agency may use the conversion factors of a standard engineering reference manual for energy sources which are not listed.

#### §§ 436.35-436.39 [Reserved]

### Subpart C—Guidelines for Buildings Plans

#### § 436.40 Purpose.

Subpart C of this Part provides the guidelines for the formulation and updating of Buildings Plans by Federal agencies to achieve goals for reduction of building energy use pursuant to Section 10 of Executive Order 11912, as amended, 41 FR 37523 (July 20, 1977), Section 381 of the Energy Policy and Conservation Act, as amended, 41 U.S.C. 6361 (1970) and the National Energy Conservation Policy Act, 92 Stat. 3275 (1978).

#### § 436.41 Definitions.

As used in this subpart—

"Alternative building system" means an energy conservation measure, as defined by this section, including a renewable energy system, for an existing Federal building, or a primarily energy-saving building system, including a renewable energy system, for consideration as part of the design for a new Federal building.

"Btu" means British thermal unit.

"Building energy use" means any energy use related to a Federal building principally for heating, ventilation, cooling, domestic hot water, or lighting.

"Building system" means any part of the structure of a Federal building significantly affecting building energy use, or any energy using system contributing to building energy use.

"Category" means a grouping of Federal buildings by the primary functions performed in or by the

building, such as office buildings, hospitals, schools, prison facilities, multi-family dwellings, and storage facilities.

"Construction" means the erection of a new structure, or the alteration, renovation or enlargement of an existing structure, which substantially increases the gross square feet of floor space available, significantly changes its use from that existing immediately prior to the structural changes, or substantially prolongs its useful life.

"DOE" means the Department of Energy.

"Energy conservation measure" means an installation or modification of an installation in a building which is primarily intended to reduce energy consumption or allow the use of a renewable energy source, including, but not limited to—

(1) Insulation of the building structure and systems within the building;

(2) Storm windows and doors, multiglazed windows and doors, heat absorbing or heat reflective glazed and coated windows and door systems, additional glazing, reductions in glass area and other window and door system modifications;

(3) Automatic energy control systems;

(4) Equipment required to operate variable steam, hydraulic, and ventilating systems adjusted by automatic energy control systems;

(5) Solar space heating or cooling systems, solar electric generating systems, or any combination thereof;

(6) Solar water heating systems;

(7) Furnace or utility plant and distribution system modifications including—

(A) Replacement burners, furnaces, boilers, or any combination thereof, which substantially increase the energy efficiency of the heating system;

(B) Devices for modifying flue openings which will increase the energy efficiency of the heating system;

(C) Electrical or mechanical furnace ignition systems which replace standing gas pilot lights; and

(D) Utility plant system conversion measures including conversion of existing oil- and gas-fired boiler installations to alternative energy sources, including coal;

(8) Caulking and weatherstripping;

(9) Replacement or modification of lighting fixtures which replacement or modification increases the energy efficiency of the lighting system;

(10) Energy recovery systems; and

(11) Cogeneration systems which produce steam or forms of energy such as heat, as well as electricity for use

primarily within a building or a complex of buildings.

"Energy-saving action" means a change in operation and maintenance practices, retrofit of an alternative building system to an existing Federal building, or selection of an energy-saving alternative building design for a new Federal building.

"Energy source" means non-renewable resources such as fuel oil, natural gas, liquified petroleum gas, and coal, and purchased steam or electricity generated from such non-renewable resources.

"Existing Federal building" means a Federal building the construction of which was complete by November 9, 1978, or the design for which cannot be feasibly modified after the effective date of these guidelines.

"Facility" means any group of closely located buildings none of which is individually metered for all energy sources and for which the actual rate of use of all energy sources can be determined.

"Federal agency" means any Executive agency under 5 U.S.C. 105 (1970) and the United States Postal Service.

"Federal building" means any building, structure, or facility which is constructed, renovated or leased or purchased in whole or in significant part for use by the United States, and which includes a heating system, a cooling system, or both.

"Fiscal year or FY" means for a given year, October 1 of the prior year through September 30 of the given year regardless of whether the Federal fiscal year actually began and ended on those dates in the given year.

"Gross square feet" means the sum of all heated or cooled floor area enclosed in a building calculated from the outside dimensions, or from the centerline of common walls.

"Jurisdiction or control" means power or authority to direct, administer or control the use or operation of a Federal building.

"Major energy-using system" means any set of devices which, relative to all energy consuming devices in a Federal building, consumes a major portion of energy used in the Federal building.

"Maintenance" means activities undertaken in a Federal building to assure that equipment and energy-using systems operate effectively and efficiently.

"Meter" means to measure actual energy use by type over a given period to time.

"New Federal building" means any Federal building for which construction

was not completed prior to November 9, 1978, and the design of which can be feasibly modified after the effective date of these Guidelines.

"Operation" means the operation of equipment and energy-using systems in a building to achieve or maintain specified levels of environmental conditions or service.

"Owned" means to hold title to the Federal building in fee simple.

"Renewable energy sources" means sunlight, wind, geothermal, biomass, solid wastes, or other renewable sources of energy.

"Renewable energy system" means a building system which is specifically designed to use renewable energy sources to meet all or part of building energy use.

"Retrofit" means to install an alternative building system in an existing Federal building.

"Technical survey" means a detailed architectural and engineering energy survey, as defined by section 545 of the National Energy Conservation Policy Act, including a technical analysis to identify appropriate alternative building systems.

#### § 436.42 Scope of buildings plans.

(a) The Buildings Plans prepared by Federal agencies under these guidelines are 10-year plans for the reduction of building energy use in Federal buildings under their jurisdiction or control. Buildings Plans are to be prepared as part of the Overall Energy Management Plan required of each Federal agency under Executive Order 11912, as amended. The other part of each Overall Energy Management Plan is a General Operations Plan which covers energy conservation for all other energy use by a Federal agency including energy use in Federal buildings excluded from the Buildings Plan pursuant to § 436.42(b).

(b) Federal buildings in which a substantial amount of energy is consumed for purposes other than building energy use and is not separately metered may be excluded from the Buildings Plan. Energy use and energy-saving actions for Federal buildings excluded from the Buildings Plans under this section should be included in the General Operations Plan.

(c) Information from the Buildings Plans prepared under these guidelines will be incorporated into the President's 10-year plan for energy conservation with respect to buildings owned or leased by Federal agencies under section 381(a)(2) of the Energy Policy and Conservation Act, as amended.

(d) The Buildings Plans and these guidelines provide for actions which are

expected to contribute to fulfilling the requirements of Title V, Part 3, of the National Energy Conservation Policy Act.

#### § 436.43 General information in a buildings plan.

The following general information shall be included in a Buildings Plan—

(a) The name and title of a senior policymaking official such as an Assistant Secretary or an Assistant Administrator who is responsible for supervising preparation, updating, and execution of the Buildings Plan;

(b) A statement describing the Federal agency's overall energy program and management objectives, as well as how they have been integrated with management objectives designed to achieve the primary mission of the Federal agency;

(c) A description of procedures to ensure effective implementation of the Buildings Plan;

(d) A statement describing the specific actions taken to ensure compliance with the National Environmental Policy Act, as amended, and Executive Order 12088

#### § 436.44 Goals for the buildings plan.

(a) The goals calculated under this section shall be stated in the Buildings Plan and are established pursuant to the Executive Order. Consistent with applicable requirements for life cycle cost analyses under Subpart A of this Part, each Federal agency shall aim to achieve the goals to the maximum extent practicable unless a waiver is granted under § 436.54 of this Part.

(b) The overall goal of a Federal agency for owned existing Federal buildings shall be a 20 percent reduction in average energy use per gross square foot of floor area in FY 1985, from the average energy use per gross square foot of floor area of the Federal agency in FY 1975 as calculated under §§ 436.44(d) and 436.45.

(c) The overall goal of a Federal agency for owned and leased new Federal buildings shall be a 45 percent reduction in average energy use per gross square foot of floor area in FY 1985, from the average energy use per gross square foot of floor area of the Federal agency in FY 1975 as calculated under §§ 436.44(d) and 436.45.

(d) The average energy use per gross square foot of floor space in FY 1975 is the total building energy use, as expressed in Btu's measured in accordance with § 436.45, divided by the total gross square footage, for owned Federal buildings in service on June 30, 1975, except for those excluded under § 436.42(b).

(e) Each Federal agency shall separately state a goal for reducing building energy use for leased existing Federal buildings and the basis therefor.

(f) For the purpose of promoting reduced dependence on scarce fossil fuels, in planning to achieve overall building goals under this section in a manner consistent with subpart A of this Part, each Federal agency shall provide in its Buildings Plan—

(1) Goals for installing renewable energy systems in existing and new Federal buildings;

(2) For a reduction of 30 percent in use of petroleum-based fuels by FY 1985 compared to FY 1975.

#### § 436.45 Measurement of energy.

Energy use or energy savings shall be calculated using the Btu conversion table in Appendix C, except that a Federal agency may use the conversion factors of a standard engineering reference manual for energy sources which are not listed.

#### § 436.46 Incorporating ongoing plans.

(a) The Buildings Plan shall include information on existing Federal buildings which, as a result of energy-saving actions such as changes in operation and maintenance practices or installation of alternative building systems occurring between October 1, 1975, and September 30, 1980, have made progress toward the 20 percent goal set forth in § 436.44.

(b) The information on existing Federal buildings under § 436.46(a) shall include by fiscal year and category—

(1) The number and gross square footage of Federal buildings in which energy-saving actions occurred or are already budgeted to occur;

(2) A description of the energy-saving actions, particularly those involving renewable energy systems, which were taken or are budgeted to occur;

(3) Total energy savings as expressed in Btu's calculated in accordance with § 436.45;

(4) Energy savings in average energy use, as expressed in Btu's per gross square foot of floor area calculated in accordance with § 436.45;

(5) Energy cost savings; and

(6) Costs of achieving the savings.

#### § 436.47 Programs to be planned.

Each Buildings Plan to achieve the goals under § 436.44 shall be based on—

(a) The conduct of technical surveys, under § 436.48;

(b) The initiation of changes in operation and maintenance practices under § 436.49;

(c) The retrofitting of existing Federal buildings with alternative building systems under § 436.50;

(d) The evaluation of alternative building designs for new Federal buildings under § 436.51; and

(e) The maximum use of renewable energy systems consistent with these guidelines.

#### § 436.48 Technical surveys.

(a) This section sets forth the requirements for the conduct of technical surveys and the use of the results of such surveys in the development and execution of a Buildings Plan under this subpart.

(b) A technical survey of any Federal Building shall contain the information required for a preliminary energy audit, in accordance with section 436.32(e), and shall also include a description of—

(1) Major changes in functional use or mode of operation, if any, planned in the next five years, such as demolition, sale, reconstruction, or conversion from office to warehouse;

(2) For a building in excess of 200,000 gross square feet, if available—

(i) Peak electric demand for both daily and annual cycles; and

(ii) Annual energy use by fuel type of major mechanical or electrical system if the information is available or can be reasonably estimated;

(3) Terminal heating or cooling, or both, such as radiators, unit ventilators, fancoil units, or double-duct reheat systems;

(4) Building site and structural characteristics related to solar energy or other renewable resource potential, including but not limited to—

(i) Climatic factors, specifically—

(A) Average solar insolation by month;

(B) Average monthly wind speed; and

(ii) Roof characteristics, including—

(A) An identification of primary structural component such as steel, wood, or concrete; and

(B) Type of roofing material such as shingles, slate, or built-up materials; and

(5) A description of general building conditions.

(c) A technical survey shall include a detailed architectural and engineering analysis of a building to identify the energy and cost savings likely to be realized as a result of implementing all energy conservations maintenance and operating procedures appropriate for the type of building, including—

(1) Effective operation of ventilation systems and control of infiltration conditions, including—

(i) Repair of caulking or weather stripping around windows and doors;

(ii) Reduction of outside air intake, shutting down ventilation systems in unoccupied areas, and shutting down ventilation systems when the building is not occupied; and

(iii) Assuring central or unitary ventilation controls, or both, are operating properly;

(2) Changes in the operation of heating or cooling systems through—

(i) Lowering or raising indoor temperatures;

(ii) Locking thermostats;

(iii) Adjusting supply or heat transfer medium temperatures; and

(iv) Reducing or eliminating heating or cooling at night or at times when a building or complex is unoccupied;

(3) Changes in the operation of lighting systems through—

(i) Reducing illumination levels;

(ii) Maximizing use of daylight;

(iii) Using higher efficiency lamps; and

(iv) Reducing or eliminating evening cleaning of buildings;

(4) Changes in the operation of water systems through—

(i) Repairing leaks;

(ii) Reducing the quantity of water used, e.g., flow restrictors;

(iii) Lowering settings for hot water temperatures;

(iv) Raising settings for chilled water temperatures; and

(5) Changes in the maintenance and operating procedures of the utility plant and distribution systems through—

(i) Cleaning equipment;

(ii) Adjusting air/fuel ratio;

(iii) Monitoring combustion;

(iv) Adjusting fan, motor, or belt drive systems;

(v) Maintaining steam traps; and

(vi) Repairing distribution pipe insulation; and

(6) Such other action as each Federal agency may determine useful or necessary.

(d) A technical survey shall also include a detailed architectural and engineering analysis of a building to identify and evaluate, one or more energy conservation measures, including measures for conversion to renewable energy sources. Such analysis shall include—

(1) The estimated energy consumption of the building at peak efficiency (assuming implementation of all appropriate operations and maintenance procedures);

(2) The building's potential for solar conversion, particularly for water heating systems;

(3) All recommendations for acquisition and installation of energy conservation measures (including the

potential for conversion to renewable energy sources) setting forth—

(i) A description of each recommended energy conservation measure;

(ii) An estimate of the cost of each such energy conservation measure;

(iii) An estimate of the energy and energy cost savings expected from acquisition and installation of each energy conservation measure; and

(iv) A life cycle cost analysis of each energy conservation measure in accordance with Subpart A of this Part; and

(4) Any additional analyses considered appropriate by each Federal agency.

(e) In developing a Buildings Plan, each Federal agency shall plan a retrofit program under § 436.50(a) on the basis of the results of technical surveys of a representative sample of its Federal buildings. The sample may include previously conducted architectural and engineering studies substantially complying with the content of a technical survey under these guidelines.

(f) Each Federal agency shall include in its Buildings Plan a schedule for completion of technical surveys of all of its Federal buildings to the maximum extent practicable by the end of FY 1982 except that there is no requirement to conduct a technical survey on a Federal building which is substantially identical to another such building previously surveyed.

(g) Distinguishing between owned and leased existing Federal buildings, the Buildings Plan should estimate, by fiscal year through FY 1982, the number and gross square footage of existing Federal buildings to be surveyed and the cost of such surveys to the Federal agency.

(h) Provisions of the Buildings Plan applicable to the technical surveys, particularly those estimating the number and gross square footage of buildings to be surveyed through FY 1985 and the cost of such surveys, shall be updated under § 436.53.

#### § 436.49 Operation and maintenance program.

(a) Each Federal agency shall provide in its Buildings Plan for appropriate improvements in operation and maintenance practices.

(b) Distinguishing between owned and leased existing Federal buildings, the Buildings Plan shall identify by fiscal year through fiscal year 1985—

(1) The types of operation and maintenance practices to be initiated;

(2) Program goals under this section;

(3) The number of existing Federal buildings to be affected by planned changes;

(4) The gross square footage affected by changes;

(5) Estimated or actual energy savings, as measured in accordance with § 435.45;

(6) Estimated or actual cost savings; and

(7) Estimated or actual costs of achieving the energy savings and cost savings.

(c) Each Federal agency shall provide in its Buildings Plan for progress toward achievement of the goals for existing Federal buildings under § 436.44 to the maximum extent practicable by changes in operation and maintenance practices.

(d) Provisions of the Buildings Plan applicable to the Operation and Maintenance Program, particularly those estimates of the cost of actions taken, and the energy and cost savings of such actions, through fiscal year 1985, shall be updated under § 436.53.

#### § 436.50 Retrofit program for existing Federal buildings.

(a) Consistent with § 436.48 and § 436.49(c) and on the basis of preliminary energy audit data and technical surveys, each Federal agency shall provide in its Buildings Plan for progress toward achievement of the goals for existing Federal buildings under § 436.44 by retrofitting its existing Federal buildings with alternative building systems which are life cycle cost effective to the Federal agency as measured by a savings to investment ratio calculated under subpart A of this Part and are selected in accordance with this section.

(b) In planning for the retrofit of existing Federal buildings with life cycle cost-effective alternative building systems, each Federal agency shall provide in its Buildings Plan to assign highest priority to those existing Federal buildings in which installation of alternative building systems is likely to be most life-cycle cost-effective.

(c) Distinguishing between owned and leased existing Federal buildings, the Buildings Plan should, for each fiscal year—

(1) Indicate the number and gross square footage of Federal buildings to be retrofitted with alternative building systems;

(2) Describe the types of alternative building systems expected to be used;

(3) State the estimated or actual energy savings as measured in accordance with § 436.45;

(4) State the estimated or actual cost savings; and

(5) State the estimated or actual costs of achieving estimated energy savings and cost savings.

(d) With respect to alternative building systems which use renewable energy sources, the Buildings Plan shall—

(1) State the number and gross square footage of Federal buildings to be retrofitted;

(2) Describe the types of renewable energy systems to be used;

(3) State the estimated or actual cost savings; and

(4) State the estimated or actual cost of achieving estimated energy savings and cost savings.

(e) With respect to existing Federal buildings planned for retrofit in fiscal year 1981 and each fiscal year thereafter, each Federal agency should provide in its Buildings Plan for determining the cost effectiveness of alternative building systems in accordance with subpart A of this Part. Except as otherwise provided in this paragraph, each Federal agency shall further provide for programming proposed alternative building systems on the basis of relative savings-to-investment ratios calculated under subpart A, giving priority to higher ratios. Further ranking of alternative building systems which are equally cost-effective, may be based on the ratio of annual millions of Btu's saved per thousand dollars of investment costs. If investment costs for an alternative building system are insignificant, the Federal agency shall program the installation of the system at any time based on a presumption of cost-effectiveness as provided in § 436.13.

(f) For the purpose of emphasizing reduction of scarce fossil fuels in planning to reduce building energy use, each Federal agency shall plan to achieve the goals under § 436.44(f).

(g) After approval of budget estimates for the retrofit program for fiscal year 1981 and for each fiscal year thereafter, the provisions of the Buildings Plan required by this section, particularly those estimates of the number and gross square footage of buildings to be retrofitted and the cost, and energy and cost savings of such retrofit actions, shall be updated under § 436.53.

#### § 436.51 Design program for new Federal buildings.

(a) Each Federal agency shall provide in its Buildings Plan—

(1) For the metering of building energy use in new Federal buildings;

(2) For the achievement of its goal for new Federal buildings as calculated under § 435.44(c) by aiming, with respect

to each new Federal building, to achieve a design goal for the category of that Federal building calculated accordance with § 436.51(b);

(3) For analysis of at least two alternative building designs under subpart A of this Part, at least one of which includes a renewable energy system and both of which are consistent with budget limitations and basic requirements for heating, ventilation, cooling, lighting, domestic hot water, and functional purposes; and

(4) For selection of the building design which minimizes total life cycle costs as measured in accordance with subpart A of this Part;

(b) The design goal for a new Federal building shall be set by category at the rate of energy consumption equivalent to a reduction of 45 percent in average energy use per gross square foot of floor area in FY 1985, from the average energy use per gross square foot of floor area of a representative Federal building of that category in FY 1975 as calculated in accordance with § 436.44(d). The design goal may be adjusted in light of the number of heating and cooling degree days.

(c) Each Federal agency shall plan to install one or more active or passive solar or other renewable energy systems to provide energy for building energy use unless the Federal agency states in the annual report under § 436.56 that such a system would not minimize total life cycle costs as calculated under Subpart A of this Part.

(d) Distinguishing between owned and leased new Federal buildings to be designed, the Buildings Plan shall provide by fiscal year, to and including FY 1985—

(1) Estimated amounts of construction, by number of buildings and gross square feet, for each category of new Federal buildings;

(2) Estimated average annual energy use per gross square foot for each category of new Federal buildings; and

(3) The percentage reduction in estimated average annual energy use per gross square foot from the average annual energy use in FY 1975 as calculated under § 436.44.

(4) Estimated additional construction costs attributable to the alternative building systems incorporated in the designs of new Federal buildings in order to achieve the 45 percent reduction goal, and estimates of related cost savings.

(e) The provisions of the Buildings Plan set forth in this section, particularly those estimates of the number and gross square footage of new Federal buildings, for each category, to be constructed

through FY 1985, shall be updated in the next annual report submitted under § 436.56.

#### § 436.52 Standards and other conditions of operation.

(a) The Buildings Plan shall provide for compliance with the minimum requirements for lighting, heating, and cooling set forth in 41 CFR 101-20.116.

(b) Each Federal agency shall provide in its Buildings Plan for the automatic adoption of such procedures as may be necessary to assure that the construction of new Federal buildings meets or exceeds applicable final energy performance standards under the Energy Conservation standards for New Buildings Act of 1976 (Pub. L. 94-385) as originally enacted or thereafter amended.

(c) Each Federal agency shall discuss in its Buildings Plan its policies and practices with respect to its use of lighting efficiency standards, thermal efficiency standards, insulation requirements, restrictions on hours of operation, thermostat controls, and other conditions of operation.

#### § 436.53 Submitting and revising a buildings plan.

Each Federal agency shall have six months from the effective date of these guidelines to submit a Buildings Plan. In each annual report under § 436.56, each Federal agency shall submit a revised Buildings Plan, together with a statement describing the revisions to the Federal Agency's preceding Buildings Plan and explaining the reasons for such revisions.

#### § 436.54 Waivers.

(a) The head of any Federal agency may submit a written request for a waiver from the procedures and requirements of these guidelines. The request must identify the specific requirements and procedures from which a waiver is sought and provide appropriate documentation in support of a request.

(b) In order to assure timely consideration, a request for waiver under this section shall be submitted to the DOE at least 60 days prior to the due date for submission of the Buildings Plan.

(c) DOE shall review each application under this section promptly and make a determination thereon.

#### § 436.55 Review of buildings plans.

(a) The initial and each revised Buildings Plan shall be reviewed by the DOE, and if determined to be deficient under subsection (b) of this section, will be returned to the head of the Federal

agency with an explanation of deficiencies.

(b) A Building Plan under these guidelines is deficient if it—

(1) Lacks adequate information or program content required to be included by this subpart;

(2) Provides for a Retrofit Program based on insufficient technical surveys under § 436.48.

(3) Does not provide a reasonable basis for concluding that the Federal agency is likely to achieve the goals for owned Federal buildings under § 436.44;

(4) Shows insufficient attention to use of solar and other renewable energy sources; or

(5) Otherwise fails to comply with the requirements of this subpart.

(c) The head of a Federal agency may appeal adverse determinations by the DOE to the Director of the Office of Management and Budget.

#### § 436.56 Annual report.

(a) Each Federal agency shall have until July 1 of each year to submit an annual report with respect to its approved Buildings Plan.

(b) Distinguishing between owned and leased Federal buildings, between existing and new buildings, and between operations and maintenance and retrofit actions, a report under these guidelines should include quantitative measures and accomplishments for the most recent completed fiscal year, and for the first six months of the current fiscal year, with respect to—

(1) Energy used by energy source and its cost;

(2) Energy-saving actions and the costs of such action;

(3) Energy saved;

(4) Costs saved;

(5) Progress toward goals under § 436.44; and

(6) Any other benefits.

(c) For technical surveys, the report should include quantitative measures and accomplishments with respect to the number and gross square feet of buildings surveyed, and the cost of such surveys.

(d) With respect to new Federal buildings to be constructed without a renewable energy system, each Federal agency shall provide in writing the statement required by § 436.51(c).

(e) Credit may be taken for energy savings related to projects authorized under any Federal statute to substitute renewable energy sources for fossil fuels in building energy use in Federal buildings. Any such credit taken shall be separately identified together with the number and gross square footage of the Federal buildings involved.

(f) No credit may be taken for reductions of building energy use in Federal buildings excluded from the Buildings Plan pursuant to § 436.42.

§§ 436.57-436.69 [Reserved]

**Appendix C to Part 436—Energy Source Btu Conversion Table**

*Energy Source and Btu Conversion Factors*

Electricity: 11,600 Btu per Kilowatt Hour.<sup>1</sup>

Fuel Oil (distillate): 5,825,400 Btu per barrel.

Residual Fuel: 6,287,000 Btu per barrel.

Natural Gas: 1,030,000 Btu per thousand Cubic Feet.

Liquefied Petroleum Gas (Including Propane & Butane): 4,011,000 Btu per barrel.

Coal: 24,500,000 Btu per Short Ton.

Purchased Steam: 1,390 Btu per Pound.<sup>2</sup>

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BILLING CODE 6450-01-M

<sup>1</sup>This conversion factor reflects the amount of primary energy required to generate, transmit and distribute one kilowatt hour of electricity. It is based on an approximation of the actual generation efficiency of electric power plants. In addition, this conversion factor includes line losses of 9 percent attributable to transmission and distribution from the point of generation to the point of use.

<sup>2</sup>This conversion factor reflects the approximate number of Btu's required to generate and distribute one pound of steam. It includes line losses of 12 percent attributable to transmission and distribution from the point of generation to the point of use.



## DEPARTMENT OF TRANSPORTATION

## Coast Guard

## 46 CFR Part 401

## Great Lakes Pilotage Regulations

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

**SUMMARY:** This amendment to the Great Lakes Pilotage Regulations increases U.S. pilotage rates by 10 percent in all three Pilotage Districts. This amendment is necessary in order to increase U.S. pilot compensation, to cover increased operating costs, and to provide the three U.S. Pilot Associations with funds for pilot training.

EFFECTIVE DATE: April 26, 1979.

## FOR FURTHER INFORMATION CONTACT:

Mr. John J. Hartke (G-MVP-4/82) Room 8214, Department of Transportation, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590 (202-755-8883).

**SUPPLEMENTARY INFORMATION:** On March 15, 1979, the Coast Guard published a proposed rule (44 FR 15984) concerning this amendment. Interested persons were given until April 16, 1979, to submit comments. No comments were received.

This rule is effective in less than 30 days from publication so that these rates may be in effect as early as possible this shipping season. This is necessary in order to meet the goals of pilot compensation comparability and adequate funds for pilot training.

## Drafting information

The principal persons involved in drafting this rule are: John J. Hartke, Project Manager, Office of Merchant Marine Safety, and, LT. G. S. Karavitis, Project Attorney, Office of the Chief Counsel.

This rule has been evaluated under the Department of Transportation Regulatory Policies and Procedures published on February 26, 1979 (44 FR 11034). The rule will have no environmental effects. As discussed in the document containing the proposed rule, the estimated cost of the rule is \$721,080. A copy of the final evaluation may be obtained from Commandant (G-CMC/81), (CGD 79-030), U.S. Coast Guard, Washington, D.C. 20590.

Accordingly, the proposed amendment is adopted, without change, as set forth below:

Dated: April 23, 1979.

J. B. Hayes,  
Admiral, U.S. Coast Guard Commandant.

## PART 401 GREAT LAKES PILOTAGE REGULATIONS

1. § 401.405 is revised to read as follows:

§ 401.405 Basic rates and charges on designated waters.

Except as provided under § 401.420, the following basic rates shall be payable for all services and assignments performed by U.S. Registered Pilots in the areas described in § 401.300:

(a) District 1:

(1) For passage through the District or any part thereof, \$6.27 for each statute mile, plus \$83 for each lock transited, but with a minimum basic rate of \$183 and a maximum basic rate for a through trip of \$803.

(2) for a moorage in any harbor, \$275.

(b) District 2:

(1) Southeast Shoal to Toledo or any point on Lake Erie west of Southeast Shoal, \$406.

(2) Between points on Lake Erie west of Southeast Shoal, \$240.

(3) Southeast Shoal to Port Huron Change Point or any point on the St. Clair River when pilots are not changed at Detroit Pilot Boat, \$706.

(4) Southeast Shoal to Detroit/Windsor or any point on the Detroit River, \$406.

(5) Southeast Shoal to Detroit Pilot Boat, \$294.

(6) Toledo or any point on Lake Erie west of Southeast Shoal and Port Huron Change Point, when pilots are not changed at Detroit Pilot Boat, \$618.

(7) Toledo or any point on Lake Erie west of Southeast Shoal and Detroit/Windsor or any point on the Detroit River, \$527.

(8) Toledo or any point on Lake Erie west of Southeast Shoal and the Detroit Pilot Boat, \$406.

(9) Detroit/Windsor or any point on the Detroit River and between points on the Detroit River, \$240.

(10) Detroit/Windsor or any point on the Detroit River to Port Huron Change Point or any point on the St. Clair River, \$532.

(11) Detroit Pilot Boat to any point on the St. Clair River, \$532.

(12) Detroit Pilot Boat to Port Huron Change Point, \$413.

(13) Between points on the St. Clair River, \$240.

(14) Port Huron Change Point to any point on the St. Clair River, \$294.

(c) District 3:

(1) Between the southerly limit of the District and the northerly limit of the District or the Algoma Steel Corporation Wharf at Sault Ste. Marie, Ontario, \$730.

(2) Between the southerly limit of the District and Sault Ste. Marie, Ontario or any point in Sault Ste. Marie, Ontario other than the Algoma Steel Corporation Wharf, \$613.

(3) Between the northerly limit of the District and Sault Ste. Marie, Ontario, including the

Algoma Steel Corporation Wharf, or Sault Ste. Marie, Michigan, \$275.

(4) For a moorage in any harbor, \$275.

2. § 401.410(a) is revised to read as follows:

§ 401.410 Basic rates and charges on undesignated waters.

(a) Except as provided under § 401.420 and subject to paragraph (b) of this section, the basic rates for each 6 hour period or part thereof that the U.S. pilot is on board in the undesignated waters shall be:

(1) In Lake Ontario, \$146.

(2) In Lake Erie, \$191.

(3) In Lakes Huron, Michigan and Superior, \$146.

plus \$140 for each time the U.S. pilot performs the docking or undocking of the ship.

\* \* \* \* \*

3. § 401.420 is revised to read as follows:

§ 401.420 Cancellation, delay or interruption in rendition of services.

(a) When, in designated or undesignated waters, the passage of a ship is interrupted for the purpose of loading or discharging cargo or for any reason and the services of the U.S. pilot are retained during the interruption or when a U.S. pilot is detained on board a ship after the end of an assignment for the convenience of the ship, the ship shall pay an additional charge calculated on a basic rate of \$23 for each hour or part of an hour during which each interruption lasts with a maximum basic rate of \$354 for each 24 hour period during which the interruption continues. However, there is no charge for any interruption caused by ice, weather, or traffic, except during the period beginning the 1st of December and ending on the 8th of the following April. Additionally, no charge shall be made for any interruption if the total interruption ends during the 6 hour period for which a charge has been made under § 401.410.

(b) When, in designated or undesignated waters, the departure or moorage of a ship for which a U.S. pilot has been ordered is delayed for the convenience of the ship for more than one hour after the U.S. pilot reports for duty at the designated boarding point or after the time for which he is ordered, whichever is later, the ship shall pay an additional charge calculated on a basic rate of \$23 for each hour or part of an hour after the first hour of the delay, with a maximum basic rate of \$354 for each 24 hour period of the delay.

(c) When, in designated or undesignated waters, a U.S. pilot reports

for duty as ordered and the order is cancelled, the ship shall pay:

(1) A cancellation charge calculated on a basic rate of \$138.

(2) If the cancellation is more than one hour after the U.S. pilot reports for duty at the designated boarding point or after the time for which he is ordered, whichever is the later, a further charge calculated on a basic rate of \$23 for each hour or part of an hour after the first hour, with a maximum basic rate of \$354 for each 24 hour period.

4. § 401.428 is revised to read as follows:

**§ 401.428 Basic rates and charges for carrying a U.S. pilot beyond normal change point.**

If a U.S. pilot is carried beyond his normal change point or is unable to board at his normal boarding place, the U.S. pilot shall be paid at the rate of \$140 per day or part thereof, plus reasonable travel expenses to or from his base. These charges are not applicable if the ship utilizes the services of the U.S. pilot beyond his normal change point and the ship is billed for those services. The change points to which this section applies are designated in § 401.450.

(Sec. 5, 74 Stat. 260 (46 U.S.C. 216c); sec. 6(a)(4), 80 Stat. 937, as amended (49 U.S.C. 1655(a)(4); 49 CFR 1.46(a).)

[CGD 79-030]

[FR Doc. 79-12979 Filed 4-25-79; 8:45 am]

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**Part VII**

**Department of  
Health, Education,  
and Welfare**

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Office of Human Development Services

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National Institute of Handicapped  
Research

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Statement of Organization, Functions,  
and Delegations of Authority

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General Notice; Additional Information on  
the Prospective Activities of the National  
Institute of Handicapped Research

**DEPARTMENT OF HEALTH,  
EDUCATION, AND WELFARE**

**Office of Human Development  
Services**

**National Institute of Handicapped  
Research; Statement of Organization,  
Functions, and Delegations of  
Authority**

This notice amends Part D of the statement of organization, functions, and delegations of authority of the Department of Health, Education, and Welfare, Office of Human Development Services (OHDS), (43 FR 33327, 7/31/78) to add a new chapter DZ, National Institute of Handicapped Research (NIHR). The recently enacted Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978 (P.L. 95-602) amended the Rehabilitation Act of 1973 to establish the NIHR and prescribe the duties of its Director and Deputy Director. In addition the amendments established an Interagency Committee on Handicapped Research and the National Council on the Handicapped. The following statement of functions and organizational structure of the NIHR will be subject to changes as programs administered by the NIHR develop. This will call for corresponding amendments to this statement.

Further details on this subject will be included in an HEW General Notice.

The new Chapter DZ reads as follows:

**DZ.00 Mission.** The National Institute of Handicapped Research is the single agency designated to administer research programs authorized under: (1) title II, sections 202 and 204, of the Rehabilitation Act of 1973, PL 93-112, as amended by PL 95-602; (2) PL 86-610 for international programs related to rehabilitation research; and (3) PL 83-480 for foreign currency programs related to rehabilitation research. The mission of the Institute is to provide leadership and resources for research and its utilization to improve the lives of people of all ages with physical and mental handicaps, especially the severely disabled. The results to be achieved through the exercise of this mission include:

(1) Identifying and eliminating the causes and consequences of disability.

(2) Maximizing the healthy physical and emotional status of handicapped persons, their functional ability, self-sufficiency, self-development, and personal autonomy.

(3) Preventing or minimizing personal and family, physical, mental, social,

educational, vocational, and economic effects of disability.

(4) Reducing and eliminating physical, social, educational, vocational and environmental barriers to permit access to service and assistance, and to use their abilities in daily life.

NIHR activities to achieve these end results include: consulting, planning, coordinating, developing, evaluating and funding basic and applied research and related activities of public, private, domestic, and international origin; disseminating known and new findings; establishing methods for evaluating and investigating obstacles to the use of the results of basic and applied research efforts; and promoting technological research and development, distribution, and utilization for handicapped people.

The ultimate aim is to provide knowledge for defining needs and the means for improvement of services and assistance and the conditions leading to the fullest possible participation of handicapped persons in all aspects of American society.

**DZ.10 Organization.** The National Institute on Handicapped Research is headed by a Director and Deputy Director. The Director, in accordance with section 202(a) of the Rehabilitation Act of 1973, as amended by PL 95-602, is responsible to the Assistant Secretary for Human Development Services.

**DZ.20 Order of Succession.** In accordance with section 202(c)(2) of the Act, the Deputy Director shall act for the Director during his or her absence or disability, exercising such powers as the Director may prescribe. In the case of any vacancy in the Office of the Director, the Deputy Director shall serve as Director until a Director is appointed.

**DZ.30 Functions.** A. Source of Authority.

The functions of the Director of the National Institute of Handicapped Research are as specified in section 202 of the Rehabilitation, Comprehensive Services and Developmental Disabilities Amendments of 1978.

Dated: April 19, 1979.

Hale Champion,

Acting Secretary.

[FR Doc. 79-12914 Filed 4-25-79; 8:45 am.]

BILLING CODE 4110-82-M

**National Institute of Handicapped  
Research; General Notice; Additional  
Information on the Prospective  
Activities of the National Institute of  
Handicapped Research**

**A. Summary of Activities.** To develop a Federal, long-range plan for rehabilitation research in consultation

with the Commissioner of Rehabilitation Services, the National Council on the Handicapped, the Commissioner of Education, officials responsible for the administration of the Developmental Disabilities Assistance and Bill of Rights Act, the Interagency Committee, and other persons or entities as deemed appropriate by the Director.

2. Continue and provide for comprehensive and integrated approach to the administration and conduct of various existing and new categorical research activities as authorized by section 204(b) and other relevant sections, under PL 95-602 as designated by the Secretary. These activities include special centers, research-oriented demonstrations, special demonstrations, service and equipment experiment stations, and related activities for the comprehensive habilitation or rehabilitation of handicapped individuals, including programs designed to train persons who provide rehabilitation services and persons who conduct research.

3. To develop and apply methods and procedures of evaluation and planning relevant to the mission.

4. To develop and coordinate an integrated program of research and technology development in this country and abroad by targeting the most cost-effective use of resources available to the Institute, including regular appropriations and special foreign currencies.

5. To improve the development, evaluation, production, and distribution of technological devices and equipment for handicapped individuals by providing financial support, consultation, and special evaluation and/or distribution centers.

6. To facilitate access to, and collection of information concerning developments and use of, rehabilitation procedures, methods, and devices for handicapped people to assist such handicapped people to live more independently and to participate in family and community life, including activities related to education, vocations, and avocations.

7. To increase and disseminate the scientific and technological information presently available in the field of comprehensive habilitation and rehabilitation, and to provide a comprehensive information service for handicapped individuals.

8. To provide for, consistent with Department policy and procedure, representation of the United States in WHO, ILO, UN, private and voluntary international organizations in matters

dealing with research and research utilization for handicapped individuals.

9. To coordinate with the National Council on the Handicapped to assure that general policies established by it are adhered to within the available national research resources committed to the purposes and functions of the National Institute. To provide the National Council the available information and services to support its officers and staff for policy development, formulation, and promulgation and its reporting functions appropriate to the Institute's function and responsibilities.

10. To participate with and give support to the Interagency Committee on Handicapped Research in its efforts to promote coordination and cooperation among Federal departments and agencies coordinating programs relating to research in rehabilitation of handicapped people, both children and adults, including the elderly disabled.

11. To serve as policy and program advisor for the Office of Human Development Services on research programs designed to address problems affecting handicapped individuals and the broad range of service delivery systems that serve them.

12. To provide necessary administration, grants management, and fiscal services for program purposes under title II (Pub. L. 93-112, as amended), to enable proper coordination with the administrative and staff offices of OHDS.

*B. Administrative Activities.* The Institute, through the following types of administrative and other activities and consistent with Department plans, programs, and budgetary resources, will carry out the intent of the Rehabilitation Act of 1973, as amended:

The Institute administers research, demonstrations, research and training, fellowships, special studies, and other special project programs under the Rehabilitation Act, as amended. Specifically, under section 204 of the Rehabilitation Act, the Institute is responsible for making grants to or contracts and cooperative agreements with States and public or private agencies and organizations in the United States or foreign countries, including institutions of higher education, to pay part of the cost of projects to plan and conduct research, demonstrations, and related activities which bear directly on the development of methods, procedures, and devices to assist in the provision of vocational and other rehabilitation services to handicapped people, especially those with the most severe handicaps, under the Act. Such

projects may include medical and other scientific, technical, methodological, and other investigations into the nature of disability, methods of analyzing it, and including basic research where related to rehabilitation techniques or services or basic or applied medical rehabilitation research in special centers; studies and analyses of industrial, vocational, social, psychiatric, psychological, economic, educational, and other factors affecting rehabilitation of handicapped individuals; special problems of homebound and institutionalized individuals; studies, analyses, and demonstrations of architectural and engineering design adapted to meet the special needs of handicapped individuals; and related activities which hold promise of increasing knowledge and improving methods in the rehabilitation of handicapped individuals and especially individuals with the most severe handicaps. In addition to carrying out projects described above, the Institute may make grants or contracts and cooperative agreements to pay part or all of the cost of the following specialized research activities:

(1) Establishment and support of Rehabilitation Research and Training Centers to be operated in collaboration with institutions of higher education for the purpose of (a) providing training (including graduate training) to assist individuals to more effectively provide rehabilitation services, (b) providing coordinated and advanced programs of research in rehabilitation, and (c) providing training (including graduate training) for rehabilitation research and other rehabilitation personnel. The research to be carried out at each Center shall be determined on the basis of the particular needs of handicapped individuals in the geographic area served by the Center, and may include basic or applied medical rehabilitation research, research regarding the psychological and social aspects of rehabilitation, and research related to vocational rehabilitation.

The Centers shall be encouraged to develop practical applications for the findings of their research. Grants may include funds for services rendered by such a center to handicapped individuals in connection with such research and training activities.

(2) Establishment and support of Rehabilitation Engineering Research Centers to (a) develop innovative methods of applying advanced medical technology, scientific achievement, and psychiatric psychological and social knowledge to solve rehabilitation

problems through planning and conducting research, including cooperative research with public or private agencies and organizations, designed to produce new scientific knowledge, equipment, and devices suitable for solving problems in the rehabilitation of handicapped individuals and for reducing environmental barriers, and to (b) cooperate with State agencies designated pursuant to section 101 of the Rehabilitation Act of 1973, as amended, in developing systems of information exchange and coordination to promote the prompt utilization of engineering and other scientific research to assist in solving problems in the rehabilitation of handicapped individuals.

(3) Conduct of a program for spinal cord injury research to include support of spinal cord injuries projects and demonstrations established pursuant to section 311(b) of the Rehabilitation Act of 1973, as amended, which will (a) insure dissemination of research findings among all such centers, (b) provide encouragement and support for initiatives and new approaches by individual and institutional investigators, and (c) establish and maintain close working relationships with other governmental and voluntary institutions and organizations engaged in similar efforts, in order to unify and coordinate scientific efforts, encourage joint planning, and promote the interchange of data and reports among spinal cord injury investigators.

(4) Conduct of a program for end-stage renal disease research, to include support of projects and demonstrations for providing special services (including transplantation and dialysis), artificial kidneys, and supplies necessary for the rehabilitation of individuals suffering from such disease and which will (a) insure dissemination of research findings, (b) provide encouragement and support for initiatives and new approaches by individual and institutional investigators, and (c) establish and maintain close working relationships with other governmental and voluntary institutions and organizations engaged in similar efforts, in order to unify and coordinate scientific efforts, encourage joint planning, and promote the interchange of data and reports among investigators in the field of end-stage renal disease. These projects and demonstrations will serve individuals who are ineligible for services for such disease under any other provision of law.

(5) Consistent with Department policies and procedures, conduct of a program for international rehabilitation

research, demonstration, and training for the purpose of developing new knowledge and methods in the rehabilitation of handicapped individuals in the United States, cooperating with and assisting in developing and sharing information found useful in other nations in the rehabilitation of handicapped individuals, and initiating a program to exchange experts and technical assistance in the field of rehabilitation of handicapped individuals with other nations as a means of increasing the levels of skill of rehabilitation personnel in this country and abroad.

(6) Conduct of research programs concerning the use of existing telecommunications systems (including telephone, television, satellite, radio, and other similar systems) which have the potential for substantially improving service delivery methods and the development of appropriate programing to meet the particular needs of handicapped individuals.

(7) Conduct of a program of joint projects with the National Institutes of Health, the Health Services Administration, the Administration on Aging, the National Science Foundation, the Veterans Administration, the Office of Education, the National Aeronautics and Space Administration, other Federal agencies, and private industry in areas of joint interest involving rehabilitation.

(8) Conduct of a program of research related to the habilitation and rehabilitation of handicapped children, the handicapped working age adult, and handicapped individuals who are aged sixty or older.

(9) Conduct of a research program to develop and demonstrate innovative methods to attract and retain professionals to serve in rural areas in the rehabilitation of handicapped and severely handicapped individuals.

(10) Conduct of a model research and demonstration project designed to assess the feasibility of establishing a center for producing and distributing to deaf individuals captioned video-cassettes providing a broad range of educational, cultural, scientific, and vocational programing.

(11) Conduct of a model research and demonstration program to develop innovative methods of providing services for preschool age handicapped children, including the following: (a) early intervention, parent counseling, infant stimulation, early identification, diagnosis, and evaluation of severely handicapped children up to the age of five, with a special emphasis on severely handicapped children up to the age of three; (b) such physical therapy,

language development, pediatric, nursing, and psychiatric services as are necessary for such children; (c) appropriate services for the parents of such children, including psychiatric services, parent counseling, and training, and (d) activities in research utilization.

(12) Conduct of a model research and training program under which model training centers shall be established to develop and use more advanced and effective methods of evaluating and developing the employment potential of handicapped individuals, including programs which—

(a) Provide training and continuing education for personnel involved with the employment of handicapped individuals;

(b) Develop model procedures for testing and evaluating the employment potential of handicapped individuals;

(c) Develop model training programs to teach handicapped individuals skills which will lead to appropriate employment;

(d) Develop new approaches for job placement of handicapped individuals, including new followup procedures relating to such placement; and

(e) Provide information services regarding education, training, employment, and job placement for handicapped individuals.

The institute conducts numerous activities to develop and maintain vital linkages across Government and throughout the rehabilitation system. These include:

(1) Disseminating information, utilizing appropriate techniques, acquired through research funded by the Institute to other Federal, State, and local public agencies and to private organizations engaged in research relating to rehabilitation or providing rehabilitation services;

(2) Coordinating, through the Interagency Committee established by Section 203 of the Rehabilitation Act of 1973, as amended, all Federal programs and policies relating to research in rehabilitation. The Director shall chair this Committee;

(3) Disseminating educational materials to primary and secondary schools, institutions of higher education, and to public and private entities concerning how the quality of life of handicapped individuals may be improved;

(4) Conducting an education program to inform the public about ways of providing for the rehabilitation of handicapped individuals, including information relating to family care and self-care.

(5) Conducting conferences, seminars, and workshops (including in-service training programs) concerning research and engineering advances in rehabilitation pertinent to the problems of handicapped individuals.

(6) In accordance with Department policies and procedures, keeping the Congress fully and currently informed with respect to the implementation and conduct of programs and activities carried out under this title; and

(7) Producing, in conjunction with the Department of Labor, the National Center for Health Statistics, the Bureau of the Census, the Social Security Administration, and other Federal departments and agencies, as may be appropriate, statistical reports and studies on the employment, health, income, and other demographic characteristics of handicapped individuals and disseminating such reports and studies to rehabilitation professionals and others to assist in the planning and evaluation of vocational and other rehabilitation services for the handicapped.

The Institute, pursuant to regulations which the Secretary shall prescribe, may establish and maintain fellowships with such stipends and allowances, including travel and subsistence expenses provided for under title 5, United States Code, as the Director considers necessary to procure the assistance of highly qualified research fellows from the United States and foreign countries.

The Director shall, pursuant to regulations which the Secretary shall prescribe, provide for scientific review of all research grants and programs over which he has authority by utilizing, to the maximum extent possible, appropriate peer review groups which are composed of non-Federal scientists and other experts in the rehabilitation field established within the Institute.

The Director shall develop and through appropriate Department policies and procedures, submit to appropriate committees of the Congress a long-range plan for rehabilitation research which—

(a) Identifies any research which should be conducted respecting the problems encountered by handicapped individuals in their daily activities, especially problems related to employment;

(b) Determines the funding priorities for research activities of the Institute and explains the basis for such priorities, including a detailed description of any new types of research recommended under this paragraph for funding; and

(c) Specifies appropriate goals and timetables for activities to be conducted.

The plan shall be developed by the Director in consultation with the Commissioner of Rehabilitation Services, the National Council on the Handicapped established under title IV, the Commissioner of Education, officials responsible for the administration of the Developmental Disabilities Assistance and Bill of Rights Act, the Interagency Committee established by section 203, and any other persons or entities the Director considers appropriate. The plan is reviewed at least once every three years and may be revised at any time by the Director to the extent he considers necessary with the advice of the Commissioner and Council.

In order to promote cooperation among Federal departments and agencies conducting research programs, the Director shall consult with the administrators of such programs, and with the Interagency Committee established by section 203 regarding the design of research projects conducted by such entities and the results and applications of such research.

The Director shall take whatever other actions he considers appropriate to provide for a comprehensive and coordinated research program under this part. In providing such a program, the Director may undertake joint activities with other Federal entities engaged in research and with appropriate private entities. Through the Interagency Committee established by section 203, the Director shall consult with any Federal entity proposing to establish any research project related to the purposes of this Act and shall comment on such projects.

The Director shall, through the Interagency Committee, consult with and cooperate in the conduct of any program of the National Institutes of Health, the Veterans Administration, the National Science Foundation, the National Aeronautics and Space Administration, the Bureau of Education for the Handicapped, or of any other Federal entity related to the purposes of section 202.

One of the more important functions of the Institute is to chair, through its Director, the Interagency Committee on Handicapped Research (ICHR). In its linkage role, the Committee promotes coordination and cooperation among Federal departments and agencies conducting rehabilitation research programs. The Institute will provide staff support to the Director in his capacity as chairperson of ICHR. The Committee chaired by the Director is comprised of such members as the President may designate, including the following (or their designees having

policy-level authority): the Commissioner of Rehabilitation Services, the Commissioner of Education, the Administrator of Veterans Affairs, the Director of the National Institutes of Health, the Administrator of the National Aeronautics and Space Administration, the Secretary of Transportation, and the Director of the National Science Foundation. The Committee meets not less than four times each year. As a working Committee, the membership identifies, assesses, and seeks to coordinate all Federal programs, activities, and projects, and plans for such programs, activities, and projects with respect to the conduct of research related to rehabilitation of handicapped individuals.

The Committee annually submits to the President and to the appropriate committees of the Congress a report making such recommendations as the Committee deems appropriate with respect to coordination of policy and development of objectives and priorities for all Federal programs relating to the conduct of research related to rehabilitation of handicapped individuals.

Dated: April 19, 1979.

T. M. Parham,

*Acting Assistant Secretary for Human Development Services.*

[FR Doc. 79-12915 Filed 4-25-79; 8:45 am]

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# Reader Aids

Federal Register

Vol. 44, No. 82

Thursday, April 26, 1979

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## AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/COAST GUARD	USDA/ASCS		DOT/COAST GUARD	USDA/ASCS
DOT/NHTSA	USDA/APHIS		DOT/NHTSA	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
DOT/OHMO	USDA/FSQS		DOT/OHMO	USDA/FSQS
DOT/OPSO	USDA/REA		DOT/OPSO	USDA/REA
CSA	MSPB*/OPM*		CSA	MSPB*/OPM*
	LABOR			LABOR
	HEW/FDA			HEW/FDA

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

\*NOTE: As of January 1, 1979, the Merit Systems Protection Board (MSPB) and the Office of Personnel Management (OPM) will publish on the Tuesday/Friday schedule. (MSPB and OPM are successor agencies to the Civil Service Commission.)

## REMINDERS

The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.

## Rules Going Into Effect Today

## INTERSTATE COMMERCE COMMISSION

18458 3-27-79 / Entry control of brokers; deletion of vacated rules, interim procedures for property broker applicants, and policy statement regarding licensed brokers

## TRANSPORTATION DEPARTMENT

## Coast Guard—

18664 3-29-79 / Drawbridge operations; Lake Champlain, Vt.  
18663 3-29-79 / Drawbridge operations; Perquimans River, N.C.  
18663 3-29-79 / Special anchorage areas; Jacobs Nose Cove, Elk River, Md.

## List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

Last Listing Apr. 24, 1979

## THE FEDERAL REGISTER: WHAT IT IS AND HOW TO USE IT

**FOR:** Any person who uses the Federal Register and Code of Federal Regulations.  
**WHO:** The Office of the Federal Register.  
**WHAT:** Free public briefings (approximately 2½ hours) to present:

1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between Federal Register and the Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

**WHY:** To provide the public with access to information necessary to research Federal agency regulations which directly affect them, as part of the General Services Administration's efforts to encourage public participation in Government actions. There will be no discussion of specific agency regulations.

## WASHINGTON, D.C.

**WHEN:** May 4, 18; June 1, 15; July 6, 20, at 9 a.m. (identical sessions).  
**WHERE:** Office of the Federal Register, Room 9409, 1100 L Street NW., Washington, D.C.  
**RESERVATIONS:** Call Mike Smith, Workshop Coordinator, 202-523-5235.

## TULSA, OKLAHOMA

**WHEN:** May 16 from 2-5 p.m.  
**WHERE:** Aaronson Auditorium, Tulsa County Library, 400 Civic Center, Tulsa, Oklahoma.  
**RESERVATIONS:** Call 918-581-5211.

## KANSAS CITY, MISSOURI

**WHEN:** May 17, at 10 a.m.  
**WHERE:** Federal Building, Room 140, 601 E. 12th Street, Kansas City, Missouri.  
**RESERVATIONS:** Call 816-374-2466.

